Occupying the Illegal City: Urban Social Movements and Transgressive Citizenship in São Paulo

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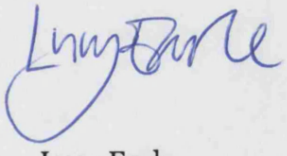

Lucy Earle

To Daniel and Leo(n)

(but don't worry, I won't ever make you read it)

Abstract

This thesis is based on a case study of a Brazilian urban social movement that campaigns for state provision of low-income housing and that posits its demands in the language of citizenship and social rights. It makes a contribution to the study of state-society relations by detailing how understandings of citizenship shape the movement's interaction with different levels of the Brazilian state. The empirical data on which the thesis is based was gathered over the course of a year's fieldwork with the movement, involving participant observation and approximately seventy semi-structured interviews with movement leaders and members, politicians and professionals associated with the movement. It examines the activities of the movement in the context of São Paulo, a city characterized by high levels of income inequality, spatial segregation and illegally occupied land. Analysis of the movement's discourse highlights the link made by members and leaders between adequate housing and citizenship and their continued highly antagonistic stance towards the Brazilian state. Through the use of a 'politics of rights' the movement stresses the disjuncture between the constitutional right to housing and the state's wilful neglect of the housing needs of its poorer populations, developing the idea of limited citizenship. The movement's interactions with the state are then discussed in light of this disjuncture: these involve engagement in participatory policy councils, pursuit of legal cases against the state and acts of civil disobedience through occupations of empty buildings. The study concludes that in a context of illegality and exclusion it is through acts of 'transgressive citizenship' that the movement establishes its identity vis-à-vis the state and most successfully highlights the state's failure to provide housing.

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Acronyms

ABC	Santo André, São Bernardo do Campo and São Caetano do Sul municipalities
ARENA	Alliance for National Renewal
BNH	National Housing Bank
CDHU	São Paulo State Housing and Urban Development Company
CEB	Christian Base Community
CEF	Federal Savings Bank
CMH	Municipal Housing Council
CMP	Confederation of Popular Movements
COHAB	Municipal Housing Company
FNHIS	National Fund for Social Interest Housing
FNRU	National Forum for Urban Reform
INSS	National Social Security Institute
MDB	Brazilian Democratic Movement
MMC	Housing Movement of the Centre
MST	Landless Rural Workers' Movement
MSTC	Roofless Movement of the Centre
PAC	Programme for the Acceleration of Growth
PAR	Federal Residential Leasing Programme
PCdoB	Communist Party of Brazil
PDS	Social Democratic Party
PP	Progressive Party
PSDB	Party of Brazilian Social Democracy
PT	Workers' Party
SEHAB	Municipal Housing Secretariat
ULC	Unification of the Struggles of the Cortiços
UMM	Union of Housing Movements
UNMP	National Union for Popular Housing

Glossary

a luta	the struggle (for housing)
abertura	political liberalization process begun in 1979
assembléia constituinte	constituent assembly
assessor de gabinete	politicians assistant
autêntico	independent trade union leader
caravana	campaigning bus trip
cláusula pétrea	an article in a legal document that cannot be removed
cortiço	slum tenement, generally in the centre
Diretas Já	campaign for direct elections
favela	shanty town
grileiro	land swindler
grupo de origem	neighbourhood or grassroots group
higienista	discourse that equates poverty with crime and disease
inversão de prioridades	reversal of priorities - referring to the PT's commitment to prioritizing the needs of marginalized groups in Brazilian society
locação social	social rental housing
ministério público	equivalent to prosecution service
mutirantes	people involved in the mutirao
mutirão	collaborative house building
ocupar para morar	to occupy a building in order to live in it
pastoral de moradia	the housing support programme of the Catholic Church
paulistano	something or someone from São Paulo city
pelego	someone who does deals with the authorities
propositivo	the ability to propose housing policy
protocolado	the process whereby a document is stamped and officially received by an official body
sem terra	landless movement or people, short for Movimento dos

	Trabalhadores Rurais Sem Terra (MST)
sem teto	general term for the housing movement, literally 'roofless'
sonho da casa própria	the dream of owning one's own home
vereador	city councillor

Figure 1: Brazilian presidents, São Paulo mayors, and São Paulo state governors since democratisation

President of the Republic

1985-1990	José Sarney
1990-1992	Fernando Collor de Mello
1992-1994	Itamar Franco
1995-2003	Fernando Henrique Cardoso
2003-	Luiz Inácio Lula da Silva

São Paulo state governor

1987-1991	Orestes Quércia
1991-1994	Luiz Antônio Fleury Filho
1995-2001	Mário Covas
2001-2006	Geraldo Alckmin
2006-2007	Cláudio Lembo
2007-	José Serra

São Paulo mayor

1986-1988	Jânio Quadros
1989-1992	Luiza Erundina
1993-1996	Paulo Maluf
1997-2000	Celso Pitta
2001-2004	Marta Suplicy
2005-2006	José Serra
2006-	Gilberto Kassab

Figure 2: Map of São Paulo municipality showing districts and subprefectures (numbered). Source: www.capital.sp.gov.br

Chapter One

Social movements and the state

Introduction

This thesis examines the relationship between the state and the urban poor in São Paulo, Brazil, through a case study of a social movement that campaigns for low-income housing. This movement, the União de Movimentos de Moradia (UMM – Union of Housing Movements) makes demands on the state specifically to benefit its members, as well as for general policy change on social housing provision. Tracing the link between citizenship, housing and social movement activity this study analyses the perception of the state held by movement members and how this is channelled into a collective response to lack of affordable housing and social segregation in a city that has developed irregularly due to calculated state negligence. The research charts the interaction of the movement with the state, and details the micro-processes of negotiation that occur between social movement spokespeople and representatives of the state in response to demands for low-income housing. It examines formal channels for movement participation in the workings of government, and the movement's use of the law, but gives special focus to the process of 'occupations': forced entry by movement members into abandoned buildings in the centre of São Paulo that draw attention to the housing deficit and the degradation of the central districts of the city. It analyses occupations through the lens of civil disobedience, and examines the response of the state to what is theoretically an illegal act. Exploring the overlap between the legal and the illegal both in terms of movement activity and the state's failure either to provide housing to its citizens or to regulate city growth, the thesis draws conclusions on the way in which a discourse of limited citizenship impacts upon social movement strategy and state response. Finally, it puts forward the idea of 'transgressive' citizenship as a way of understanding how the movement regulates its relationship with the state through its calculated acts of civil disobedience.[1]

[1] Understandings of the state and of citizenship will be examined in detail in Chapter two.

This study seeks to address two related absences in the social movement literature. The first is the relative lack of study of the impact of collective action. The second omission concerns a specific type of impact or consequence of social movement action: the interaction with the state that which will result from movement demand-making. Movement demands may be repressed, but unless they are completely ignored, some type of dialogue between representatives of the state and of the movement will be established, as negotiation processes commence. However, in the main, social movement theory does not give great import to the role of the state either as a target of 'claim-makers' (Tilly and Tarrow 2007) or how the state comes to respond to these claims. Indeed, many currents of social movement theory draw attention away from the active role of the state, through a close analysis of the internal workings of social movements, a discussion of the historical conditions necessary for mobilization of collective action or by presenting movements as vehicles for the exploration of identity and culture. Furthermore, the issue of how movement demands result in changes to policy, and the micro-processes of negotiation involved, are rarely assessed. In sum, the study of collective action has not been employed as a lens through which to examine state-society relations. This is an omission that this thesis attempts to address. The thesis also contributes to academic debates on state-society relations through its examination of the concept of citizenship, in particular the way in which the discourse of citizenship and social rights is employed by the housing movement in São Paulo. And finally, it builds on literature from the anthropology of the state cannon, through an exploration of how the 'elusive line' (Mitchell 1991) between state and society is drawn.

Beginning with an overview of social movement theory, this introduction demonstrates the need for research into the consequences of collective action, and in particular, the movement-state interface that results from collective demand-making on governmental authorities. It then presents briefly the reasons for choosing Brazil as a site for an empirical study of state-society relations. It also explains the specific choice of the União de Movimentos de Moradia in São Paulo. The chapter then provides a discussion of

methodology and research methods used, and closes with summaries of the remaining chapters.

Social movement theory

Before commencing a review of social movement theory, a brief definitional discussion is required. Definitions of what constitutes a social movement have a tendency to reflect distinct theoretical approaches. With the rise of new social movement theory and its emphasis on culture and identity (see below) it has become common to stress the shifting and relational character of social movements, based on their internal structure and the web-like way in which they are composed, rather than what they aim to do. In this vein, movements are not defined simply as formal organizations that coordinate protest. Definitions reflect a focus on the way movements can provide the space for the consolidation of new or alternative identities against dominant perspectives or attempts at social categorization, and the pursuit of goals outside the traditional political arena. An example of this is provided by Whittier (2002: 289),

> Social movements are neither fixed nor narrowly bounded in space, time, or membership. Instead, they are made up of shifting clusters of organizations, networks, communities, and activist individuals, connected by participation in challenges and collective identities through which participants define the boundaries and significance of their groups.[2]

However, given that this thesis will focus mainly on one movement's external relationships with the state, rather than the complexities of its internal composition, it would seem appropriate to adopt Tilly's classic definition of a social movement as:

> A sustained challenge to power holders in the name of a population living under the jurisdiction of those power holders by means of repeated public displays of that population's worthiness, unity, numbers and commitment (Tilly 2003b: 247).

[2] Similar definitions of social movements as relational groups of networked actors with blurred boundaries are also used by Bebbington et al. (2008), Diani (2003) and Staggenborg (2002).

As will become evident over the course of this thesis, Tilly's emphasis on the *challenging* nature of collective action finds resonance with the UMM's own conceptualization of its relationship to power holders. Strictly speaking, the UMM should be referred to as a 'social movement organization' (McAdam, McCarthy and M. Zald 1988) – a body that has gradually coalesced around ad hoc protest – since it is fully institutionalized and registered as an organization with a legal identity in São Paulo. However, members and leaders themselves refer to the UMM as a social movement or *movimento social* and this thesis mirrors their usage.

Most overviews of trends in social movement research highlight the 1960s as a time of considerable innovation in the field of investigation into collective action, with the first steps towards the development of resource mobilization and new social movement theories. It was at this time that sociologists examining the agitations of the civil rights and student movements started to acknowledge the organized nature of collective action. Prior to this, there had been a tendency to define such protests in terms of individual psychological or behavioural traits, which were often classified as deviant (McAdam 2003). Alternatively, it was argued, collective action that manifested itself in peasant revolts or revolutions had been examined within a narrowly determinist Marxist paradigm, that posited social conflict as a historical necessity (Foweraker 1995). The emerging research trends are often divided into two broad camps: in Europe the new social movement approach reacts against Marxism and is encapsulated in the focus on identity and culture. In North America, psychological reductionism is replaced by the resource mobilization approach which seeks to understand how detached individuals manage to coalesce as a coherent social actor (Cohen and Arato 1994). Both these theories have led to a focus on internal issues of movement emergence and resilience. Resource mobilization examines issues of leadership, organization and strategic decision-making. New social movement theory considers the establishment of new collective identities and is concerned with how voice is achieved by minority or excluded groups. In neither type of theoretical investigation does the state play an important role.

Much of the work on collective action against which the 'new' social movement theorists were reacting had been focused on trade unions or political parties as the traditional sites of working class insurgency (Katznelson 1993). In some of this work there was a tendency to view the poor as the 'builders of tomorrow': the marginalized masses, particularly in urban areas, who would rise up against an oppressive social order (Portes and Walton 1976: 110). Alternatively, uprisings that had already occurred were explained as a direct consequence of the way in which capitalism restructures traditional economies (cf. Wolf 1969). But the assertion that 'old' social movement research, with its focus on labour, collective consumption and peasant rebellion, is essentially deterministic is perhaps a useful simplification for those who choose not to examine the role that inequality, deprivation and state policies can play in mobilizing social movements. A number of Marxist scholars and historians have taken a considerably more nuanced approach to the study of collective action, rejecting determinist aspects of class struggle (Susser 2002) and highlighting the fact that reform, rather than revolution, can guide collective action that targets the state. Particularly salient in this literature is the argument that it is precisely interaction with the state that is constitutive of social movements. Hobsbawm's rebels cease to be *primitive*, when they become involved in national level struggles against the state and, as such, take their part in modern politics (Hobsbawm 1959). In a similar way, E.P. Thompson perceives the working classes as fully 'made' once they become self-consciously organized in trade unions in opposition to the state. And, far from being wholly determined by the capitalist means of production, the working classes set out to define themselves through collective action (Thompson 1980). Although new social movement theory and resource mobilization approaches have broadened out the field of research by privileging a focus on the internal workings of mobilization and collective action, this chapter argues that this should not involve a rejection of the role of the state.

Impacts of collective action

The relative neglect of the impact of social movements or the consequences of collective action within the social movement canon is observed by Foweraker (1995). Elsewhere, he describes it as the great 'incognitus' (Foweraker and Landman 1999). This neglect is perhaps in part due to concerns with attribution in complex institutional contexts where social movements are just one of an array of competing actors (Tarrow 1999). Scholars may also have been discouraged by Piven and Cloward's classic study that concludes that most social movements fail, and that 'protestors win, if they win at all, what historical circumstances has already made ready to be conceded' (Piven and Cloward 1977: 36). Tarrow (1994) is similarly dismissive of the likelihood of individual movements having any impact on governments. He argues that governments do not respond to single social movements, rather, elites are more likely to respond to a general 'context of contention' (Tarrow 1994:8).

There are a few exceptions to this general trend; perhaps most frequently cited is Gamson's (1975) study of social movement impact. This work examines movement strategy and involves analysis of the outcomes of 53 American movements active from 1800 to 1945. He compares the impact of movements that use disruptive tactics with those that remain moderate, and measures the extent to which their demands are incorporated by government. His conclusion, that disruptive movements are more likely to be successful, is contradicted by a study carried out by Schumaker (1975) who further argues that a supportive arena is more important for movement success than movement strategy. The work of these two authors supports Guigni's critique that discussion of movement impact tends to centre on two central dichotomies in the realization of change: disruption versus moderation and internal versus external explanations (Giugni 1999). This has led to cross-national and cross-temporal studies of either movement strategy or of internal/external constraints that explain success and failure.

The attempts in these studies to measure and compare the impact of a large number of movements necessitates definitions of 'success' and 'failure' that are truncated and non-nuanced. In this regard Gamson (1975) argues that along with 'new advantages', success can be defined as 'acceptance' by the state of a movement as a valid vehicle for the communication of a particular group's demands, but considers 'incorporation' of the movement into the state as the ultimate achievement. While he acknowledges that incorporation is never the goal of a revolutionary movement, he fails to concede that incorporation could be interpreted as cooption even for non-revolutionary groups. Indeed, in the Brazilian case, the need to defend 'autonomy' from government is fiercely defended by social movements (Hochstetler 2000). Schumaker (1975) expands on a definition of success by setting out degrees of state 'responsiveness' to movement demands, but his comparative study cannot provide space for analysis of the complex transactions and negotiations through which movement demands are translated into government responses. Similarly, the abstraction of movement strategy to 'disruption' *or* 'moderation' fails to acknowledge the way in which groups involved in contentious politics will shift between different registers of the 'repertoire of contention' (Tilly 2004).

Resource mobilization and political opportunity

While relatively fewer scholars have looked at social movement impact, many have engaged in studies that form part of the resource mobilization tradition. This places an emphasis on the examination of movement mobilization and strategy in an attempt to explain why collective action occurs and how a more enduring 'social movement organization' coalesces around campaigning by individual actors (McAdam, McCarthy and Zald 1988). Scholars also seek to understand why movements do not emerge, despite the presence of grievances amongst potential members. Another related area is social network theory that examines the linkages between movement members and how these help to mobilize and maintain movement action (Passy 2003; Diani 2003) and how they create links with other established organizations (Staggenborg 2002; McCarthy and Zald 2005).

These approaches to the study of movements could be charged with a failure to take into account the broader socio-political environment within which collective action emerges, since they largely orientate study to the inner workings of social movements. A response to this critique can be found in the political process or political opportunity approach that emerged in the late 1980s. This approach privileges study of the constraints on and stimulus for collective action by external political circumstances. The most well-known proponents of the method are Sidney Tarrow and Charles Tilly, both of whom have undertaken large-scale comparative historical studies of movement emergence. Tilly is often cited for his work on defining the social movement, which he regards as a relatively modern phenomenon (cf. Tilly 2004) while Tarrow is concerned with illustrating broad historical trends in collective action, that he has named 'cycles of contention'. The political process approach differs from standard resource mobilization work, since it does engage with politics and allows a role for the state. As Tarrow notes:

> Although movements usually conceive of themselves as outside of and opposed to institutions, acting collectively inserts them into complex policy networks, and thus within the reach of the state (Tarrow 1994: 25).

However, he concedes that most theorists, himself included, have tended to focus on the emergence of movement activity, rather than the dynamics of movement interaction with those in power (Tarrow 1994).

The neglect of the state in social movement analysis may be due to the focus of many theorists on the Western European or North American contexts, where democracy is well established and rights are, in general, respected (Foweraker 1995). In these contexts, contention often arises between different groups within society, rather than between society and the authorities, and the state will play only a mediating role (Tilly and Tarrow 2007). Furthermore, the focus on revolutionary or pro-democracy coalitions and broad cycles of protest exemplified by the work of Tilly and Tarrow, appears to preclude examination of movements that are oriented towards basic social needs and specific policy change. This omission is illustrated in the following statement by Tarrow:

> Few movement activists demand fundamental reform, and many reject reformism altogether. Movement activists demand fundamental social change, the recognition of new identities, entry into the polity, the destruction of their enemies, or the overthrow of a social order – seldom 'reform' (Tarrow 1994: 169).

This is clearly contradicted both by earlier research on eighteenth and nineteenth century England (cf. Thompson 1980) and by a great deal of collective action in the developing world that is centred on achieving basic services through reform of public policy. However, Tarrow denies that movements might have clear, concrete demands, stating that these are often 'imprecise and utopian and may be aimed more at mobilizing internal militants than at convincing opponents' (ibid:162). For Tarrow, individual political empowerment is more of a likely impact of social movement activity than policy change.

One area of study where the interaction between interest groups and the state is given consideration is in the classic literature on pressure groups in the pluralist tradition.[3] However, again the focus of this body of scholarship tends to be on the American or Western European context. Furthermore, as Melucci (1996) Castells (1983) and Gamson (1975) acknowledge, it assumes that the political arena is a level-playing field on which social movements can interact freely and make their voices heard as just one of many political actors. As Castells points out, pluralist theory tends to ignore the fact that political actors are anchored within the 'generally contradictory structure of social interests' (Castells 1983: 294). As such, pluralism does not take into account the biases of the system or differential power and established relationships. It also suggests that entry into the political arena is open to all would-be competitors (Gamson 1975). In sum, it fails, in the main, to consider how membership of a politically and socially marginalized group can act as a barrier to political engagement. This is particularly critical in the Brazilian case, where the political system is characterized by 'traditional' hierarchies and clientelism (Avritzer 2002; Hagopian 1996).

[3] For a discussion see Dahl (1963).

New social movement theory

It should by now be becoming clear that much social movement literature is somewhat inadequate for the context of the developing world. Many contemporary social movements in Brazil organize around the basic needs of their members, in particular for housing, education, food security and health. The focus of their activities is the Brazilian state at municipal, state and federal level, and their rhetoric calls for the state to provide these basic goods, conceptualized as rights and set out as such in the progressive Constitution of 1988. It is therefore somewhat curious that it is 'new social movement theory' that has been applied virtually exclusively to the study of collective action in Latin America (Foweraker 1995). This approach places emphasis on the role of identity within social movements and their cultural production in society.

Perhaps the most important proponents of new social movement theory are Alberto Melucci and Alain Touraine. Although Melucci was working slightly after Touraine, he has taken responsibility for introducing the concept (Melucci 1996; 1998), which is based on the assumption that a systemic change has occurred within society, and that since class conflict is no longer a key mobilizing factor, social movements must be analysed along different lines. The central question he poses is,

> Whether in contemporary societies there are relations and social structures that can no longer be explained within the framework of industrial capitalist society as defended by the classical models of sociology (Melucci 1998: 424).

His focus has therefore been 'to identify *the elements* of contemporary collective action that require a conceptual framework *other* than that provided by industrial capitalism' (Ibid: 425 italics in the original). To a certain extent, Melucci's theory of new movements can be read as a proposal for an alternative methodological approach to the study of collective action. He argues that by focusing on the cultural production of movements, and the 'hidden networks' of contemporary collective action, research will provide greater

understanding of the meaning behind visible protest and claim-making. This methodological approach is similar to that of Escobar (1992) who advocates a greater focus on the 'everyday' cultural politics of movement actors. Melucci (1996) concludes that late twentieth-century movements are more oriented towards issues of identity and that their goal is to challenge and upset cultural norms. The meaning of collective action and the construction of identities are at the centre of his analysis, and Melucci clearly sees a shift away from interaction with the state in the activities of movements. Instead, the latter are posited as increasingly autonomous from the political system as they become more focused on everyday life and individual experience and the political system becomes the means by which new projects of 'cultural freedom' are 'embodied and stabilized', rather than the locus of demand-making, or indeed of identity creation.

Melucci's approach develops the work of Alain Touraine (1996), another key figure in the new social movement corpus. Reacting to classical sociology with its emphasis on the inevitable progression of society towards modernity and the definition of the individual by the system, Touraine's stated aim is to place social actors centre-stage and demonstrate their ability to produce their own society. He argues that societies, in the post-industrial world at least, no longer have an orientating 'centre' such as religion, or the idea of progress. Instead, the 'central principle of orientation' for social actors has become the control of cultural models by which society is defined and regulated. Social movements involve the calling into question of the way in which the dominant group manages cultural resources, but movements will only emerge if they are able to rise above claim-making, or political negotiations and to posit themselves as producers of society, rather than as mere reactions to a social situation. Touraine rejects entirely the state as the locus of activity of social movements in post-industrial or 'programmed' societies, and it is only in these societies that social actors have reached sufficient levels of self-reflection and 'historicity' to be able to produce society themselves. In effect, Touraine denies that collective action oriented towards urban goods and services can be considered a social movement, since it is not aimed at influencing the direction of history.

A bridge between 'new' and 'old' social movements

Although the work of Manuel Castells has been associated with the new social movement school (Miller 2006) he is perhaps best placed in a category that spans both traditional issues of concern for social movement theorists around production and reproduction, and those that seek to understand 'new' movements' focus on culture and identity. The direction of his work has changed considerably from early, more rigid formulations of urban social movements' role, which was to effect the 'destruction-transformation of the state apparatus' (Castells 1975: 65). His more recent work has turned to focus on the revolutions in communication, and the 'network society'. However, the works most closely focused on collective action are *The city and the grassroots* (1983) and *City, class and power* (1978). Although a pupil of Touraine's, in these works Castells explicitly counters much of the thesis outlined above. Castells posits the state as central to social movement action, but he breaks with Marxist theory by underscoring the cross-class nature of urban collective action. He also privileges the notion of the cultural production of social movements, but grounds their search for cultural shifts and new identities in the concrete issues of territory and what he terms 'collective consumption', namely housing and urban services. He sees urban social movements across the world challenging 'prevailing cultural values and political institutions, by refusing some spatial forms, by asking for public services and by exploring new social meanings for cities' (Castells 1983: xv). In a series of case studies in *The city and the grassroots*, Castells maps out the importance of the state for the activities of social movements. He argues that in the post-war era there has been increased state intervention in the provision of urban services and collective consumption, and as a result, politics has come to be at the centre of urban processes. This is a result of 'urban contradictions'. Capital has become reliant on agglomerations of workers living in close proximity in cities. These workers, in turn, must be able to sustain themselves and their families and have, furthermore, come to expect a certain level of social protection and urban services in what Castells calls the 'socialization of consumption'. Since it is not profitable for business to provide these services, the state must step in to do so, even

though this is against the interests of the market. As a result, workers have come to direct their demands at the state.

For Castells, an urban social movement, to be defined as such, must combine political as well as urban and cultural issues:

> By urban social movement we understand a conscious collective practice originating in urban issues, able to produce qualitative changes in the urban system, local culture, and political institutions in contradiction to the dominant social interests institutionalized as such at the societal level (Ibid: 278).

Focused on three axes of change at the political, urban and cultural levels, social movements must articulate 'city, community and power'. The findings from his case study research emphasize the importance for urban social movements of political self-management, local government and citizen participation as opposed to centralized, bureaucratic and essentially undemocratic governments. These also draw attention, repeatedly, to the difficulties faced by social movements once they begin to negotiate the terrain of formal politics. Castells' balanced approach that takes in issues of identity and the role of the state, but grounds these in demands for basic urban services, has the potential to provide guidance to studies of contemporary social movements in Latin America.

The study of collective action in Latin America

It is not Castells' work, however, that is driving the bulk of enquiry into collective action in Latin America, but those more closely associated with the new social movement paradigm. Privileging the meaning of collective action for its participants, proponents of this body of theory tend to focus on the way in which movements can provide the space for the consolidation of new or alternative identities against dominant perspectives or attempts at social categorization, and the pursuit of goals outside the traditional political arena. Many of those writing with this perspective in Latin America have downplayed the importance of the state as a focus of movement demands or placed a fundamental ambiguity over its role,

as they search to privilege parallel public spaces for political decision-making. This again leads to an inward-looking analysis that glosses over social movement interaction with the state.

Examples of this approach are given particular emphasis in two key references on social movements in Latin America from the last decade: Escobar and Alvarez (1992) and Alvarez, Dagnino and Escobar (1998). These volumes display a tendency to present urban movements oriented towards basic needs as vehicles for an exploration of identity and culture rather than as centred on collective consumption. For example, the discussion of squatter movements in Mexico City is used to examine women's identities and experiences as leaders (Diaz-Barriga 1998). In a similar vein, Lind (1992) studies women's self-help groups in Ecuador to probe issues of gender identity and consciousness. These authors appear to be following Escobar's (1992) call for greater analysis of 'the micro level of everyday practices' within social movements, where the 'personal is political and cultural'; a reading of new social movement theory that implies the adoption of an inwardly-focused methodological approach. In both volumes, particularly Escobar and Alvarez (1992), there is a marked ambivalence towards the role of the state, with some contributors arguing that the state is no longer the 'object of attraction' (Calderon, Piscitelli and Reyna 1992: 24). Calderon et al. advance the idea that many collective actors in Latin America are engaged in a process of distancing from the state as a way of affirming their identity and finding their '"small" representativity within their own space' (Ibid: 25), particularly those with ethical or ethnic orientation.

In the specific case of Brazil, much scholarly work on collective action has been devoted to how social movements can contribute to the consolidation of democracy through new and progressive forms of public policy deliberation and participation. Experiments in participatory democracy at municipal level have multiplied across Brazil since the return to democracy in the 1980s, and have drawn the attention of international scholars, aid agencies and multilateral financial institutions. They have generated a significant body of

literature on both their direct and indirect impacts, including improvements to infrastructure in low-income neighbourhoods, empowerment of the poor, transparency in governance and combating of clientelism (Souza 2001). Although the study of these forums does bring the state back into view, it tends to put forward an idea of generic 'civil society participation' that does not disaggregate the types of organization and individuals involved (although Rodgers (2007) and Houtzager (2003) have begun to open up this line of analysis). Another danger is that the state is placed in opposition to these participatory spaces in a way that overlooks the blurring of boundaries between state and society (cf. Paoli and Telles 1998). Also, by analysing deliberative councils and participatory forums as social movements in themselves, these studies may overlook the fact that organized urban movements will likely have existed beforehand and will attempt to win elected seats in these participatory spaces (cf. Baierle 1998). By privileging forums and councils, this work also implies that there is a single avenue of dialogue and negotiation between state and society over urban policy issues. However, as the empirical chapters of this thesis will show, well-established social movements will use a number of channels, both formal and informal, to influence state power and policy-making.

Whilst studies of collective action in participatory forums have proliferated, analysis of social movements' organization around collective consumption appears to have declined with the return to democracy. This may reflect the commonly held belief, examined in chapter four, that social movements themselves have been on the wane since the late 1980s. Foweraker (2001) and Mainwaring (1987) argue that coalitions of movements that find common ground in their opposition towards military or authoritarian rule often fall apart once democratic government is achieved. They find themselves unable to deal with the realization that the state is no longer a clear enemy, since it is likely to respond to some of their demands and may try to bring them into the policy-making process (Hochstetler 2000). For Gohn (1991) and Canel (1992) movements suffer from a brain drain effect, as the most able leaders run for local office or become advisors or technical staff for elected politicians. These findings resonate with Tarrow's (1994) argument that it is easier, in a

democracy, for social movements to orient themselves towards formal political institutions and express themselves through electoral politics. He regards movement incorporation into political parties as a natural progression for social movements in a newly democratized society. Further, he notes the attractiveness for politicians of ready mobilized groups of actors whose cause they can trumpet, while proclaiming themselves 'tribunes of the people' (Ibid: 88). This problem is also noted by Hellman (1992), particularly with regard to left-wing parties.

The situation in Brazil is particularly complex, since the ruling Workers' Party, or PT, originated as a social movement closely linked to the trade unions in the peripheries of São Paulo (Keck 1992).[4] It has established a special office within the party structure for engagement with social movements, and has set out its intentions to dialogue with movements over key policy issues; although this contact with the grassroots appears to have been somewhat sidelined in the party's pursuit of electoral gains. It is also difficult to override a long history of clientelist relationships in Brazil, entrenched in the behaviour of politicians, but also in that of neighbourhood associations that often form the base of urban social movements (Neves 2007). Furthermore, the political science literature on Brazil's transition indicates the resilience of old elites and oligarchs within the political system (Hagopian 1996), and the electoral system itself is weighted heavily in favour of the politics of personality. It is perhaps partly for this reason – a disenchantment with Brazil's 'low intensity democracy' (O'Donnell 1992) – that many scholars have devoted their attention to alternative forms of democratic decision-making or the opportunities for cultural expression provided by a more open political system.

The excitement around alternative spaces for social movements and popular participation in Brazil through budgeting councils and social policy forums has led a number of academics to trumpet the arrival of a new way of doing politics that challenges the practices of a hierarchical and extremely unequal society. As Foweraker remarks,

[4] Discussed in detail in chapter four.

> In the Latin American context [...] social movements are usually seen as democratic actors, both in practice and in purpose; and if there is scant evidence of democratic activity within the political system, the theory supposes that they are democratising the society at large (Foweraker 1995:3).

In Brazil, where social movements are seen to be redefining what democracy can and ought to be, the (ongoing) democratic transition is presented by Dagnino (1998) and Paoli and Telles (1998) as a cultural shift. Here, partly through the efforts of social movements, society comes to give greater weight to certain values, in particular citizenship and equality. Paoli and Telles credit social movements and participatory forums with creating new types of political sociability and even a 'reinvention of the political contract' stressing how the former have established 'new subjects of rights'. Their principal argument is that social movements have extended the political sphere, by unsettling the dominant political culture, creating in the process 'an extended and redefined notion of rights and citizenship' (Paoli and Telles 1998: 66). This analysis clearly draws on new social movement theory, despite the fact that much of the collective action they discuss is oriented towards collective consumption. In a similar way, Dagnino (1998) focuses on how social actors in Brazil democratize society as a whole. They achieve this by putting forward new understandings of what it means to be a citizen. She argues they have introduced a conception of democracy,

> that transcends the limits both of political institutions as traditionally conceived and of 'actually existing democracy' [...]. The operationalisation of this conception of democracy is being carried out through a redefinition of the notion of citizenship and of its core referent, the notion of rights (Dagnino 1998: 47).

It is in this way, according to Dagnino, that social movements try to counter the exclusionary and authoritarian political and social cultures. Her work does not, however, consider how social movement activity might impact upon relations with the Brazilian state (cf. Dagnino 2005; 2007).

These discussions of citizenship, influenced by new social movement theory, appear to divorce the concept from its theoretical roots in the relationship between state and society. While citizenship should be understood as linked to identity and cultural values, as Castells has demonstrated, it must also be anchored in a series of concrete rights and duties (discussed in detail in chapter two). Furthermore, whilst new participatory and deliberative spaces may be innovative ways of drawing people into the decision-making process at the municipal government level, they cannot just be opportunities for personal empowerment or education: if they are to be valued by the population at large they must produce concrete improvements to urban services. This takes us to the real world of political institutions and elected politicians. As Foweraker (1995) notes, writing specifically on the Latin American context:

> What much of the theory lacks is a properly political analysis of the movements, and a realistic assessment of their impact on processes of political change. This requires a more intricate inquiry into their demand-making and into their relationships with other political actors, and especially with the agencies and apparatuses of the state (Foweraker 1995:3-4).

In general, the focus on identity and culture in social movements, on what could be termed 'post-material' issues (Miller 1993) seems somewhat ill-suited to a region where societies are marked by such high levels of inequality. It could be argued that such a privileged focus on issues of culture and identity runs the risk of ignoring the very tangible basic needs of so many Latin Americans, for health, housing and education, around which they are prepared to mobilize. As Foweraker (1995) maintains, the new social movement approach, since it first emerged in Western Europe, has a tendency to assume that liberal democratic regimes are well-established and that civil society is dense, articulate and well-organized. Escobar and Alvarez (1992) have challenged the argument against the use of new social movement theory in the developing world as cultural imperialism that smacks of snobbery. They warn that it is reductionist to look only at the material needs of poor people, and to give less attention to other priorities that are 'important for people whose material needs are less pressing' such as culture (Mainwaring 1997: 320). But although identity is important as a

mobilizing tool, the 'theoretical obsession' (Foweraker and Landman 1999) with this aspect of collective action could be charged with romanticism, since it betrays an apparent inability to separate out movement leaders' discourse from the daily reality of the grassroots membership. No social movement of poor people will last for long if it fails to deliver concrete benefits through which it can show potential new recruits that it is worth their time and effort to join up. In the context of the developing world, new social movement theory should perhaps be seen as a useful methodological approach that has helped to improve our understanding of collective action with its emphasis on the 'everyday' nature of political activism. But it should not be used to make the claim that culture and identity are the primary focus of movements that are clearly oriented towards collective consumption.

A disenchantment with Brazil's formal democracy may, in part, be behind the academic focus on the democratization of society and on alternative participatory spaces. But it may also be that once movements are no longer linked by the 'masterframe' of democratization, they return to their focus on collective consumption and specific services, and this is of less interest to political sociologists and scientists. Doubtless new forms of participation in budget and policy deliberation forums have had an impact upon the way democracy is conceived and partaken of in Brazil and may have helped to democratize society, instilling greater levels of 'citizenship' in the sense of mutual respect amongst different societal groups. However, continued mobilization around goods of collective consumption outside formal channels for policy deliberation indicates that basic needs are not being met. It is, crucially, a democratized state, not a democratized society that can meet these demands. Indicative of this key role for the state is the fact that movements couch their demands in the language of citizenship rights. While the inadequacies of the political system and the disrespect for civil rights continue to be cause for concern in Brazil, the most visible protest by social movements is for social rights: land, housing, health and education, and since they are all guaranteed in the 1988 Constitution, these demands are made on the state. Studying the response of the state to those who demand the upholding of social rights

promised by the Constitution has the potential to illuminate the issues of full citizenship and state-society relations.

Studying state-society relations in Brazil

Brazil is a highly appropriate site for the empirical study of collective action and state-society relations: the country's recent political and social history has been significantly marked by social movement activity. The country was ruled by the military after a coup against the left-leaning president João Goulart in 1964. Although the military maintained a semblance of formal democracy by holding regular, but indirect elections for political office, and allowing the presence of an opposition party in the Congress, it was highly intolerant of social organizations. The peasant, workers' and students' groups that had begun to emerge in the early 1960s were quickly crushed at the start of the regime. As will be discussed in detail in chapter four, despite this repression neighbourhood level and independent trade union organization did not entirely disappear in the peripheries of Brazil's metropolises, in large part due to the support of the Catholic Church. Buoyed by strong economic growth which they believed had given them legitimacy, Brazil's military rulers began a process of controlled liberalization in the 1970s, but were surprised by the strength of collective protest and mobilization that then emerged. These popular actors played an important role in the return to democracy through campaigns for human rights, democratic and direct elections and protests against poor standards of living in urban areas. Social movements were also closely linked to the emergence of the Workers' Party in 1980, one of the key players in the political arena in the post-dictatorship era. In addition, popular participation was harnessed by the 'constitutive councils' in the years 1987-1988, in which aspects of the proposed new Constitution were discussed. Social movement representatives were highly active in these discussions and the subsequent submission of amendments (Holston 2008).

But social movements were not just important in the process that led up to the promulgation of the new Constitution of 1988. The Constitution also provides for

continued participation of society in matters of government at municipal, state and federal level (Goldfrank 2007). This is one reason why Brazil has become fertile territory for the proliferation of consultative and deliberative councils on social policy matters. Electoral gains made by the PT at municipal level provided further space for organized sectors of society to become involved in local government through participatory budgeting systems.

Despite the establishment of democracy, a progressive constitution and the institutional steps taken to incorporate societal input into decision-making processes, social movements remain active in the country and regularly make their discontent over socio-economic issues known. While many social movement representatives take seats on policy councils and in budgeting forums, they continue to engage in extra-institutional acts of organization and protest, and these are regularly documented in the news media. While left-wing academics make negative evaluations of social movement activity in Brazil, protest action across the country still makes headlines. Levels of inequality and deprivation are only recently beginning to fall, and at base, there are still many millions of people who are not benefiting from the country's economic wealth, nor the promise of democracy to improve distribution of income. The presence of so many potential claim-makers with a collective memory of successful protest action has led to perseverance in claim-making, and social movements remain an important feature of the Brazilian political landscape.

Brazil's political system in the post-dictatorship era also makes it an interesting and potentially illuminating site of study for state-society relations. Since democratization, a process of decentralization has been rapidly rolled out across the country. Competencies for social services provision have been devolved to state and municipal level elected governments. This increase in responsibilities and autonomy has been matched by fiscal transfers from the federal government, that are supplemented with local taxation. This decentralization brings the state closer to society in geographical terms, as state-level assemblies and municipal-level chambers have been put in place. It also increases levels of participation in the political process through elections for each sphere of government, and

in state-level and municipal-level councils that are established to allocate and/or monitor government spending. Importantly for this study, decentralization increases the sites of protest for social movement action and the number of ways in which organized groups in society can develop contacts with elected politicians and bureaucrats.

Social movements in São Paulo

São Paulo is particularly apt for the study of urban social movement activity and its interaction with the Brazilian state. It is the city most closely linked to the campaigning for democratic transition that occurred in the late 1970s and 1980s and has been described as the 'City of Resistance' (Goldsmith 1994). It is widely argued that organized protest against the military regime took root in industrial action on the peripheries of the city, in particular the municipalities of the ABC area[5], immediately to the Southeast of São Paulo municipality. Most notable of these was the metalworkers' strike organized in São Bernardo by Luiz Inácio Lula da Silva, who eventually took office as Brazilian president in 2003. Those involved in strike action and in the formation of unofficial unions (outside of the corporatist labour structure established by Getúlio Vargas in the 1930s) joined forces with burgeoning numbers of community organizations and social movements that were forming on the peripheries, encouraged and supported by the Catholic Church.

Whilst historically important for the formation of social movements that came together in the fight for democracy, São Paulo continues to be a site for social movement organizing and protest. Although São Paulo is the country's largest and wealthiest city, it exemplifies some of Brazil's worst socioeconomic problems. As will be discussed in detail in Chapter three, extreme levels of inequality and the state's overall negligence of the poor are mapped out in the urban fabric. The city centre is degraded and has thousands of empty buildings, whilst the poor have traditionally only been able to house themselves in stigmatized, far-flung and under-serviced peripheries. As a result, protest tends to be organized around

[5] The ABC region refers to the contiguous municipalities of Santo André, São Bernardo do Campo and São Caetano do Sul.

specific social rights – housing, education and health. These movements are still able to mobilize many thousands of individuals for street marches and petitions and there is strong networking amongst the different sectors through umbrella bodies such as the CMP – Central de Movimentos Populares or Centre for Popular Movements. The activities of these movements are made more visible through the considerable coverage they are given in the print media across São Paulo city and state.[6] Popular mobilization in São Paulo is generally considered to be much more dynamic than the country's second city, Rio de Janeiro, where the territorial nature of conflict amongst drug-trafficking groups is more marked, inhibiting community-level organizing. Movements in São Paulo often take the lead in national acts of protest.

While São Paulo municipality is the wealthiest and most populous in the country, the greater metropolitan region is also the capital of Brazil's most economically important and populous state. As a result the city is home to two seats of decentralized government that have considerable political cachet: those of São Paulo state and São Paulo municipality. The importance of São Paulo state and city for the country as a whole should not be underestimated, nor should the political kudos attached to holding the office of mayor or state governor. Mobilization and protest in São Paulo can, therefore, have national significance. The fact that the city has two sites of government leads to what John (2006:5-6) refers to as 'propinquity', denoting,

> The closeness of urban political and social actors to each other and to the social process that affect localities which occurs because of the relatively small size of the urban space when compared to other decision-making arena. Many key actors know each other in local elite networks; and political institutions are not as differentiated as at the national level.

This renders São Paulo particularly interesting for an examination of the way in which a social movement interacts with the elected governments and with the organs of the state charged with the provision of social services. In the case of this thesis, this will involve

[6] All Brazilian newspapers have a regional or specific city focus – none is considered to have national scope.

study of the municipal and state-level housing secretariats and their respective operational bodies: the public companies that finance and organize the building of social housing.

Housing and the União de Movimentos de Moradia

Of all the social movements active in São Paulo, those organized around the provision of housing to low-income families are arguably the most active, visible and belligerent. Furthermore, the movements' claims are controversial in a way that those directed towards health and education are not. Housing is a constitutional right in Brazil, but was not included as such in the original 1988 Constitution. It was only finally guaranteed as a right in 2000 through a constitutional amendment, after considerable lobbying by a coalition of social actors. Social housing is financially burdensome for the state in any country, and is particularly so in Brazil where the concept of subsidized rental housing is almost non-existent. Those selected to receive social housing, generally in a special lottery, will be invited to purchase the property. As a result, provision of social housing involves a significant cash transfer to the recipient, in the form of subsidies and/or cheap credit. The capital invested in social housing can easily be released through semi-legal sale of the property.

Conceiving housing as a right in Brazil is also problematic because of the shortage of housing stock. It is not just the poor who have difficulty becoming homeowners; this is also a problem for the middle-classes. Furthermore, the housing deficit in the country as a whole is considered to be so large as to be insurmountable, even in the long-term. These factors, combined with entrenched stigma attached to the poor and their perceived inability to take care of their living environments or to cooperate with neighbours in a block of flats, further heightens tensions around the provision of housing to low-income groups (Souto and Kayano 1996).

The provision of social housing also involves interaction with market forces to an extent not shared by the building and staffing of schools and hospitals. Construction of housing

units both impacts upon and is impacted by the property and land markets. This is of critical importance in São Paulo, which has some of the highest land values in Brazil. Traditionally in São Paulo and other large cities, the problem of the elevated cost of urban land was avoided by building on marginal land on the peripheries or in the 'rural zone' (see chapter three). However, the main housing movement in São Paulo, the UMM, now criticizes this model for creating 'social apartheid' and negatively impacting upon the life chances of those sent to live in the peripheries. It also queries the economic rationale of this policy, since it requires bringing urban services to ever more distant areas. One of the UMM's principal claims now focuses on provision of social housing in well-equipped more central areas. This, however, brings their demands into conflict with the interests of powerful actors in São Paulo linked to real estate and property development. The current construction boom in the city and the benefits it brings to the economy have consolidated the political clout of the building industry. When it comes to housing in São Paulo, the municipal and state governments must therefore negotiate this complex terrain of interests, which is further complicated by negative stereotypes of the urban poor and a tradition of exclusionary housing policy.

Housing in São Paulo – where it is built, by whom and for whom – is a contentious issue, and one that has been deeply politicized by the activities of housing movements. The oldest and most important of these is the União de Movimentos de Moradia, an umbrella body founded in 1987 to bring together the agendas and protests of the growing number of community-based housing associations that were starting to organize regionally within the city. Its principal aim is to correct gross inequalities and negligence of the state by lobbying for building of residential units and for changes to housing policy so that it privileges the poor. The movement has since spread to a number of municipalities in the greater metropolitan region, and to other urban municipalities in São Paulo state in and around the cities of Campinas and Santos. In total, it brings together around fifty separate movements, themselves made up of many smaller *grupos de origem*, neighbourhood groups and associations. Since the early 1990s, the UMM model has spread to other states

in Brazil who are now affiliated to a national organization, the UNMP (União Nacional por Moradia Popular – National Union for Popular Housing) which is run out of the same headquarters in São Paulo as the UMM and by the same social movement leaders. In São Paulo city, the UMM regularly interacts with the municipal and state-level governments, through negotiations with civil servants, appointed special advisors in the housing departments and elected politicians. They use both formal channels for policy deliberation and engage in legal and extra-legal forms of protest, drawn from the social movement repertoire, to force the state to negotiate. A study of São Paulo will therefore provide an opportunity for a comparison of the formal and informal strategies engaged in by social movements. But more importantly, the fact that housing is enshrined as a constitutional right in a city with such entrenched inequalities and where powerful interests contest urban space generates a situation where controversial action undertaken by housing movements brings the state's attitude towards the poor into sharp relief. In short, this study will analyse social movement organizing around a specific social right (housing) in the context of post-democratic transition, as a way of contributing to understandings of citizenship and state-society relations in Brazil.

Research Design

This thesis is based on an empirical case study of a social movement, the União de Movimentos de Moradia.[7] The case study framework was employed to support the elaboration of an in-depth exploration and analysis of a single organization and of the complexity of its relations with the state. As Armato and Caren argue,

> Single case-studies are best at explaining the nuances of social phenomena and addressing specific mechanisms that produce, reproduce, change or are otherwise related to the phenomena (Armato and Caren 2002: 97).

The single case study is often used in the examination of urban politics (John 2006) and is, furthermore, 'compelling' as 'the reader can probe it alongside the researcher' (Ibid: 6).

[7] The study also examines smaller movements affiliated with the UMM, but these are taken as part of the overall housing movement.

However, the use of a single case study can be problematic: since the research is limited to the study of a just one organization, no generalization to populations can be made from the research findings (Hamel 1993). However, findings from a case study can be used to make theoretical inferences (Gomm, Hammersley and Foster 2000). This process is defined by King, Keohane and Verba (1994:8) as 'using observations from the world to learn about other observed facts'. This point is made in a similar way by Yin (2003) who employs the term 'analytical generalization', to denote the way in which research findings are generalized to wider theory. As such, the researcher, through the case study, contributes to and expands theoretical debate.

While the object of case studies can be examined through both quantitative and qualitative methods of data collection and analysis, this study draws on a qualitative approach, since its focus – perceptions and interpretations of the state, of citizenship and legality – is not concerned with measurement (King et al. 1994; Bryman 2004). The case study framework allows for the collection of various types of data (Robson 2002) and in the case of a qualitative approach, the use of 'thick description' is a way of ensuring there is sufficient empirical data from which to make theoretical inferences (Shofield 2000; Bryman 2004; Hamel 1993). This study draws principally on interview data and participant observation recorded in a field diary, but also makes use of official publications and limited archive material. The approach to data collection was, therefore, largely informed by ethnographic practice. More specifically, the approach can be described as 'critical ethnography' since it seeks to link local ethnographic detail to the wider political context (Agar 1996: 27). Through long-term and intensive engagement with research participants, the researcher is able to gain a detailed understanding of the world which they are navigating and gains a degree of access to their interpretations of that world. The combination of interviews and participant observation allows the researcher to make a comparison of stated aims and opinions and how these play out in practice. Ethnography, as Agar points out, is theory generating and is closely related to the grounded theory approach, developed by, among others, Strauss and Corbin. Rather than set out to test hypotheses, following the general

guidelines of Strauss and Corbin (1998), this study began with a broad research theme, which was gradually refined into more specific research channels as the fieldwork progressed. Analysis of research findings then generates contributions to theoretical debate and opens up avenues for future research. The relationship of theory to empirical data collection and analysis is, therefore, one of continual reflection and reformulation. The compatibility of the case study framework with grounded theory methodology is indicated by Hamel (1993) who notes that the case study researcher must combine and constantly compare what is picked up from the actors during the research process with relevant aspects of sociological theory. This iterative approach chimes with that of grounded theory, often referred to as 'the constant comparative method of analysis' (Robson 2002: 193).

Fieldwork

I originally became interested in the São Paulo housing movement while working in the Rio office of ActionAid, a British NGO in 2000-2001. The movement's activities, especially its occupations of empty buildings and its apparent ability to induce policy change were well documented in the São Paulo daily newspaper, the *Folha de São Paulo*, that was delivered to the NGO office. I returned to Brazil in February 2006 for a five-week pre-fieldwork visit, during which time I was based at the São Paulo research organization, Instituto Pólis, that specializes in urban social policy. Pólis and ActionAid have a long-standing working relationship with the UMM through their participation in the Forum Nacional de Reforma Urbana (FNRU – National Forum for Urban Reform), an influential group of academics, social movements and NGO representatives that lobbies at federal government level. When I returned to São Paulo in October 2006 to begin a year's fieldwork, I was able to use my contacts in the FNRU to gain introductions to the leadership of the UMM.

During the pre-fieldwork visit, I had also made contact with the general coordinator of the Frente de Lutas por Moradia (FLM - Housing Struggles Front), an umbrella body for

housing movements in São Paulo that had broken away from the UMM in 2002. Although I maintained some contact with the FLM throughout the fieldwork year and was able to interview key figures within it, I decided to concentrate my research on the UMM. The FLM is a far smaller and much more recent organization than the UMM, and although it had organized a very high profile occupation in the centre of São Paulo, aside from this one building its activities, political acumen and outreach were far less developed than those of the UMM. Most important for my decision was the fact that the FLM is heavily funded by European NGOs who are rumoured to wield considerable influence over the direction and strategies of the movement. Since the aim of this study was to gain an insight into the relationship between the Brazilian state and the urban poor through the activities of a social movement, it seemed inappropriate to study an organization that weighed up the potential impact of foreign funding flows before taking action.

My contact in the Instituto Pólis, who had since left the institution to take up a university post, put me in email contact with two of the most senior figures in the UMM. He introduced me to these two leaders as a colleague of an FNRU member, and someone who had undertaken research in the former Soviet Union. The latter was a reference to work I had done prior to beginning the PhD, and both comments were designed to reassure the movement leaders of my left-wing credentials. During preliminary meetings with these leaders, I explained my interest in studying the work of the movement, particularly in its negotiations with government over housing in the centre of São Paulo. I also stressed my willingness to work as a volunteer for the UMM over the course of the year. The decision to work as a volunteer arose from a number of concerns: firstly it was an attempt to counteract some of the 'arrogance' of the ethnographic enterprise (Agar 1996) and to contribute something to the organization that, by opening its doors to me, would allow me to work towards a PhD. Secondly, introducing myself as a volunteer would explain my presence to the rank and file of the movement, and, I hoped, make me less conspicuous. Finally, I anticipated that doing voluntary work would speed up the process of building trust with movement leaders and members and facilitate access to internal meetings.

I found the movement leaders extremely willing to help me with my research. They declared themselves happy for me to sit in on internal meetings and accompany them to seminars and conferences where they would be making presentations. I began to attend weekly general meetings of the UMM from November 2006 onwards as well as monthly plenaries and other meetings on specific issues called on an ad hoc basis. I also attended the monthly meetings of smaller movements and associations based in central districts of the city. From January 2007 I joined a weekly forum hosted by a local NGO that attempted to bring together all the associations and movements working on housing in the centre of São Paulo, including those from the FLM. Although I considered it unlikely I would be permitted to sit in on meetings between the UMM and government representatives, this request was also readily accepted, and I was able to attend meetings, convened sporadically, at the municipal and state-level housing secretariats.[8] This access to movement-state negotiations provided me with some important empirical material (discussed mainly in chapter six) that could not have been generated through interviews alone. I was further permitted to look through files of recent correspondence with government officials. Part of this willingness was perhaps due to the presence of two volunteers already working with the UMM from the Swiss government volunteer-sending agency E-Changer. Members of the UMM were thus used to having foreigners helping out in their headquarters. My presence, and the intermittent appearances of a Spanish architect, augmented their 'international department'. Although this term was used in jest, movement leaders were keen to introduce their British and Swiss 'technical advisors' at meetings with government representatives, some of whom appeared genuinely impressed.[9]

For the first six months of the fieldwork I concentrated solely on participant observation and undertook no formal interviews. This corresponds to Agar's (1996) 'informal phase' of the fieldwork process during which the researcher builds up knowledge of the local context

[8] On one occasion I was also invited to attend a meeting at the state-level public housing company with the FLM.
[9] European culture, academia and government institutions are much admired by the Brazilian elites, and our presence seemed to import a degree of kudos to the UMM.

that can then be verified and expanded upon during the formal phase of interviewing. I attended UMM internal and external meetings at least three times a week, as well as seminars, conferences, courses and workshops at which UMM representatives were present. I also regularly spent several hours a day at the UMM's headquarters helping with small administrative tasks and cataloguing their library. This meant I was able to chat to the UMM members working there or passing through, to catch up on recent events, ask specific questions to clear up issues raised at meetings I had not fully understood, and find out about planned meetings with municipal and state-level government representatives. During the second half of the year I carried out a total of 68 formal interviews. Roughly half of these were with movement leaders and members, whilst the other half were with politicians, academics and NGO workers associated with the housing movement, as well as government representatives in the housing secretariats at municipal, state and federal levels.[10] The fact that I spent six months as a participant observer before beginning interviews meant that I had already spoken informally to almost all of my eventual interviewees that were regularly involved with the UMM. In general, I believe I built up very high levels of trust amongst representatives of the movement which led to some surprisingly frank interviews. Occasionally I was given privileged information as to the secret location of planned building occupations. Although encouraged to participate in these, I did not accompany night-time building occupations, as these were sometimes met with police violence and arrests, were of questionable legality and could have jeopardized my leave to remain in the country.

Situating myself in the research

Although on paper I was in many ways clearly an 'outsider' in the research setting, there are a number of ways in which I believe I was able to mitigate problems associated with 'outsider' status. I had already lived in Brazil, my fluency in Portuguese is such that I am sometimes mistaken for a native speaker, and in terms of physical appearance, I am not

[10] A discussion of sampling, a list of interviewees and interview guidelines are presented in the methodological appendix.

obviously a 'gringa'. Experiences elsewhere in Latin America – of living in Mexico and Chile and undertaking fieldwork in Peru and Cuba had already taught me that British 'reserve' can be mistaken for coldness. The informality of social interaction is perhaps even more marked in Brazil, where it is noticeable even at the highest levels of the government bureaucracy. Prior exposure to Brazilian ways of doing things allowed me, I believe, to strike up friendly relations within members of the UMM from the start. This obviously helped me to gain trust within the organization and facilitated the types of relaxed conversations about the work of the UMM that were key to gaining a preliminary understanding of its functions.

My immersion into the world of the UMM and its many affiliated groups, associations and movements, all of which regularly convened meetings, meant that I was exposed to hundreds of hours of speeches, declarations and arguments. Once a familiar face, and behaving inconspicuously during meetings, (sometimes even unobserved by movement leaders who had invited me to attend but had not seen me arrive) I believe that my presence had a limited impact on the public discourse of movement leaders and members. This permitted me to gain considerable insight into the image of the state presented by the UMM's members and how they perceived the state's attitude towards the urban poor, along with their conceptualizations of housing and of their rights, both to housing and to the city in general. I was then able to use these insights to develop the thematic areas of the interview guide I later used to probe these issues of concern. Participant observation also allowed me to map the ways in which movement members established and maintained channels of dialogue with the state. My attendance at meetings held with municipal and state representatives was, however, clearly more noticeable when these involved just a handful of movement representatives. It is quite possible that the government advisors and civil servants were more conciliatory in their attitude towards movement members due to my presence, although UMM members never made this assertion. Exposure to the responses of those in state bodies to the demands of the movement for provision of housing permitted me, similarly, to develop questions to be used in interviews with them.

Reliability of data, limitations of the research and ethical questions

This 'dialogic' approach to interviewing, in which research findings from previous interviews and participant observation were discussed in subsequent interviews was a way of both encouraging critical debate with research participants, and of verifying claims and statements that I perceived as particularly salient or unusual. Adapting and adding to the interview schedule in this manner is advocated in the grounded theory approach as the way to achieve both empirical and theoretical saturation. I was also able to use informal conversations with movement leaders and members at its headquarters to verify interview responses. Where possible, I have triangulated data gathered through interviews and participant observation with work produced in collaboration with the UMM by other researchers.

Careful interviewing and attempts to verify and triangulate interview material are the core ways in which the researcher can seek to improve the reliability of her data (Bryman 1994). There are, however, a number of factors outside the researcher's control that will inevitably impact upon the research process. It is important to acknowledge that all knowledge is 'situated' and produced in specific circumstances that will shape it in some way (Rose 1997). The researcher's presence, as well as her cultural and educational background, will have an impact on the collection of data. Furthermore, the relationship of interviewer to interviewee often suffers from a power imbalance: as Staeheli and Lawson (1995) point out, the researcher controls information over the research aims, directs the flow of discourse and will be ultimately responsible for the direction that analysis and writing-up of findings will take. This power imbalance may be particularly acute in developing country contexts, and might skew the way in which responses to questions are formulated. Although I believe I achieved informed consent for all of my interviews, the fact that my research was supported by key leadership figures in the movement may have made it difficult for those lower down the hierarchy to refuse my requests.

But while the researcher clearly has an agenda, the research participant's responses may also be guided by the potential benefits of agreeing to be interviewed. As Berry notes,

> It is not the obligation of a subject to be objective and to tell us the truth. We have a purpose in requesting an interview but ignore the reality that subjects have a purpose in the interview too. Consciously or unconsciously, they've thought about what they want to say in the period between the request and the actual interview. They're talking about their work and, as such, justifying what they do. That's no small matter (Berry 2002: 680).

In the specific case of my own research, movement leaders are keen to speak at conferences and NGO workshops outside of Brazil, and may have believed that I could help facilitate this. One key movement leader specifically spoke of his interest in travelling to the UK. This perception of me and my academic and NGO contacts may have altered the way in which movement leaders delivered their responses. There were, however, also potential risks in speaking frankly to me during interviews. The leadership of the UMM, as one might expect of a body made up of so many smaller movements and associations competing for members, resources and media attention, is affected by power struggles and 'political differences' amongst key individuals. Whilst I was relieved to get through a year with the UMM without being caught up in any major arguments, I was constantly aware that indiscretion on my part could cause problems, and had to frame requests for information on sensitive topics in such a way as to underline my own neutrality on the issue. Resentment between factions of the UMM and the FLM also prevented me from doing in-depth research into the breakaway group. More critically, concerns with the overall public image of the UMM may have prevented some movement leaders from being completely honest with me. When undertaking research into activist organizations, there is a danger that information about the organization can be used in such a way as to be harmful to it. As an Universidade de São Paulo masters student put it to me, I should be very careful not to let my research become an 'instrument of oppression'. These words made an impression upon me, and I have made sure to anonymize references to movement members. However, too great a level of caution could prevent me from presenting an honest description and critical appraisal of my subject matter. I hope that I

have managed to strike a balance in this regard.

Finally, the methodological approach taken by this study privileged the relationship between state and society and has led to a focus on the movement's outward annunciation of its claims, goals and justifications of its action. This focus on outward projections of movement demands on the state means that the issue of gender has not been studied. The way in which movement leaders appeared to recite the 'party line' when discussing questions of citizenship and rights also meant that there was not sufficiently nuanced data available from interviews for a disaggregation by gender of understandings of citizenship, rights and the way the movement relates to the state. Although approximately half of the UMM's senior leaders were women, there was a marked reluctance amongst many of them to use their leadership positions to engage with gender issues either in strategic terms, or with regard to the differentiated needs of movement members. Indeed, a number of female leaders were hostile towards the establishment of a women's secretariat within the overall structure of the movement, noting that they personally had risen to the top without any institutional assistance, and as such, no secretariat was necessary. Although the secretariat had been created alongside others for young people, people with disabilities and homosexuals, only the last of these appeared to be functioning in any meaningful way. A number of women within the movement leadership also put forward a somewhat essentialized view of women's roles as carers and providers, remarking that 'everyone's first home was in the womb of their mother'. The question of gender would be a profitable area for future research within the movement, particularly considering the domestic focus of the movement's campaigning for housing, and the fact that women are often in the majority amongst social movement members (Molyneux 2002).

Outline of the thesis

Chapter two sets out the broad theoretical framework for the thesis by developing the issue of citizenship introduced briefly in this chapter. It traces the roots of the concept in notions of civil, political and social rights and argues for the need for a deeper understanding of the

significance of social rights. In particular, it looks at citizenship within the space of the city and the question of housing. The chapter further discusses how citizenship is understood and used as a term in Brazil, particularly in the context of 'disjunctive' democracy. This sets the scene for later discussion on how the fact that housing is a right impacts upon the relationship with the state, the ways that demands are made and the type of protest action that is employed.

Chapter three provides the context to the empirical content of the thesis through a historical overview of the way in which the city of São Paulo has grown since the late nineteenth century. It shows how and why the poor have generally been housed in irregular and illegal settlements on the periphery of the city. It argues that through calculated negligence, the state has encouraged the creation of a city that segregates and excludes. The illegality of huge swathes of the city further marginalizes its poorer residents but is also the background to a conceptual framework employed by the housing movements to make their claims against the state. The establishment of a strict dichotomy between legal and illegal by many Brazilian authors is questioned here, through reference to concepts of legal plurality and 'local law' from the work of legal anthropologists.

Chapter four examines the emergence of organized popular movements in the peripheries of São Paulo in the 1970s towards the end of the military dictatorship, and their contribution towards the transition to democracy. It examines Walton's (1998) typology of urban conflict and its relationship with national economic performance, suggesting that there can be considerable crossover between different types of collective action focused on labour, collective consumption and political rights. The chapter then introduces the UMM and details its development over the past twenty years in light of its roots in the transition era. It notes the particular importance of the founding of the PT and the drawing up of the new Constitution for the movement's current activities and political positioning.

Chapter five presents the movement's discourse and explores how movement leaders and members conceptualize the state. It illustrates the significance of housing for low-income families, the connection between housing and citizenship, and the way in which adequate housing can combat the stigma associated with poverty and socio-spatial marginalization within the city. It details the way in which the movement has developed a 'politics of rights', drawing attention to the gap between the commitments outlined in the Constitution and the sub-standard housing of its members. It shows how through the use of the discourse of citizenship, formal legal questions around the upholding of the Constitution necessarily appear.

Chapter six illustrates how perceptions of housing and citizenship feed into interaction between the movement and the state. The chapter draws on participant observation of the movement's internal meetings and external negotiations with public servants. It documents the many ways that the movement attempts to influence the state, both in terms of formulating pro-poor housing policy and in ensuring that its own members get access to housing, and analyses these in light of Gaventa's (2004) framework of 'closed', 'invited' and 'claimed/created spaces'. The chapter will argue that although the movement makes use of participatory forums provided by the state, it does not depend on these for its access to policy-makers or members of the legislature. The threat of occupation of empty buildings and civil disobedience is always present. This highlights the limitations of participatory and institutional channels.

Chapter seven examines building occupations more closely. The chapter analyses how and why movements carry out occupations and discusses two different trends in occupations: as a means of political protest and as a way of providing shelter. The ramifications of what is in essence an illegal act are discussed, both for movement members who spend many years living in very vulnerable housing, and for the state, that is forced into a compromised bargaining position. The chapter illustrates, through reference to the literature on civil disobedience, the way in which the movement is able to take advantage of the illegality

underpinning the city's built environment and of the state's own practice, to give greater legitimacy to its demands. The chapter draws on interview material with lawyers and public prosecutors in São Paulo who have close links to the housing movements and who support their claims against the state. This brings into focus particular impacts of the housing movement in São Paulo, which has achieved both legitimacy for its illegal occupations and developed novel interpretations of the right to housing.

Chapter eight puts forward a new way of conceptualizing citizenship amongst the organized urban poor in São Paulo. Building on the recent work of Holston (2008) on 'insurgent citizenship' in the periphery of the city, the chapter reiterates both the importance of social rights for low-income groups, and a discourse based on the 1988 Constitution for those who claim these rights. It argues that the UMM is able to use the law in a creative, rather than a conservative manner, and that through a discourse based on constitutional rights, is attempting to dialogue with the state through a channel normally reserved for the elite. As such, the chapter develops the work of Chatterjee (2004) on the question of political and civil societies. Finally, through a discussion of the literature on the anthropology of the state, particularly Mitchell (1991) the chapter presents a case for the notion of 'transgressive' citizenship, which involves the use of formally illegal acts as a way of promoting autonomy, bringing public attention to injustice and calling on the state to uphold social rights.

The thesis ends with a brief Conclusion that summarizes the research findings and principal contributions of the research, and highlights areas for further academic inquiry.

Chapter Two

State-society relationships: through the lens of citizenship

This chapter takes up the question of the interaction between social movements and the state raised in the introduction by examining the theoretical literature on state-society relations. Whilst relations between organized sectors of society and the state are often considered in terms of *civil society* engagement, this chapter will argue in favour of the use of a *citizenship* lens with which to study this phenomenon. This is due to the problematic conceptual ambiguity of the term 'civil society'. The chapter begins with a discussion of the state, drawing in particular on the work of anthropologists of the state who seek to understand both how the 'state idea' is created, and how the boundary dividing state from society is put in place. It then explores how state-society relationships can profitably be studied through engagement with the notion of citizenship. The application of citizenship theory and its constituent notion of rights is key to an understanding of the housing movement in São Paulo, since the movement leaders and members themselves employ the discourse of citizenship, problematize the notion of 'citizen' in the context of urban poverty and articulate their demands in terms of rights that the state has a duty to uphold. However, this chapter will argue that the bulk of recent work on the concept of citizenship does not provide an adequate framework for an investigation of the relationships between the state and the urban poor in the context of developing countries that display high levels of social inequality. In particular it contests both the relative neglect of social rights as a core component of citizenship and the unnuanced promotion of the concept of active citizenship. It also questions an approach that privileges the politics of difference in a context where people are mobilizing for the right to equality. The chapter calls for a re-reading of the work of T.H. Marshall, with particular regard to his discussion of the broader social impacts of the expansion of social rights. It puts forward the idea of 'limited citizenship' as a way of conceptualizing the status of individuals who have the legal status of citizen, but lack much of its substantive content. It is argued that limited citizenship

impacts upon state-society relations and draws social movements into a particular relationship with the state. Through a brief discussion of the concept of civil disobedience and how it relates to citizenship, the chapter closes by signalling the path that the rest of the thesis will take as it develops the idea of 'transgressive' citizenship.

Ideas of the state

Before proceeding with an examination of the relationships between state and society that are bound up in the notion of citizenship, it will be necessary to explore the idea of the 'state'. Use of the term is itself problematic, since it can imply a homogenous, even monolithic, entity. However, as Held (1989) makes clear,

> It is important to consider the state as a cluster of agencies, departments, tiers and levels, each with their own rules and resources and often with varying purposes and objectives. Abstract statements about the state are always a shorthand for this 'cluster' and must be consistent with an exploration of its dynamics (Held 1989:2).

References to the state may also gloss over the distinction between 'state' and 'government': As Hall points out,

> The complex character of the state cannot be reduced to the ways in which the institutional machinery of government functions. The state embraces a much wider range of functions than the technical and administrative questions of how the machinery of government operates (Hall 1984: 19).

Highlighting the division between state and government also helps draw focus to the way that the state may have certain characteristics that remain in place despite radical changes in government. The role of the civil service is critical in this regard. Marxist scholars have provided insight into the way in which state bureaucracy can strongly influence or block policy formulation. Miliband (1973) argues that by virtue of the need to pass competitive exams, members of the civil service, in the example of Western European countries, are drawn from the middle and upper classes, and Cockburn (1977) notes, in the case of a London borough council, that left-wing politicians' attempts at reform can be quashed by senior permanent officials. These examples bring into question the notion that the state

may in some sense be a neutral arbiter between different interest groups in society, as a simplistic version of pluralism would have it, or the 'embodiment of universal interests' (Jessop 2002:456). Indeed, as Miliband argues,

> The state bureaucracy, in all its parts, is not an impersonal, un-ideological, a-political element in society, above the conflicts in which classes, interests and groups engage. By virtue of its ideological dispositions, reinforced by its own interests, that bureaucracy, on the contrary, is a crucially important and committed element in the maintenance and defence of the structure of power and privilege inherent in advanced capitalism (Miliband 1973: 116).

Miliband perceives the state as dominated by the economic elite, although other Marxist scholars, notably Poulantzas (1972) see the state as 'relatively autonomous', in that it must be able to arbitrate between different factions among the elite, to preserve the overall capitalist framework. Whilst further discussion of this literature is outside the scope of this study, reference to these arguments is useful since they make a more general point: that the state is constituted by society. Hall's (1984) more moderate stance modifies the original meaning of Poulantzas' notion, by arguing that the state is relatively autonomous in that it is not 'wholly determined in form and function by society' (Hall 1984: 23) and, set above society in order to govern it, the state will also constitute society.

A more nuanced view of the state is given by Offe (1984) and Giddens (1981). Both argue that the state is 'enmeshed in the contradictions of capitalism' (Giddens 1981:200) but see it as susceptible to pressures from the organized working class, and not wholly given over to ensuring economic gain for the dominant class. The state has a fundamentally ambiguous role, since in order to maintain legitimacy, it takes on the provision of a range of social services, but must tax business interests in order to pay for these services. As Held (1984: 76) concludes, 'The multiplicity of economic constraints on state action – and regime survival – means that the state is not an unambiguous agent of capitalist reproduction'.

Other scholars, particularly anthropologists of the state, have examined more carefully the complexities of the relationship between state and society. Much of this literature is motivated by a frequent tendency amongst both theorists and society at large to refer to 'the state' in abstract terms and portray it as an autonomous entity. As Migdal (1994:8) notes,

> Some researchers have gone so far as to reify and anthropomorphize the state, treating it as a unitary actor that assesses its situation strategically and then acts accordingly to maximize its interests.

For Mitchell (1991) these theorists have mistaken the state's apparent autonomy for real autonomy. But this tendency is, in itself, an important sociological phenomenon and one worthy of study. It illustrates the way in which perceptions of the state come to be reified and generate their own political reality, becoming 'social facts' (Abrams 2006: 122). Referring back to Miliband, Abrams notes,

> There *is* a state-system in Miliband's sense; a palpable nexus of practice and institutional structure centred in government and more or less extensive, unified and dominant in any given society. And its sources, structure and variations can be examined in fairly straightforward and empirical ways. There *is*, too, a state-idea, projected, purveyed and variously believed in different societies and different times (Abrams 2006:125 emphasis in the original).

The 'state idea' becomes so strong, he continues, that 'conservatives and radicals alike believe that their practice is not directed at each other but at the state; the world of illusion prevails' (Ibid: 126). For Abrams, then, the task of the sociologist is to demystify and study this illusion.

The work of Akhil Gupta on India sets out a similar task. He argues that research on the state has focused on its highest echelons, structures and policy decisions. This has failed to show how the decision-making of civil servants and bureaucrats will impact upon the everyday lives of particular populations. This focus cannot illuminate how the idea of the state comes to be constructed through multiple mediations of its different rungs and institutions at the local level. He concludes, therefore, that investigation into the state must

involve 'both the analysis of the *everyday practices* of local bureaucracies and the *discursive construction* of the state in public culture' (Gupta 2006:212 emphasis in the original), whilst also bearing in mind the 'translocality' of the state. Similar approaches are advocated by Migdal (1994:15) who calls for an anthropology of the state that includes 'the lowest rungs on the organizational hierarchy where direct engagement with society often occurs, and the interaction among the levels'. The local state is, therefore, still to be regarded as 'part of a whole' (Cockburn 1977: 47).

But the fact that the state is 'discursively constructed' means that defining the boundaries that separate state and society will always be problematic: 'There is no position *strictly* outside or inside the state because what is being contested is the terrain of the ideological field' (Gupta 2006:231 emphasis in the original). This question informs the work of Migdal, Kohli and Shue and their 'state-in-society' perspective. They again stress the need for disaggregation of the state, but also call for particular attention to be paid to the recognition of the 'blurred and moving boundaries between states and societies; and to view states and societies as mutually transforming' (Migdal, Kohli and Shue 1994:4). But perhaps most important for this study is the work of Timothy Mitchell (1991; 2006) who, while accepting both the porosity of state-society relations and the existence of a 'state idea', posits that there is, nevertheless, a line between state and society.

> The line between state and society is not the perimeter of an intrinsic entity that can be thought of as a freestanding object or actor. It is a line drawn internally, within the network of institutional mechanisms through which a certain social and political order is maintained. The point that the state's boundary never marks a real exterior suggests why it seems so often elusive and unstable. But this does not mean the line is illusory. On the contrary [...] producing and maintaining the distinction between state and society is itself a mechanism that generates resources of power (Mitchell 2006:175).

Mitchell therefore suggests an 'alternative approach to the state that begins with this uncertain boundary', one which asks how it is that an effect has been created whereby there is a perception that 'certain aspects of what occurs pertain to society, while others

stand apart as the state', and what the significance is of effecting this distinction (Mitchell 1991:89).

Much of the empirical work of this study focuses on the ways that social movements interact with the different institutions, groups of people and practices that make up the state, including members of the bureaucracy, elected politicians and appointed technical advisors in government agencies. As such, this study works towards a disaggregated understanding of the state and its multiple relations with societal actors. In the case of Brazil, furthermore, the state is divided into municipal, state-level and federal administrations, and so analysis must also be broken down along these lines. However, in later chapters that draw on the empirical content of this study, analysis of social movement interaction with the different levels of the state also seeks to identify how the state-idea is created, the significance of this construction and how representatives of both state and social movement attempt to manipulate the line drawn between them. The study therefore follows Migdal's (2001:22) guidance for those who pursue a 'state in society' approach to think of the state in dual terms, as both 'the powerful image of a clearly bonded, unified organization that can be spoken of in singular terms' and 'the practices of a heap of loosely connected parts or fragments, frequently with ill-defined boundaries between them'.

A brief note on the concept of 'civil society'

There are a number of reasons why this study takes a citizenship approach to the study of state-society relations. Not least among these is the fact that the concept of citizenship is of great importance to members of Brazilian social movements. But there are also problems with the civil society concept in and of itself. Whilst Chandhoke (1995) argues that 'the state cannot be adequately analysed without reference to civil society', the distinct genealogies of the concept have led, in some cases, to a tendency to analyse civil society without adequate reference to the state. Whilst on the one hand the concept can be traced to a current in liberal thought as a realm through which the power of the state over society is held in check, the recent 'rediscovery' of the work of de Tocqueville on associational

activity has led to a focus on the existence of associations rather than what they actually do. The output of Putnam (1993) has been particularly influential in this regard, since his assertion that the presence of associational activity is linked to a healthy growth of social capital has been taken up by multilateral organizations working in development country contexts. This has led to an overwhelming focus on the specific organizational form of the NGO in development literature, amid accusations of depoliticization, and that foreign-funded NGOs are not representative of local civil society (Giffen and Earle 2005). Other scholars have argued that civil society itself is a Western concept rooted in the colonial experience that has been uncritically imposed on non-Western contexts (Santos 1995), although Lewis (2001) has made a case for the way in which this imposition has generated interesting local responses to the promotion of good governance agendas. But whilst it is a descriptive term, the concept of civil society is inherently problematic since it also has a normative component, suggesting that associations within society are necessarily motivated by the common good (Howell and Pearce 2001). That this is not the case is frequently illustrated through reference to criminal gangs with considerable social capital, for example the mafia. But there are further underlying problems with the term. As Migdal (1994) drawing on Gramsci points out, there is a tendency to assume both a normative consensus among social forces and a generally mutually supportive relationship between state and civil society. This fails to acknowledge that elements of civil society might be pitted against the state, and that the 'heterogeneous struggles in society's multiple arenas of domination and opposition in which social forces pull in different directions [can] also affect the state profoundly' (Migdal 1994:28). Finally, in a very different vein, Chatterjee (2004) in his work on India (discussed in more detail below) rejects the label of civil society for groups of the poor who, although far from being criminal gangs, are forced to live and work illegally. This critique of the concept finds resonance in this study of a social movement that uses illegal acts to highlight the failure of the state to provide adequate housing. Although, as will be shown in chapter seven, building occupations can be read as acts of civil disobedience, the UMM's determined breaking of the law jars with the normative undercurrents of the term 'civil society'. In sum, the use of the term civil society

with its extensive and contradictory conceptual baggage is likely to obfuscate rather than clarify the study of state-society relations in this study which will, instead, draw on the concept of citizenship.

Core elements of citizenship

When discussing the notion of citizenship, many studies make reference to its earliest incarnation, in ancient Greek cities, where members of the *polis* took an active role in the governing of their society (Isin 2000). However, the exclusive nature of the *polis*, membership of which was denied to women and slaves, renders it a problematic model for some critics (Lister 1997). More current understandings of citizenship are grounded in the consolidation of the nation state and the elaboration of the notion of rights that began in the Enlightenment era in Europe in the eighteenth century. At its most basic level, citizenship refers to the status of membership within a nation state, something that is bestowed upon the individual by a higher power. The notion of citizenship is therefore closely linked to an individual's national identity. But beyond formal membership documented in passports and other official papers that link the individual to a particular nation state through (most often) the accident of birth, there are in theory a series of rights and entitlements to which the citizen can lay claim.

Stemming from the teachings of the Enlightenment era *philosophes*, modern understandings of citizenship are tightly bound to the idea of universal equality. As Holston and Appadurai (1993:1) set out, citizenship, 'erodes local hierarchies, statuses, and privileges in favour of national jurisdictions and contractual relations based in principle on an equality of rights'. Similarly, for Scott (1998) writing about post-revolutionary France, the establishment of citizenship was a 'revolutionary political simplification' that homogenized a people by making them equal before the law, and equipping them with uniform, inalienable rights. Although he acknowledges that there continued to be a great divide between the *pays real* and the *pays legal* long after the event, the establishment of the 'facts' of citizenship in law was clearly a crucial step. For Turner (1992), drawing on the

work of Talcott Parsons, the development of modern citizenship will require a levelling of society to ensure a meritocracy of unmarked, abstract subjects.

> The development of citizenship involves a transition from societies based upon ascriptive criteria to societies based upon achievement criteria, a transition which also involves a shift from particularistic to universalistic values. Thus the emergence of the modern citizen requires the constitution of an abstract political subject no longer formally confined by the particularities of birth, ethnicity or gender (Turner 1992:38).

Because of the link between citizenship and equality, universal rights and modernity, it is very often equated with the democratic project. For, as Chatterjee has pointed out, being a citizen 'carries the moral connotation of sharing in the sovereignty of the state' (Chatterjee 2004: 136), whilst O'Donnell has noted that citizenship is dependent upon a government that subjects its decisions to the rule of law, and that makes itself accountable to citizens so that they may ultimately ratify or reject its actions through the electoral process (O'Donnell 1992: 38). Once transposed to a democracy, Parsons' abstract modern citizen will have a series of duties to the nation state, and can expect the state, in turn, to uphold a number of core rights.

Explorations of citizenship almost invariably make some reference to Marshall's seminal lecture from 1949, *Citizenship and social class*. Indeed, Held (1989) maintains that any exploration of citizenship must address this work. In it Marshall establishes the three core elements that make up the notion of citizenship – the civil, political and social. Within each of these elements are a number of basic rights, the fulfilment of which is the key to the acquisition of full citizenship.

> The civil element is composed of the rights necessary for individual freedom – liberty of the person, freedom of speech, thought and faith, the right to own property and to conclude valid contracts, and the right to justice. The last is of a different order from the others, because it is the right to defend and assert all one's rights on terms of equality with others and by due process of law (Marshall 1964: 71).

The political element involves the right to participate in the political process, either as a voter or as an elected member of a body invested with political power. Finally, the social element encompasses,

> The whole range from the right to a modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilized being according to the standards prevailing in the society (Ibid: 72).

Each type of right is backed up by a set of institutions, parliament in the case of political rights, the courts and judiciary for civil rights and, in the specific context of 1940s Britain, social rights are based in the emergent welfare state. Marshall further argues that citizenship must be understood as double-sided concept, in that it represents rights that are bestowed from above, as well as a series of duties and responsibilities of the citizen attached to these rights. An idea of simultaneity, of a continual interplay of something that is both bestowed and earned, is implicit in his text. Acknowledging that there is no universal principle setting out what the duties of citizenship should be, Marshall makes some suggestions, specifying paying taxes and national insurance contributions. More generally, he promotes the idea of living the life of a 'good citizen' and having an active desire to promote the welfare of the 'community'.

Marshall sets out a chronology for the development of these three sets of rights. Civil rights have their origins in eighteenth-century ideas of equality of the individual before the law, with the collapse of feudalism in Europe and the rise of capitalism. They are seen to arise out of and support market relations and ensure a competitive market economy (Barbalet 1988). Political rights follow on from civil rights in the nineteenth century, with the gradual enfranchisement of the population. The development of social rights is finally seen coming to fruition in the twentieth century. Marshall makes a specific link between social rights and the establishment of legal aid and the welfare state in Great Britain. His analysis implies a steady and continual progression towards ever greater and more inclusive levels of citizenship:

> The urge forward along the path thus plotted is an urge towards a fuller measure of equality, an enrichment of the stuff of which the status [of citizenship] is made and an increase in the number of those on whom the status is bestowed (Marshall 1964: 84).

Critiques of Marshall

Marshall's work has been at the centre of critical debate for many decades. His perception of steady onwards progress towards ever fuller citizenship has been described as 'optimistic' and a product of his time, writing as he was in the late 1940s (Giddens 1982). This idea of progression implies that the expansion of rights is irreversible and overlooks the fact that rights once won can be withheld, and substantive citizenship reduced, as well as expanded and deepened. As Foweraker and Landman (1997) point out, what the state gives, it can also take away. The use of a chronological model for an understanding of the development of citizenship rights has also proven problematic for many of Marshall's critics. Giddens (1982) regards the three types of rights as much more 'entangled' than is maintained in *Citizenship and social class*, while other commentators have strongly criticized Marshall's chronology for its inapplicability to developing countries and former colonies (Chatterjee 2004; Caldeira and Holston 1999). In his defence, Marshall never claimed to be writing about anything other than the historical development of rights in the English context (Marshall 1964:83).

There has been further debate as to the extent to which Marshall takes into account the importance of struggle in the acquisition of citizenship. With his focus on the English experience, he stands accused of failing to give adequate attention to the revolutionary nature of the push for rights.

> Marshall failed to emphasize the idea that historically the growth of social citizenship has been typically the outcome of violence or threats of violence, bringing the state into the arena as a stabilizer of the social system (Turner 1992: 38).

Held also notes that Marshall's analysis seems to suggest that through reform based on the three types of rights, citizenship can make 'the modern capitalist system and the liberal polity more equal and just without revolutionary activity' (Held 1989: 190). However, Turner's portrait of the state as mediator is also problematic, since it excludes the idea that the state might be aligned with class interests that aim to maintain certain sectors in a state of incomplete citizenship.

While Marshall's analysis may not cover issues of violent struggle for citizenship, he does acknowledge the tensions that are involved in the expansion of citizenship. He notes that while civil citizenship rights emerged simultaneously with the capitalist system in order to support it, modern citizenship has evolved into a 'system of rights which exist in antagonistic relationships with the market and class systems' (Barbalet 1988: 5). The expansion of rights, as for example in the increase in 'industrial citizenship' achieved through trade union activity, brings the workers into a conflictual relationship with the elite. At the same time, the growth of social citizenship through the provision of welfare, decreases income inequality and will thus 'mellow the tensions' that derive from the class system (Held 1989:191). As Giddens (1982) points out, Marshall presents citizenship as double-edged, in that it can both create social tension, and reduce class divisions. However, for Giddens, Marshall's argument is primarily about mitigating social inequality.

> In my view it is more valid to say that class conflict has been a *medium of the extension of citizenship rights* than to say that the extension of citizenship rights has blunted class divisions. All three forms of citizenship distinguished by Marshall are double-edged. They *do* serve, as levers of struggle, to extend the range of human freedoms possible within Western societies; but at the same time they continue to be the sparking-points of conflict (Giddens 1982: 175 emphasis in the original).

The relationship between citizenship and class is a key element of Marshall's argument, and one to which this chapter later returns. However, the issue of class is often overlooked or marginalized in more recent analysis of Marshall's output. Instead, critics have pointed to the rigidity of his model of citizenship and its constituent rights, arguing that it fails to

take into account alternative identities. For this reason, along with critiques of his 'linear' and 'ahistorical' approach, Marshall also faces charges of being too focused on the experiences of the white, European male (Brodie 2000: 112). In this vein, Held rejects both Giddens' and Marshall's focus on class conflict, arguing that if the aim of citizenship struggle is for inclusion and participation in the community, then any analysis of citizenship must involve, 'examining the way in which different groups, classes and movements struggle to gain degrees of autonomy and control over their lives in the face of various forms of stratification, hierarchy and political oppression' (Held 1989: 199). Although discussions of differentiated universalism have made important contributions to citizenship theory (discussed below), this chapter maintains, and will demonstrate, that Marshall's focus on class is highly appropriate for the study of lower-income groups struggling for access to basic services in the context of high levels of social inequality.

Republican and active citizenship

One further criticism of Marshall involves the charge that social rights are prioritized in his outline of citizenship, and as a result, citizenship is depoliticized. For Roche, citizenship must be thought of principally as a political category. However, he argues that the post-war welfare state has turned populations into passive clients of the state,

> The theory and practice of social citizenship and of the welfare state has in many instances tolerated and even propagated the dependency and depoliticization of 'second class citizenship' (Roche 1987: 381).

This observation is also made by Lister (1997) and finds resonance in the literature on republican and active citizenship that has arisen in response to what is perceived to be the reductive nature of liberal citizenship. Advocates of liberalism tend to hold a conceptualization of minimalist citizenship that is based on legal rights and entitlements. Since the liberal democratic project promotes freedom from interference and the maximization of individual liberty, there is far less emphasis on the duties of citizens, than in the republican tradition As Skinner (1992) has noted, those promoting a republican

concept of citizenship refer less to rights and place greater emphasis on the ideal of the common good for which citizens should actively strive. It is precisely contemporary democracies' adoption of liberal and therefore minimal definitions of citizenship that have inspired scholars to return to republicanism for a revaluation of the term. As Skinner warns,

> Contemporary liberalism, especially in its so-called libertarian form, is in danger of sweeping the public arena bare of any concepts save those of self-interest and individual rights (Skinner 1992: 222).

Similar concerns are voiced by Chantal Mouffe, who sees a failure amongst contemporary democratic theorists to tackle the question of citizenship, as they operate with,

> A conception of the subject which sees individuals as prior to society, bearers of natural rights, and either utility maximising agents or rational subjects. In all cases they are abstracted from social and power relations, language, culture and the whole set of practices that make agency possible (Mouffe 2000: 95).

Her work on citizenship challenges the depoliticization inherent in models of consensual and deliberative politics put forward by proponents of the third way and asserts the unavoidably adversarial nature of politics. These critics support the republican vision of an active type of citizenship, which entails greater levels of participation in the political process, public service and the pursuit of the common good (Skinner 1992). This divide between citizenship as a legal status and as active political participation mirrors the way in which citizenship can be understood as double-sided concept, in that it represents rights that are bestowed from above, as well as a series of duties and responsibilities attached to these rights.

The idea of active citizenship is often equated with membership of social movements. At a basic level, implicit in much of the literature is the view that the simple act of association in

a social movement, is a marker of citizenship.[11] More explicitly, social movements are linked to the acquisition of citizenship since they can act as a 'both schools for understanding rights and vehicles for disseminating ideas and perceptions of rights' (Foweraker and Landman 1997: 33). When joining a movement an individual will gain a greater understanding of her rights as a citizen and the duties of the state. In this way, citizenship becomes a 'process' or social practice (Isin 2000; Turner 1986; Lister 1997; Foweraker and Landman 1997). Further, as Barbalet (1988: 16) notes, 'rights are created through being exercised, and [...] it is the exercise of rights which generates the capacities associated with them'. As such, membership in social movements and engagement in their struggles are frequently perceived as a route to the achievement of citizenship. However, as I argue in the following sections, much of the literature on social movements and citizenship tends to privilege the idea of active citizenship over the content of movements' claims. This is particularly problematic if movements are organizing around citizenship rights themselves. Further, as will be shown, criticism of Marshall's focus on social rights fails to contemplate how these can be at the centre of political activity.

New ideas of citizenship

The issues of active citizenship, and of conflict and struggle for citizenship are closely related to the projects of social movements. Indeed, the latter are credited by a number of scholars with having paved the way for the general expansion of citizenship (Foweraker and Landman 1997; Turner 1986; Isin and Turner 2002). In the second half of the twentieth century they are regarded as having forced the recognition of new types of identity by both the state and society at large, and brought previously excluded groups into the political arena. The social movements in question here, therefore, are those connected with identity and culture, the 'new' social movements discussed in the previous chapter. For Isin and Turner (2002:4) the rise of new forms of cultural politics 'has challenged

[11] This also seems to be the case in Leach and Scoones' (2007) discussion of global citizenship, where the simple act of engaging in international lobbying seems to qualify the individual for global citizenship; this despite the inexistence of any global government that can uphold rights.

modern understandings of belonging and has contributed to rethinking the meaning of citizenship'.

Going beyond definitional aspects of citizenship's constituent rights, there is much debate over the way that citizenship is achieved, what it means to be a citizen and who the status is extended to. As Mouffe has pointed out, 'there are many different visions of citizenship and central issues are at stake in their contest' (Mouffe 1992: 225). At issue here is the fact that citizenship is both an exclusive as well as an inclusive category. It defines who is inside the polity and to whom privileges and benefits can be extended and through this very act of inclusion, it automatically excludes others. As Isin and Turner (2002:3) put it,

> While cast in the language of inclusion, belonging and universalism, modern citizenship has systemically made certain groups strangers and outsiders.

A number of scholars have argued that with globalization and post-modernization, the idea of citizenship is subject to fragmentation and change. The status of immigrants, diasporas and refugees has become a key concern, and 'the importance of accommodating some form of differentiated citizenship and the inadequacy of modern liberal citizenship are now widely accepted' (Isin and Turner 2002: 2). Feminist scholars have been key to the critique of traditional theories of citizenship, arguing that these do not provide political accommodation for groups who are not culturally equated with white, European males. Both Lister (1997) and Young (1990) expose the problem of achieving a balance between universality and the specific needs of particular oppressed groups. For Young (1990:167) the democratic public should 'provide mechanisms for the effective recognition and representation of the distinct voices and perspectives of those of its constituent groups that are oppressed or disadvantaged'. The politics of difference that she outlines would avoid further societal fragmentation by recognizing a 'commonality of interests'. Lister's approach calls for a 'politics of needs interpretation' where needs will be translated into rights: 'both needs and rights need to be understood as tiered, embracing both the

universal and the differentiated, and standing in a dynamic relationship to each other' (Lister 1997: 87).

Accommodation of alternative understandings and practices of citizenship is also a concern for those writing on the city, which has traditionally been regarded as the cradle of citizenship (Isin 2002). In the late twentieth and early twenty-first century, the relationship between the state and the citizen are seen to be changing, particularly with the growing informalization of the labour market, and the neo-liberal retraction of the welfare state (Roche 2002). Scholars note that loyalty to the nation-state is breaking down, as occupations and consumption cross international boundaries. There are greater levels of inter-connectedness between international urban centres, and these links are gaining ground over the formerly privileged relationship between the city and the nation-state (Isin 2000). The size and fragmentation of today's large cities are further thought to constitute an enemy to the idea of citizenship based on engagement in a community (Dagger 2000). These factors are changing the way that urban lives are lived and identities are created, leading theorists to examine new ways of defining the modern citizen and her input into city governance. For a number of these theorists, revised notions of citizenship must rely less on the centrality of the state, and more on the social relationships between individual citizens and the participation of citizens in the running of their cities and societies (Lister 1997). In some of this writing, there is a suggestion of a return to the idea of the Greek polis and autonomous city government, and the centrality of the state in previous theorizations of citizenship is questioned:

> At its most general, in contemporary games of citizenship, citizenship is no longer primarily realized in a relation with the state. Indeed, the idea that it was is probably a false path opened up by TH Marshall's famous essay on citizenship. Nor does citizenship inhere in participation in a single 'public sphere', even if this is understood as a 'diversified civil society'. What we have are a set of dispersed and non-totalized practices within which games of citizenship must be played. Games of citizenship today entail acts of free but responsible choice in a variety of private, corporate and quasi-public practices, from working to shopping (Rose 2000: 108).

For Rose, citizens must become 'active agents' operating in a number of different spheres. His argument, that citizenship is not necessarily bestowed by the state, and is in fact realized through interaction and participation in various public spheres, connects to the idea of active citizenship, as discussed above. But his rejection of the state as the focus of citizenship in favour of societal interaction in the realms of employment and commerce is a world away from the concerns of the urban poor in developing country contexts whose focus remains on the state. Furthermore, far from asserting the right to difference, groups of the urban poor that mobilize around the absence of social rights are calling for the right to 'sameness'; they demand adequate access to the basic goods and services essential for human flourishing that are easily available to wealthier individuals.

Limited citizenship in the developing world

As with much of the literature on new social movements, the focus on identity and cultural politics of the differentiated citizenship school appears somewhat out of step with the context of the urban poor in the developing world. This is not to deny the importance of individuals' identification with particular sub-groups within society below the catch-all category of citizen. However, too close a focus on specific citizen identities may mask general priorities of the poor in ensuring that basic social rights, such as healthcare, education and housing, are upheld. Furthermore, whilst a number of cities in the global South may now be classed as 'world cities', not all residents of such cities will be impacted to the same extent by changing patterns of international trade, migration and communications. Whilst the poor are no doubt affected by the changes in employment contracts and the labour market associated with globalization, those living on the margins of society, both literally and figuratively, are not necessarily fundamentally affected by internationalized patterns of employment and consumption. Nor will these people have easy access to the multiple public spheres of citizen interaction outlined by Rose, cited above.

Many low-income residents of the cities of developing countries are not excluded foreign migrants or members of minority ethnic groups. In theory and on paper, they are national citizens living in a democratic state, but in practice, their exercise of full citizenship is limited in a number of ways. It is only through examination of the social elements of citizenship, that these 'disjunctures' of democracy become evident. These are often masked by measures of democracy that focus too narrowly on formal political processes and institutions.

> Divided from the social, the traditional political definition generally treats citizenship in terms of abstract and uniform rights of membership in the nation-state. This treatment assumes an even distribution of these rights across national space and society (Holston and Caldeira 1988: 288).

Somewhat obviously, identity papers and the right to vote do not lead inexorably to universal equality, and, as Holston and Appadurai (1993) point out, foreign nationals may in practice have the same or even easier access to social, economic and cultural rights as the citizens of the country in which they are living. At the same time, in very unequal and/or ethnically divided societies co-nationals may receive significantly different treatment before the law. Furthermore, where incomes and standards of living vary so wildly, the plausibility of shared citizenship based on an 'imagined community' (Anderson 2006) is brought into question. Holston and Appadurai put forward the following argument on national citizenship:

> Its working assumption is that this national community is committed to constituting a common good and to shaping a common life well suited to the conditions of modernity. This notion requires a set of self-understandings on the part of citizens that lies at the core of the liberal compact of citizenship: it requires that people perceive, through a kind of leap of faith, that they are sufficiently similar to form common purpose [...]. This liberal compact is now under tremendous strain. With the unprecedented growth of economic and social inequalities during the last few decades in so many nations, the differences between residents have become too gross and the areas of commonality too few to sustain this compact. As a result, the social imaginary of a nation of commensurable citizens disintegrates (Holston and Appadurai 1993: 11).

This situation has led these authors to make a distinction between 'formal' and 'substantive' citizenship, where the former relates to membership within the nation state and the latter to the upholding of an array of social, economic, political and cultural rights.

Holston and Appadaurai's approach echoes Pinheiro's (1999) categorization of Latin America's 'democracies without citizenship' and O'Donnell's analysis of emerging democracies in the same region in which he develops the idea of 'low-intensity citizenship' (O'Donnell 1993). He notes that on a colour-coded map of the world, Brazil would be predominantly brown in colour, as a country in which state presence, in terms of the effectiveness of bureaucracies and of adequately sanctioned legality, is very low. This would be in contrast to Norway, which would be largely blue, indicating high levels of state presence and effectiveness. In brown areas of the world, private and privatized systems of power prevail. Although O'Donnell notes that Brazil would qualify as a 'polyarchy', to use Dahl's term[12], in that it meets specific criteria for political participation, other liberal rights are denied to large numbers of the population.

> Peasants, slum dwellers, indians, women, etc. often are unable to receive fair treatment in the courts, or to obtain from state agencies services to which they are entitled, or to be safe from police violence, etc. These are 'extrapolyarchical' but still politically relevant restrictions; they entail the ineffectiveness of the state-as-law, the abating of some rights and guarantees that, as much as voting without coercion, are constitutive of citizenship (O'Donnell 1993: 1361).

O'Donnell goes on to stress that the denial of these liberal rights is analytically distinct from levels of social and economic democratization, although he does concede that empirically, low-intensity citizenship is often correlated with poverty and discrimination. Caldeira and Holston (1999) reject this qualification, however, and argue that the social, political and civil elements of citizenship cannot and should not be separated in this way. As they point out, 'the social conditions of citizenship are constitutive of its political possibilities' (Ibid: 719), and they go on to argue that democracy as a political system

[12] Requirements for polyarchy involve unimpaired opportunities for individuals to formulate their preferences, to signify their preferences to their fellow citizens and the government by individual and collective action, and to have their preferences weighed equally in the conduct of government (Hagopian 1996: 281).

cannot flourish in an atmosphere that is culturally and socially hostile to democratic citizenship. The concept of democracy is, therefore, as much a qualification of the social as it is of the political. Holston (2008: 311) goes further and argues that 'the realization of citizenship is the central and not the collateral issue of democracy'. For both Holston and Caldeira it is the disjunctive nature of democracies, in which one constitutive element of citizenship might be expanding, while another contracts, that is of interest. They stress the importance of an analysis of this 'disjunctiveness' to reach an understanding of the troubles of contemporary democracies.

The idea of disjuncture is also apparent in the work of Chatterjee (2004) on India in which he frames marginalized people as *populations* rather than *citizens* and examines their relationship to the state. For Chatterjee, subaltern groups, often living and working illegally, are not citizens, nor can their associations be described as part of ' civil society'. This concept, he argues, is inappropriate for highly unequal societies in the developing world. In India, where huge numbers of the population are socially and economically marginalized, civil society is a category reserved for a small number of the elite.[13] However, these populations of non-citizens are not outside the reach of the state. The rise to prominence of an ideal of governmental performance based on welfare and social protection has created a drive towards a governance project that aims not to create citizens, but to group people into enumerable 'populations', so as to provide a more smoothly functioning bureaucracy. This relationship does not take into account popular sovereignty or require the active participation of citizens. Chatterjee argues for the examination of the way in which non-citizens engage with government through the channels of 'political society', rather than 'civil society', and he underlines this assertion by describing the two distinct 'lines' connecting the government with the governed.

> One is the line connecting civil society to the nation-state founded on popular sovereignty and granting equal rights to citizens. The other is the line connecting

[13] Chatterjee does not elaborate on this point, but he is presumably referring to professional societies and the like. This finds resonance with Dagnino's observation (1997) that governments in Brazil prefers to do business with NGOs run by middle-class professionals, who have been dubbed 'five-star civil society'.

> populations to governmental agencies pursuing multiple policies of security and welfare (Chatterjee 2004: 37).

Although the findings of this study do not correspond exactly to Chatterjee's scheme, his conceptualization of the limited citizenship of marginalized groups is valuable, and will guide later theoretical discussions in this thesis. In particular, the concept of limited citizenship becomes an intrinsic part of the São Paulo housing movement's political discourse. Further, his particular understandings of 'political society' and 'civil society' and the distinctions he makes between them provide a helpful analytical tool for the study of state response to social movement action.

Social rights and citizenship in Brazil

The discussion so far has mapped out the inadequacy of much of the literature to provide a framework for discussions of the citizenship of the urban poor in highly unequal developing country contexts. In this regard, Chatterjee's insights from India and his postulation of limited citizenship is an extremely valuable contribution and one that guides this study. However, given that the concept of citizenship is composed of a series of rights and duties, it will now be important to specify the particular area of citizenship that is most crucial to this study.

In the specific case of São Paulo, two authors writing on the city over the past decade have paid particular attention to the task of disaggregating the different elements that constitute the notion of citizenship. These are Caldeira in *City of walls* (2000) and Holston in *Insurgent citizens* (2008). Caldeira develops an analysis of disjunctive democracy in her study of crime and citizenship in São Paulo, and demonstrates how the consolidation of political rights in post-dictatorship Brazil coincided with increased violations of civil rights. While democratic participation has been deepened, and poorer sectors have become more prominent in Brazilian politics, wealthy residents of São Paulo and other cities have retreated into gated communities and walled condominiums, protected by private security. This is a strategy to promote rather than dismiss difference. Massive income inequality and

a rise in violent crime have further heightened social tensions, with the poor becoming the objects of the 'talk of crime'. The growing criminalization of the poor has led to support for police brutality and a rejection of the idea of basic human rights for those who are suspected of having committed a crime. The justice system is shown to be inadequate, and almost impenetrable for the poorer sectors of the population. Caldeira's principal argument concerns the violation of civil rights and she posits limited civil citizenship as the main problem with Brazilian democracy. Her focus on civil rights, however, minimizes a discussion of social rights. She refers to social rights specifically only twice, remarking that they are 'relatively well developed' in Brazil. This seems somewhat surprising, considering her lengthy treatment of the way in which the spatial segregation of the city of São Paulo and the behaviour of the police regularly humiliates and marginalizes those who live in its poorer settlements. Returning to Marshall, if social rights involve 'the right to a civilized life', then the indignity suffered by those living in *favelas* and slum tenements surely involves a violation of social rights.

A discussion of social rights is also notable by its absence in the case of Holston's recent work on organized groups of home-owners living on the city's peripheries in *Insurgent Citizens*. In this book, Holston rejects the idea of 'limited citizenship' to describe those socially excluded in Brazil, since he argues that unlike in the US, membership of the Brazilian community of citizens has historically been very inclusive. Holston's main argument is that Brazilian citizenship is massively inegalitarian in distribution, and that the law has been used to maintain inequalities, particularly in the acquisition of land. He puts forward an idea of 'differentiated citizenship' which he traces to a 'centuries-persistent politics of legalized differences' in which the wealthy have been able to use the law to maintain their dominance (Holston 2008: 21). The insurgency he sees in the peripheries of São Paulo relates to the way in which groups of poorer residents have challenged their exclusion, particularly from the law. Some of the findings of this thesis, particularly the use of the law by social movements and the way that the irregular character of much of the city's low-income housing can promote mobilization, do echo

those of Holston. However, his empirical focus is on property-owning residents of neighbourhoods better described as lower-middle-class than poor, who engage with the law to gain legal tenure of the land their homes are built upon in the face of disputes over ownership caused by the activities of land swindlers or *grileiros*.[14]. This means that Holston examines not the social rights needed for basic human development but property rights. He notes his research participants' use of historical and legal documents to assert their individual claims to land, rather than group assertion of entitlement to social rights as human beings deserving of a dignified standard of living. Further, the bulk of Holston's fieldwork was undertaken in the late 1980s and early 1990s, and as such, fails to take in the ways in which social movements in contemporary Brazil have developed a powerful rhetoric linked to the progressive aspects of the 1988 Constitution.

Contrary to both Holston and Caldeira, then, this thesis will place a particular emphasis on social rights. These are generally seen to be a different category to civil and political rights since they require considerable state expenditure (Barbalet 1988; Foweraker and Landman 1997).[15] They are also notably difficult to analyse in comparative perspective since they are culturally specific and will vary greatly from country to country (Jones 2005). Foweraker and Landman (1997), for example, omit social rights altogether from their comparison of the links between social movements and citizenship in Latin America and Spain. Returning to Caldeira, one of the problems with her analysis is her equation of social rights with 'socio-economic rights'. This reduces the idea of social rights to income transfers through welfare benefits. Caldeira with Holston defines socio-economic rights in Brazil as 'insertion into the system of government services' (Caldeira and Holston 1999: 711). They also erroneously refer to Marshall's three elements of citizenship as political, civil and *socioeconomic* rights (Ibid: 718).

[14] Holston (2008) describes *grileiros* as swindlers involved in scams whereby they pretend to have legitimate title to the land they are selling by producing an array of documents, which are either forgeries or have been fraudulently acquired.
[15] According to Kabeer (2005:2) in classical liberal theory, social rights 'are seen as entailing excessive state intervention, drawing on public resources and hence constituting an infringement of individual liberty'.

The simplification of the idea of social rights is, however, commonplace. Held (1989) notes that throughout his work, Giddens uses the terms 'social rights' and 'economic rights' interchangeably. He also refers to them as 'welfare rights' (Giddens 1982: 169). But a closer reading of Marshall reveals that social rights are much more complex than the receipt of benefits, and are of considerable significance in the expansion of citizenship. Indeed, one of Marshall's principal achievements was to accentuate the social side of citizenship and show that it was not just a political category. As Barbalet notes, Marshall contributes to the study of citizenship by 'going beyond the conventional idea that membership of a community is predominantly a political matter' (Barbalet 1988: 5). The provision of social rights such as education, healthcare, housing and legal aid by the state to poorer members of society reduces real income inequalities. The incorporation of these rights into the status of citizenship, creates a 'universal right to real income which is not proportionate to the market value of the claimant' (Marshall 1964: 96). Those with higher money incomes will still have advantages, but in theory, these advantages will only manifest themselves in limited areas of consumption, and will be reduced to 'frills' and luxuries.

Beyond a certain levelling of incomes, social rights will also have an impact on class divisions. Marshall does not argue that equality of citizenship will do away with the inequalities of class and acknowledges that tension between citizenship and class hierarchy is inevitable. However, he contends that 'the inequality of the social class system may be acceptable provided the equality of citizenship is recognised' (Marshall 1964: 70). For Marshall, the aim of social rights is 'class-abatement', and while this once involved merely abating the problems of destitution amongst the poorest members of society, whose poverty was considered a nuisance or a threat, it has now 'assumed the guise of action modifying the whole pattern of social inequality' (Ibid: 96). The common experience of receiving the same healthcare provision, for example, should reduce the social distance between citizens (Barbalet 1988: 51). Roche (1987) has criticized this argument, claiming that it overemphasizes the redistributive potential of the welfare state. And Barbalet, despite defending much of Marshall's thesis, does acknowledge that he fails to investigate

the economic functions of wealth and property. However, for Marshall income is not the principal issue at stake,

> What matters is that there is a general enrichment of the concrete substance of civilized life, a general reduction of risk and insecurity, an equalization between the more and the less fortunate at all levels [...]. Equalization is not so much between classes as between individuals within a population which is now treated for this purpose as though it were one class. Equality of status is more important than equality of income (Marshall 1964: 102-103).

Barbalet argues that Marshall understands class as a culturally constructed phenomenon, rather than one based on income. As a result,

> The development of citizenship rights may change the way in which people identify themselves and it may alter their feelings about social and class inequalities (Barbalet 1988: 57).

The equalization of status will render all members of a society able to recognize themselves as 'first-class' citizens, regardless of income differentials, and able to share to the full in the social heritage of the society, living what is generally perceived, in that society, as a civilized existence. The provision of social rights can have, therefore, an important psychological component, impacting upon perceptions of status, membership of society and, as a consequence, self-worth.

This is particularly important in the case of housing in Brazil, where acquisition of decent standard housing is perceived as closely connected to the achievement of citizenship, by city residents, policy makers and academics. Here citizenship is tied to notions of dignity, self-improvement and social mobility which can be achieved through adequate housing.[16] Having a 'place' in the city in this way is contrasted with sub-standard, illegal housing outside of the 'urban zone' of Brazil's metropolises. To reiterate, this thesis will therefore develop a concept of citizenship amongst the urban poor that is based upon a struggle to achieve full access to social rights, which in turn bestow non-economic advantages on poorer individuals, in particular dignity and a sense of full belonging to society.

[16] The link between housing, dignity and citizenship is discussed at length in chapter five.

Social movements and citizenship in Brazil

Despite the fact that the most prominent social movements in Brazil are organized around inadequate access to basic social rights – housing, education, land, healthcare – and focus their demands on the state, the majority of sociologists examining the link between urban social movements and citizenship in Brazil tend to focus on the relational and societal aspects of citizenship. As a result, they privilege the idea that social movements (i) contribute to the expansion of mutual respect and egalitarianism (ii) have broadened and redefined conceptions of citizenship rights and (iii) have aided an increase in the numbers of people who perceive themselves as citizens. Taking the first of these three approaches, Dagnino argues that social movements in Brazil from the 1970s onwards created greater levels of citizenship by improving social relations within society.

> The broader scope of citizenship went far beyond the formal legal acquisition of a set of rights within the political-judicial system. Rather, it represented a *project for a new sociability:* a more egalitarian way of organizing all social relations, new rules for living together in society, new ways to deal with conflicts, and a new sense of public order, of public responsibility, a renewed social contract (Dagnino 2007: 551 italics in the original).

Elsewhere she elaborates on this point, noting that society must learn 'to live on different terms with these emergent citizens who refuse to remain in the places which were socially and culturally defined for them' (Dagnino 2005: 8). The egalitarian concept of citizenship promoted by social movements challenges the intensely hierarchical and authoritarian nature of Brazilian society, where the poor are not recognized as bearers of rights (Dagnino 2007; Telles 1993). This approach, where citizenship is more about relationships within society, rather than between citizens and the state finds echoes in the everyday usage of the term 'citizenship' in Brazil, where it is employed to refer to voluntary work and giving to charity, or the respectful treatment of others in public spaces, particularly while on public transport or in queues. São Paulo residents are invited to exercise their 'citizenship' by giving up their seats on the bus or metro to those more in need, allowing old people to move to the front of the queue in banks and supermarkets and showing lane discipline on

the city's main roads. Here the term is being used to set out standards for good practice within society, rather than referring to the relationship between state and society.[17]

The second approach evaluates the impact of these same social movements in such a way as to privilege the manner in which they have increased the reach and depth of citizenship, and have brought about the redefinition of citizenship (Dagnino 2005).

> These movements were unprecedented in their creation of new kinds of rights outside the normative and institutional definitions of the state and its legal codes. In particular, these rights addressed new collective and personal spaces of daily life in the city, especially in the residential neighbourhoods of the peripheries. As these 'rights to the city' expanded citizenship to new social bases, they also created new sources of citizenship rights (Caldeira and Holston 1999: 711).

Holston and Appadurai in their discussion of urban social movements in Brazil develop this argument further, saying that social movements have changed the 'very conception of rights and citizenship'. They continue,

> Rights become more of a claim on than possessions held against the world. They become claims on society for the resources necessary to meet the basic needs and interests of members [...]. In terms of rights to the city and rights to political participation, rights become conceived as aspects of social relatedness rather than as inherent and natural properties of individuals (Holston and Appadurai 1999).

The third approach is linked to the idea of active citizenship. It implies that the great triumph of social movements in Brazilian urban contexts is the growth in consciousness amongst the marginalized of their right to have rights. An example of this is Paoli and Telles' (1998) trumpeting of the growth of citizen participation through social movements and participatory forums, in which they privilege the *conquest* of citizenship. These instances of engagement in the political process are perceived as 'constituent' of both individual and group citizenship. Claims for rights create 'identities where previously only undifferentiated men and women existed in their own deprivation' (Paoli and Telles 1998:

[17] This depoliticised conception of citizenship is also apparent in Wheeler's (2005) discussion of a Rio *favela*. Although she notes that residents feel that their identity as citizens is challenged by the poor service they receive from the public healthcare system, she insists on an inward-looking conceptualisation of citizenship grounded in the local community, without regard to its inevitable insertion into the broader political arena.

66). Social movements, they continue, 'are important as they constitute [...] public arenas in which conflicts gain visibility and collective actors become valid spokespersons' (Ibid). Dagnino (2005) notes the risks of an uncritical equation of participation with citizenship. Yet it is a common occurrence: Landman and Foweraker (1997) explicitly conflate citizenship with involvement in social movements as do Leach and Scoones (2007) and Mainwaring (1987).

These three angles on the connection between urban social movements in Brazil and citizenship are somewhat problematic for a number of reasons. They are very inward-looking, and focus on the impact social organization will have on society itself. This means that the state's role in the acquisition of citizenship is largely ignored. Further, sociologists studying the Brazilian context fail to discuss adequately what it is that these social movements are organizing for, whether they have achieved their demands, and the significance of this. While they credit social movements with creating new citizens, and forcing the state to recognize new rights, they gloss over the fact that many serious problems of housing and urban services, around which these groups first mobilized, have yet to be addressed. There is no discussion of the impacts for citizenship of the state's inability or unwillingness to uphold these new citizenship rights. There is, furthermore, a fundamental paradox at the root of the way the activities of social movements that organize around social citizenship rights are analysed. If individuals become involved in social movements because they are being denied their social rights, then in some respect, their citizenship is being violated or is limited. However, the discussion of active citizenship and social movements appears somewhat tautological, since it implies that people who have joined a movement because their rights are being denied, achieve citizenship through the act of joining a social movement. It must be borne in mind that if social movements have created new kinds of rights then they have also multiplied the pressure on the state to fulfil its commitments to the country's citizens. Furthermore, the greater the number of rights that are included under the umbrella of citizenship, the more ways there are that an individual can have this citizenship denied or limited. This will have a clear impact on the

relationship between society and the state, and in the case of social movements, the way in which the movement will mobilize, organize and pressure the state to uphold these new rights. It is precisely the question of the failure of the state to uphold rights that is at the centre of this research study.

Civil disobedience, the 'politics of rights' and 'transgressive' citizenship

The above discussion of citizenship and social rights is key to an understanding of the São Paulo housing movement. Their discourse, as will be shown in chapter five, is based on the equalizing project of citizenship and grounded in the social rights enshrined in the Constitution. The state is condemned by the movement for its failure to uphold the right to housing and for maintaining much of the population in a state of limited citizenship. The discourse of limited citizenship becomes in this way, both a powerful weapon and a way of shaping the 'state-idea'. This thesis will show how the movement's discourse on, citizenship, the right to housing and the Constitution come together in a 'politics of rights' (Scheingold 2004) that appeals to society to condemn the gap between constitutional law and the reality of life for many of São Paulo's poorer residents.

Although it may seem a digression, it is important at this point to discuss briefly the idea of civil disobedience. This is because, in the specific case of the UMM, one of their responses to the issue of limited citizenship and the failure of the state to uphold the right to housing is to undertake occupations of abandoned buildings. These acts are theoretically illegal and are therefore potentially incompatible with the idea of citizenship – one of the responsibilities of citizenship is, after all, to respect the law and behave as a 'good citizen'. However, as will be shown here, acts of civil disobedience can be consonant with the concept of citizenship.

The term civil disobedience was first coined by Henry Thoreau in 1848, an American who refused to pay his state poll tax in protest at his government's pursuit of what he considered to be an unjust war against Mexico (Brownlee 2007). However, Thoreau's

private act is now considered to be on the margins of what is understood as civil disobedience (ibid), which is generally considered to be a collective endeavour by a minority group (Cohen and Arato 1994). Although there is some debate on the details of a definition of civil disobedience, there are certain core elements that are generally agreed upon by scholars. As Jones explains, for an act to be considered one of civil disobedience,

> It must be illegal, conscientiously motivated, and performed for a limited end. If it were not illegal, it would not be disobedient and, if its aim exceeded certain limits, it would cease to be civil disobedience and become revolutionary activity (Jones 2004: 321).

Along with the questions of illegality and conscientiousness, other criteria include publicity, (the public nature of the act sets the civil disobedient apart from the ordinary criminal) and the exhaustion of other attempts to put forward alternative viewpoints and to change the law. A number of authors also stress the communicative nature of an act of civil disobedience, another reason that the act must be carried out publicly. As Brownlee (2007) notes,

> In civilly disobeying the law, a person typically has both forward-looking and backward- looking aims. She seeks not only to convey her disavowal and condemnation of a certain law or policy, but also to draw public attention to this particular issue and thereby instigate a change in law or policy.

The civil disobedient is, therefore, making an 'appeal to conscience' to both the authorities and the public and engaging in an exercise in 'public moral education' (Bedau 1991:6). This issue is also taken up by Rawls in his discussion of civil disobedience in *A theory of justice*. Writing with reference to a society that is 'reasonably democratic', it is assumed that,

> There is a public conception of justice by reference to which citizens regulate their political affairs and interpret the constitution. The persistent and deliberate violation of the basic principles of this conception over any extended period of time, especially the infringement of the fundamental equal liberties, invites submission or resistance. By engaging in civil disobedience a minority forces the majority to consider whether it wishes to have its acts construed in this way, or whether, in view of the common sense of justice, it wishes to acknowledge the legitimate claims of the minority (Rawls 1999: 321).

One further criteria which an act must meet for it to qualify as civil disobedience is fidelity to law. Although the civil disobedient is breaching the law, and protesting a specific aspect of it, she still believes in the relevance and importance of law and the legal system (indeed, she is trying to improve this system). This means she must accept that she may be arrested and punished by the law. For Turenne, there is a 'democratic paradox' at work here, since 'civil disobedients disobey the law, but not because they hold the law as such in contempt. On the contrary, they are working upon the same basis – human rights – as is the legal order itself.' (Turenne 2004: 383-4).

An act of civil disobedience is not an act of random violence, or of unrest designed to bring down a government. Since it shows fidelity to law, and aims to contribute to a better society, civil disobedience can be contemplated as compatible with citizenship. Further, civil disobedience is a way, albeit an unorthodox one, of engaging with the state. It is one of a number of ways in which the UMM attempts to negotiate with the state. Other avenues include involvement in institutional spaces for participation, as will be documented in chapter six. Civil disobedience, however, is a counterweight to institutional participation and a way of manoeuvring the line between state and society. And it is the movement's calculated acts of illegality that is key to the concept of 'transgressive' citizenship as will be outlined in chapter eight.

This thesis is therefore based on the following research questions: (1) what is the significance of the adoption of a citizenship discourse by a social movement that engages in formally illegal acts of civil disobedience as well as institutionalized participation? (2) How does the state respond to movement claims that are made in the language of social rights? (3) In what ways can social movement action alter the nature of state-society relations?

Summary

To quote one final time from Marshall, 'citizenship is a status bestowed on those who are full members of a community' (1964: 84). Membership of this community is grounded in a

series of rights that must be upheld by the state. Urban citizenship relies, therefore, on the fulfilment of certain basic needs and the provision of goods of collective consumption such as housing and urban services. But citizenship is also intimately linked to issues of identity, especially a perception of belonging to society and being respected as an equal by both society and the state. A social movement that organizes around social citizenship rights can therefore be seen to transcend the theoretical division between old and new social movements discussed in the previous chapter. This chapter has argued that much of the existing literature on citizenship is not appropriate for the study of developing country contexts with gross social inequality. A focus on active citizenship distracts attention from the substance of social movement mobilization, whilst emphasis on the 'politics of difference' jars with movements that organize around the right to equality of access to goods and services necessary for human flourishing. In the main, these studies do not give adequate attention to social rights, which are of great importance to social movements of the poor in Brazil. As a response, this chapter puts forward the idea of 'limited citizenship' as a way of conceptualizing groups of people without adequate access to the substantive content of citizenship. Later chapters in this study consider how limited citizenship impacts on relations between state and society and on the behaviour and discourse of social movements. The following chapter provides the background to these discussions by elaborating on São Paulo's critical housing situation. It examines the negligence of the state that has permitted the growth of the 'illegal' city on the peripheries and failed to eradicate inner-city slum tenements. This discussion provides the contextual background for the emergence of housing movements in São Paulo, who frame their demands in the language of citizenship and the right to the city.

Chapter Three

São Paulo: The illegal city

Introduction

The aim of this chapter is to elaborate on the context of socio-spatial segregation, irregular building and lack of urban services in the peripheries of São Paulo, briefly outlined in chapter one, that eventually provided the catalyst for the emergence of the city's housing movements in the 1980s. The following chapter therefore traces the massive growth of the São Paulo metropolitan area that began in the late nineteenth century with the development of the regional economy, to become the largest urban agglomeration in South America by the later decades of the twentieth century. The growth of the city can be attributed in large part to the way in which irregular settlements expanded on its peripheries in the absence of state housing provision for the millions of migrants who came to work in the city.[18] The bulk of self-constructed housing is characterized by its illegality – contravening land-use regulations, building codes and planning laws. It is principally for this reason that São Paulo has been dubbed the 'illegal city'. However, as this chapter shows, the label of illegality attached to low-income settlements generates considerable stigma and has implications for the citizenship of its residents. But the stark dichotomy between the legal and the illegal cities is perhaps somewhat over-determined in the Brazilian scholarly studies discussed here, given the fundamental ambiguity surrounding land ownership in São Paulo (Holston 2008) and the way in which alternative forms of law can emerge in situations of irregularity (Santos 1995). Despite this, perceptions of illegality can provide a catalyst for social movement mobilization, and a justification for acts of civil disobedience, strengthening claims made by urban social movements against the state. The context of widespread irregularity and illegality in the city is a component part of

[18]This process is not unique to São Paulo or Brazil, as Davis (2006: 38) notes, '"No-cost" peripheral land has often been discussed as the magic secret of Third World urbanism: a huge unplanned subsidy to the very poor'.

the União de Movimentos de Moradia's 'politics of rights', as will be shown in later chapters.

Although the empirical chapters of this thesis (five, six and seven) look primarily at the activities of social movements in the centre of São Paulo, it is precisely the huge divide between the peripheries and the centre that drives the movement. A thorough appreciation of the significance of the centre of São Paulo for the urban poor can only be achieved through an understanding of the state's expulsion of the poor to the peripheries, its neglect of these areas, and the fundamental irregularity of so much of the city. This follows Katznelson's reading of Harvey's relational approach to the study of cities: 'the urban centre [...] is regarded as 'containing a periphery, for there can be no centre without a periphery and each helps to define the other' (Katznelson 1998:16).

Figure 3: The unplanned way in which the city has grown is evident in this photograph of central São Paulo

São Paulo today

Home to an estimated 19 million people, the greater São Paulo area is made up of 39 municipalities, the largest of which, the Municipio de São Paulo, has a population of nearly 11 million.[19] The city is also Brazil's richest, contributing approximately 18% of national GDP. But São Paulo's size and significance for Brazil is a relatively recent phenomenon. At the end of the nineteenth century it was little more than a provincial backwater: a stop on the railway line between the coffee plantations of the interior of the state of São Paulo and the port of Santos. Its phenomenal demographic growth began with overseas immigration at the turn of the twentieth century at the time of the coffee boom.[20] This was later replaced by internal migration from the North and Northeast of the country as Brazil began a programme of intensive industrialization from the 1930s onwards. The city's population had steady growth rates of between 5-

[19] Source: SEADE 2006 Sistema Estadual de Análise de Dados.
[20] The population of 239 820 recorded in the census of 1900 was 7.5 times that of 1872. The population of the municipality of São Paulo grew at 14% per year in the final decade of the nineteenth century.

6% per year from 1940 until 1970[21]. Average rates for the city currently stand at about 1.5% annually, but this figure belies significant differences between regions. While central districts have negative growth rates, new peri-urban settlements in environmentally sensitive zones in the furthest reaches of the municipality have recorded growth rates of 8.1% (Torres, Alves and Oliveira 2007).

Despite its wealth and, as a state capital at the centre of a huge regional economy, its status as the economic powerhouse of the country, São Paulo does not escape the problems of massive income inequality for which Brazil is notorious. Recent data show 22.4% of the Brazilian population living on less than $2 a day, while the Gini coefficient measure of inequality stands at 0.564,[22] amongst the highest in the world. Frequently cited statistics point to the massive concentration of wealth amongst a very small segment of the population: the poorest 10% of the population account for 0.1% of national income, while the richest 10% account for 47% (UNDP 2005). Levels of inequality in São Paulo have remained almost constant over the past decade despite reductions in the national average; the Gini coefficient for the Metropolitan Region was 0.543 in 2006.[23] The spatial segregation of residential neighbourhoods in São Paulo mirrors the social segregation caused by massively skewed distribution of wealth in the country.

São Paulo is today a bewildering large and sprawling city. It is architecturally diverse, if not muddled and seemingly unplanned. Its growth during the twentieth century has been described by architects, planners and social scientists as anarchic and chaotic. It has been dubbed the 'wild city' (Rolnik 1995) and much of the literature on the Brazilian urban experience posits the city as the 'new configuration of disorder' (Rizek 2003). São Paulo, along with other Brazilian metropolises, is also characterized as a divided city. It has enormous and extremely visible disparities between residential

[21] Source: Prefeitura Municipal de São Paulo.
[22] Where 1= perfect inequality.
[23] Source: Instituto de Estudos do Trabalho e Sociedade

areas of the rich and poor. Much of the impression of the chaos of the city must derive from the huge expanse of rambling low-rise, low-income, self-built peripheries. These are in marked contrast to the planned garden-city neighbourhoods, glitzy high-rises and gated condominiums of the wealthier areas, giving rise to Milton Santos's evaluation that, 'The housing situation is a visual reflection of what is happening in the rest of São Paulo society' (Santos 1996:231). Although low-income housing is concentrated on the periphery, there are also pockets of extreme poverty and deprivation in the centre of the city. The central districts are where the majority of the city's slum tenements are located. Known as *cortiços*, these are generally large, formerly single-family residences given over to multiple occupancy. They are far less visible than São Paulo's *favelas* or shanty-towns and self-built peripheries[24], but conditions are considered as bad, if not worse: families live in one room and share the use of bathrooms and laundry facilities. The housing deficit for the municipality of São Paulo is estimated at 850 000 units.[25]

But it is not just the huge disparity in incomes, lifestyles and residential areas that fuels the depiction of São Paulo as a divided city. Alongside these highly visible markers of inequality academics have established another division: between the legal city and the illegal, clandestine or 'non-city'[26] (Santos 2002; Grostein 1987; Maricato 2000). This dichotomy is also set out in terms of the 'official' city as opposed to the 'real' city (Rolnik 1995). Social scientists, planners and architects differ in their interpretations of how and why these divisions arose, but they are driven by the reality that characterizes São Paulo today where between 50 and 65 percent of land is illegally or irregularly occupied, or in some other way infringes on laws of planning, building or zoning (Rolnik, Kowarick and Somekh 1991; Maricato 2000; Caldeira 2000). State absence is often posited as the cause of São Paulo's anarchic sprawl, particularly in the area of

[24] A *favela* is generally defined as an illegally occupied area without paved roads and characterised by poor quality housing construction. In practice, *favelas* are often visually indistinguishable from other peripheral areas where families have built their own homes on land they have purchased, which are equally lacking in urban services and adherence to building codes.
[25] Source:www.prefeitura.sp.gov.br
[26] The term 'non-city' or 'nao-cidade' was used repeatedly by Rolnik in an interview 17.07.07

regulation for low-income settlements. For example, Sposati comments in Kowarick (ed.) (2004: 88):

> São Paulo is a highly privatized city, historically overlooked by the state [...] It is a city with very low state regulation [and] with very low state capacity for redistribution that has left the population having to fight to get basic standards of urban living like housing, health, education and security, amongst other things. [27]

However, research would suggest that this was a wilful absence that suited the state's interests in industrial expansion, and the elite's desire to maintain social segregation in the city. Far from lacking regulations and legislation, as Grostein (1987) points out, the state's planners and legislators were busy throughout the twentieth century. Yet, as will now be demonstrated, legislation did not keep up with the growth of the city in real terms and was systematically ignored or used in such a way as to encourage land speculation and keep low-income workers outside the urban perimeter, where zoning and planning laws did not apply.

The growth of the city

Much of the following section draws upon secondary data coming out of the Faculty of Architecture and Urbanism at the University of São Paulo, in particular Rolnik (1995) Grostein (1987) Bonduki (1998) and Maricato (1996). These Brazilian academics have been heavily influenced by the reappraisal of the role of planning that has occurred in recently decades, particularly the work of David Harvey (1985; 1988). This involves a rejection of the idea put forward by the modernist school of architecture in the early twentieth century (which had a profound effect on Brazilian planning practice (Holston 1989)) that city planning is an apolitical endeavour. Le Corbusier, who was particularly influential in Brazil, argued that far from being political, plans were rational and 'a necessary and objective ordering of society' (Fishman 1996: 59). Modernist plans were comprehensive, and based on a belief that 'reforming the physical environment can revolutionize the total life of the city' (Ibid: 20). Critiques of comprehensive planning

[27] Translations of works published in Portuguese are my own.

have exposed how firstly it requires an impossibly complex level of knowledge to address the problems of an entire city, and secondly, that in its assumption of a common interest, it in fact gives voice to only one sector of society, ignoring the needs of poorer and weaker residents (Campbell and Fainstein 1996). It is this last point that underpins much of the work of Brazilian scholars of São Paulo's geographical spread, who contest the idea that planners are necessarily inspired by progressive social goals, and that they take on 'the role of 'righter of wrongs', 'corrector of imbalances', and 'defender of the public interest" (Harvey 1985: 177). As an illustration of the way in which planning can be subject to class interests, Brazilian academics note the over-regulated nature of upper-income residential areas of São Paulo in contrast to the peripheries that have developed in the almost entire absence of planning (Villaça 2005). The influence of David Harvey's work on the relationship between planning and economic development is also apparent in the discussions of Kowarick and Oliveira below, who examine the link between self-building on the peripheries and massive industrial growth during the Brazilian 'miracle'. Whilst planning has been conceptualized as both a support for and a hindrance to economic growth (Harrison, Todes and Watson 2008) the Brazilian scholars cited here see planning as serving the interests of big business and real estate development. Finally, a number of Brazilian architects and scholars cited in this chapter have been involved in recent attempts to promote planning based on collaboration (Healey 1997) or advocacy (Campbell and Fainstein 1996) for the city, through new instruments such as participatory budgeting, policy councils and city-wide engagement in the drawing up of the Master Plan.

That planning does not necessarily always serve the public good is amply illustrated by the case of apartheid South Africa. Indeed, the cities of South Africa make an interesting comparison to those of Brazil, not least because members of the Movimento Sem Teto speak of 'social apartheid' when they contrast the sprawling, irregularly built peripheries of low-income housing in São Paulo, with the centrally-located and carefully regulated elite residential neighbourhoods. This comparison with the racist

planning policies of the South African regime may seem extreme and is clearly designed to shock Brazilian society, parts of which still comfort themselves with the myth of Gilberto Freyre's 'racial democracy'.[28] But similarities can be drawn in the geography of São Paulo, and for example, Cape Town, in that marginalized, low-income residents have come to live in areas distant from their places of work, causing the cities to spread out over a large area (Harrison et al. 2008). However, whilst planning played a key role in separating people of different ethnic origin in South African cities, in the case of São Paulo, social segregation has been achieved through calculated neglect of workers' interests and a distinct absence of effective planning. Fernandes makes this point for Latin American cities generally, noting that in many cases, state inaction has,

> Determined the exclusionary nature of urban development in Latin America, combining property speculation, widespread vacant urban land, environmental degradation, widespread gated communities, and above all the proliferation of precarious informal settlements (Fernandes 2007:210).

The rest of this section explores how the growth of São Paulo has exacerbated inequalities by giving spatial form to extant unequal distribution of income, and assesses the role of the state in promoting the illegality and urban socio-spatial segregation that arose during the twentieth century.

Irregularity of land occupation in São Paulo did not start with twentieth century industrialization and migration; it can be traced back to the city's first colonial inhabitants. The city was founded by Jesuit missionaries in 1554, and as a possession of the Portuguese crown, land occupation in Brazil followed the system in use in Portugal at the time. Rolnik (1995) has shown how parallel to the system known as the *sesmaria* (where land was ceded by the crown for free as long as a tithe was paid to the religious order Ordem de Cristo) ran a separate informal system of occupation that was not officially registered. Informal land occupations were tolerated because of the difficult bureaucracy of the *sesmaria* system. Rolnik therefore argues that land ownership in

[28] This is a (now much contested) belief that Brazil has escaped the racial prejudice of other countries, particularly the US, and that Brazilians do not view each other through the lens of race.

São Paulo has always been based on a dual system where issues of legal ownership and use-rights are unclear.

> The coexistence of a legality inscribed in the law (law-in-books) and a legitimacy inscribed in social practice (law-in-action), established since the colonial period in the complementary nature of free occupations and the sesmaria system, would constitute one of the fundamental aspects of urban property law in Brazil (Rolnik: 1995: 37).

After independence from Portugal in 1822 the *sesmaria* system was abandoned and extensive occupation of land was authorized. Although this ended in 1850 with the Lei da Terra, designed to prevent freed slaves from occupying land, she continues,

> What must be recognized – because it defines the terms of urban development in Brazil – is the existence of the binomial pattern of two legal orders coexisting in permanent tension. The history of urban land use is in part a history of appropriation of space through both real occupation and legal ownership (Ibid: 38).

It was not until the final decades of the nineteenth century, however, as São Paulo began to grow significantly, that questions of urban planning and the problem of low-income housing came to the fore. Separation of neighbourhoods by social status and function became a priority.[29] This was motivated in part by epidemics of cholera and yellow fever that swept through the centre of the city where there were large black populations of former slaves as well as high-income residences (Bonduki 1998).

Seeing a threat from close proximity to the poor, and making clear connections between poverty, disease, promiscuity and crime in what is referred to as a *higienista*, or 'hygienicist' discourse, the municipal authorities introduced draconian hygiene measures and laws to improve the standards of *cortiços* as well as to prevent further growth of this type of accommodation in the central districts.

> Disease, immorality and poverty were spun together so that the precarious housing conditions were immediately related to immorality and disease, demarcating a territory rejected in the urbanistic culture of the city. (Rolnik 1995: 76-77).

[29] During the period of slavery, slaves and masters had lived in close proximity, albeit in very different conditions.

Meanwhile, the elites began to move out of the centre in a south-westerly direction towards new, planned, garden-city neighbourhoods in an exodus that still continues today.[30] By contrast, the rural zone of the municipality, that was beyond the urban perimeter and far from high-income neighbourhoods, became the principal zone reserved for the poor. Here land could be illegally occupied, or bought at low prices from a 'clandestine' sub-divider, who may, or may not, have had legal title to the land. The strategy of reserving the most distant of lands for the poor, 'survived the century without significant change' (Ibid: 89).

The model of self-building on the periphery, outside the urban zone, accelerated with the advent of the diesel bus in the second half of the 1920s (Holston 2008). Once mass transport was easily and cheaply available, the expansion of low-income settlements on clandestine or irregular subdivisions in the peripheral rural zone exploded.[31] *Favelas* were not a feature of the São Paulo landscape until the 1970s, since, up until that time, land on the peripheries was cheap enough for poor urban workers to purchase and then slowly build their homes (Kowarick 1979; Bonduki 1998).[32] This has led to a situation in the city in which today 80% of residents of the peripheries are home owners, with 69% in other areas (Holston 2008:183).[33] During the period known as the *Republica Velha* or the Old Republic, that lasted from 1889 up until the Revolution of 1930 when the populist president, Getúlio Vargas, first came to power, the state's presence in the city, and in private life in general, was limited (Bonduki 1998). Oliveira has noted how the state should, in theory, be more visible in urban areas than rural ones, through the

[30] The *Folha de São Paulo* 19/06/05, reports that between 1981 and 2000 the thirteen central districts of the city showed negative growth rates. According to the paper it is principally the middle and upper classes who are leaving the centre.
[31] Although the term 'clandestine' is used generically, according to Grostein (1987) a clandestine subdivision is one that the authorities have no record of, whilst a subdivision deemed as irregular is known to the authorities but does not fulfil all the legal requirements. Before being included into the official city, residents would be unable to register ownership of either type of property and would not receive public services.
[32] The difference between houses built on clandestine/irregular subdivisions and *favelas* is that with subdivisions, there is some notion of property and purchase of title, whereas *favelas* are characterised by occupation not purchase. However, the quality of construction and extent of the urbanization of public areas may be very similar in both types of settlement (Grostein 1987:19; Kowarick 1979).
[33] The norm of property ownership, even amongst very low-income families, has significant implications for the work of the housing movements leaders today, who struggle to promote the concept of social rental to their members.

installation of public works and services (Oliveira 1982). However, in the first decades of the twentieth century the state gave almost free rein to private, often foreign-owned transport and utility companies, to decide where and when to install services in São Paulo. These companies were also often involved in land speculation and property development, and would put infrastructure in place in areas as yet sparsely populated in order both to raise land values and encourage further development, rather than in poorer areas where large numbers of people had already been living for years without adequate transport or access to basic services.

Grostein (1987) illustrates how and why the unserviced rural zone was reserved for the poor. While building within the urban perimeter was, in theory, subject to regulation, homes in the rural zone, or in 'private roads' within the urban perimeter were not covered by urban legislation. The rural zone was reserved by the municipal authorities as the space where planning norms did not apply, the space where 'everything is allowed' (Grostein 1987: 243). The municipality similarly renounced responsibility for conditions in private roads. Thus the state would not have to involve itself in approving plans, ensuring the quality of the built environment or making sure public services were provided. As Rolnik notes, during the 1920s the pattern of building in low-income peripheral settlements was established that would become characteristic of São Paulo's metropolis, with 'a near total irregularity before the laws and codes that set the rules for land use and occupation in the city' (Rolnik 1995: 275). Furthermore, since roads were opened up in unregulated areas without legal approval, this meant that as far as the bureaucracy were concerned, they did not exist despite being 'laid out and occupied' (Ibid: 243). This had considerable implications for their resident's existence in political terms, as will be discussed later.

However, the official non-existence of large parts of the city did not result from incompetence or casual negligence on the part of the authorities. Instead, perversely, São Paulo was consolidated as a city through irregular and clandestine occupation and

construction, in which the state played a key facilitating role. In 1931, the mayor of São Paulo, Anahaia Mello, declared that the 'clandestine city' was larger than the official city. Existing legislation was consolidated in a single Código de Obras (Works Code) in 1934, in an attempt to subject the city to the law. By this time, however, popular pressure was also mounting on the municipality to regularize illegal areas in the city. The few attempts by the municipalities to enforce planning legislation, by, for example, knocking down homes on an illegally opened road, were met with resistance. The city continued to grow, and by 1930 this type of monitoring and regulation of the built environment became unworkable (Bonduki 1998). As a result, the authorities tended instead to resort to generalized amnesties, where areas of the rural zone with urban uses were incorporated into the official city. This policy was repeated at intervals from the 1930s onwards.

São Paulo has not evolved in a seemingly disorderly way simply for lack of urban planning. A culture of disobedience to the law, and, indeed, encouragement on the part of the state for the population to break the law, has led to the anarchy of São Paulo's built environment (Grostein 1987).[34] From the 1950s onwards, the municipal authorities began to produce urban legislation that in theory would plan for and limit city growth. However, the rationalist ideology behind the planning showed a lack of fit with the way in which the city was actually growing, based on illegal or irregular occupations. And crucially, this legislation ran concurrently with a policy of periodic amnesties, which, as Rolnik (1995) points out, systematically omitted large swathes of settled land from inclusion in the 'official' city, each time the urban perimeter was redrawn. Even so, the state was establishing a pattern of behaviour that could be predicted by those opening up new areas irregularly in the rural zone for low-income housing, or illegally sub-dividing plots of land. Eventually, they would be regularized and become part of the legal city. Grostein regards the state's actions as ambiguous, for

[34] This type of consistent but low-profile law-breaking that eventually leads to amnesties or modifications to the law is best understood as 'rule evasion' (Leitzel 2002). It is significantly different to the overt and politicised illegal activity characterised as 'civil disobedience' discussed in chapter two.

by bringing irregularly or illegally built areas into the official city, it was attempting to exercise some control over the occupation of urban space in the municipality. However, it simultaneously created the institutional conditions whereby clandestine occupation and building would continue (Grostein 1987: 49).

> The law and its transgression were intimately linked. Within the law itself lay the possibility of breaking it (Ibid: 541).

By encouraging the growth of the clandestine city in this way the state revealed how little importance it gave to housing conditions for those with the lowest incomes (Ibid: 242). The rural zone became a 'dumping ground' (*vertedouro*) for those who could not afford to buy a plot of land in the official city. Furthermore, when these areas were eventually incorporated into the legal city, as this was most often achieved through a general amnesty, nothing was done to address the inadequate structural conditions of the housing stock. An amnesty would bring a street or neighbourhood into the tax base, and facilitate the installation of services, but the illegality of building, and irregularity of tenure would generally remain.

Urban segregation

The city grew illegally in part because the state failed to control, and effectively encouraged, irregular occupation. There was a clear benefit in allowing the unchecked expansion of the rural zone since it eased pressure on housing and obviated the provision of public services. But there were also more insidious processes at work. As the elites moved out of the central districts in the early twentieth century, the authorities gradually began to establish zoning laws to protect the status of the new upper class residential districts. This was achieved by fixing a limit on the height of new buildings, the ratio of the built area to the plot of land, width of streets and setback from the road. As Rolnik notes, these laws initiated a process of urban segregation.

> The law, by defining that within a territory only a certain standard could occur, performed the miracle of designing an invisible wall, and at the same time, created an exclusive product in the land and building market, and thus permitted a high return on investment, even considering [...] the very low productivity of the lot (Rolnik 1995: 88).

These high income areas became, and remain, the most regulated of the city (Maricato 1996), clearly in marked contrast to the areas outside the perimeter of the 'urban zone'.

The use of the law to establish invisible walls was a step towards institutionalizing segregation between the rich and the poor of São Paulo. Although, unlike in the United States, there was never legal, racial segregation in Brazilian cities, Rolnik regards urban segregation as 'determinative in the appreciation of value in the real estate market' (Rolnik 1995: 50). Her work shows how the regulation of upper-income settlements has always been closely linked to intentional socio-spatial segregation in the city. The *higienista* discourse of the municipal authorities used to justify the clearance of insalubrious housing at the end of the nineteenth century, was internalized by the elite during the twentieth century. It was linked first to Afro-Brazilian populations living in *cortiços* in the central districts of the city and later, with the nationalist drive of the 1930s, applied to foreign immigrants living in similar conditions in workers' housing in the new industrial neighbourhoods (Bonduki 1998). The perceived promiscuity of these populations concerned the elites who turned to the law to protect their assets.

> Urbanistic legality was built in the city of São Paulo at the same time as a zone of illegality [...] Extralegal urban development was found on sites where the plans were not approved by municipal engineers, or in the sharing of lots or houses by various families, creating spaces of high demographic density. Entire neighbourhoods thus existed without being recognized as part of the official city. The resulting high density of such *popular* territories disgusted and worried the elite, who used legal means to defend themselves: they built exclusive neighbourhoods for the wealthy and offered fiscal favours and relaxed construction requirements for developers who wanted to build low-cost *popular* housing in regions specifically marked for this purpose, outside the perimeter of the central city (Rolnik 1995: 235).

Encouraging the building of low-income homes not only outside the law, but also outside the city, was therefore a way in which the elites would avoid the social contagion of the poor.

Even after Vargas's populist revolution, Rolnik shows how relationships within the city changed little. Although initiatives were put in place to incorporate the poor and working class into the urban administration, the 1930s also saw the consolidation of zoning policy.

> The two developments were related: when the *popular* city was granted amnesty the bourgeois city needed to defend itself (Rolnik 1995: 291-2).

These amnesties, however, brought about another perverse consequence. The continual redesign of the 'urban fence' increased land values within the urban zone and continually pushed poorer settlements further out into rural areas (Holston 2008). As Santos concludes, São Paulo's growth was dependent on the complex relationship between segregation and speculation:

> The city's land-use pattern has been strongly influenced by land speculation, which since the end of the [nineteenth] century, has ensured that the built-up area has expanded, leaving large areas of undeveloped space. This process has increased the price of serviced land and has helped accentuate social segregation (Santos 1996:224).

Legality and illegality in São Paulo

For Grostein, the illegal city came about because of a culture of disobedience towards the law, on the part of both state and society. For Rolnik, the divisions between legality and illegality helped to fuel enormous profits from property and land speculation on the right side of the line and kept the poor away from elite neighbourhoods. However, the dichotomy drawn by these two authors, and also by Maricato, between the 'official' or 'legal' city and the 'real', 'illegal', 'clandestine' or 'non-city' is perhaps somewhat over-determined, not least because all the works cited show the interplay between the legal and the illegal in the city, and how these can serve to reinforce each other. Further, while building and zoning laws have been contravened in these areas, this does not mean the their inhabitants are entirely outside the law or beyond the reach of the

state. Residents of illegal settlements often engage in the formal economy, whilst the state will attempt to police these areas and will eventually supply them with services. A categorization of them as part of some type of 'non-city' may inadvertently fall prey to the 'myth of marginalization' (Perlman 1976) in which residents of *favelas* and other illegal or irregular occupations of land are perceived as wholly outside of mainstream society.

Other work on informal settlements in Brazil provides a more nuanced approach to the question of urban illegality. Holston (1991:702) notes that the process of amnesties for illegally or irregularly occupied land in São Paulo show that the distinctions between legal and illegal are 'conceptually slim, non-categorical, and temporary'. Further, while much of the periphery is illegally built upon or occupied, the possibility of establishing who the legal owner of this land really is has become an impossibility in São Paulo. Holston undertook fieldwork in the late 1980s with residents of low-income neighbourhoods in São Paulo who were threatened with eviction after having bought subdivisions and houses from developers who claimed fraudulent ownership of the land. His historical research into property titles in the Jardim das Camélias revealed that,

> After 400 years of settlement, one thing is certain: No one has an unambiguous title to land in Jardim das Camélias – or indeed to enormous areas of Brazil. As a result, and in spite of many claims to the contrary, there is simply no clear owner from whom residents can receive an incontestable deed to any of the 207 lots whose disputed history we have traced. Each litigant in the conflict has used law to create a version of this history that gives an origin for its claims. These origins are inventions of law, literally legal fictions [...] A definitive or even a positive answer seems impossible, not only because of the importance of illegality in each claim but also because of the unstable relationship between the legal and the illegal. Indeed, our historical study has shown not only that usurpation is a prime mover of Brazilian territorial occupation but also that land law itself developed in great measure out of the need to legalize encroachments (Holston 1991: 721).

Holston uncovers a palimpsest of fraudulent claims and documents stretching back to the first inhabitants of the area. Thus whilst much of the occupation of land in the city *is* illegal, it appears that it can almost never be categorically legal either. There is a

fundamental ambiguity over the question of land ownership that therefore qualifies the category of illegal.

Finally, the work of Boaventura de Sousa Santos in a Rio *favela* contests the distinction between legality and illegality in a different way. His anthropological study of the workings of a Residents' Association in 'Pasargada' in 1970 raises the issue of legal pluralism. Since the *favela* is based on illegal occupation, land cannot be legally bought or sold. Yet the study reveals how residents of the settlement have generated their own version of standard law or law from the 'asphalt' (the law that pertains to the parts of the city which are fully urbanized and part of the 'official' city). The 'law of Pasargada' allows for land and homes to change hands or to be rented, and the workings of the Residents' Association are unofficially sanctioned by the local state.

> Pasargada law does not claim to regulate social life outside Pasargada, nor does it question the criteria of legality prevailing in the larger society. Both legal systems are based on the respect for the principle of private property. Pasargada law achieves its informality and flexibility through selective borrowing from the official legal system (Santos 1995: 236).

Thus while informal settlements and irregular occupations may be 'illegal', this does not necessarily mean that they are not governed by laws of some sort. In a similar way, in other areas, the laws of organized crime can provide an alternative form of urban governance (Harvey 1996:404).

Urban plunder and the Sonho da Casa Própria

It would seem clear that the municipal state's toleration of irregular self-building on the peripheries acted as a safety valve by providing a housing solution for the rapidly growing urban population at a time of industrial expansion. It also brought down the costs of the reproduction of labour since workers who had built their own homes in the rural zone would pay no rent. But other students of São Paulo's growth in the twentieth

century make a clearer link between the state's studied negligence of the illegal city and plans for economic growth and industrial expansion.

After coming to power in 1930 Vargas's regime began to push for industrialization. As a result the role of cities in Brazil, and particularly of São Paulo, began to change. The country's economy had previously been based on agro-exports, but Vargas began to penalize this sector so as to promote industrialization for manufacturing. The urban economy was thus privileged at the expense of the rural. Brazilian cities that were already home to the state apparatus and commercial capital took on a third role as the site of industry (Oliveira 1982). Cities themselves also came to be viewed as merchandise, as property and land markets became increasingly important (Maricato 1996). As Holanda has pointed out, Brazil's cities were meant to lead the nation's progress towards modernity. The backwardness of the country's rural heritage, where social relations were based on patrimony and on the overlap of the private and public domains, would be wiped clean in its cities, where anonymity would create equality and the professionalization of those in public office (Holanda 1969). The state began to play a much more active role in society: part of the drive towards the country's modernist motto of 'order and progress' would be achieved by regulating relationships between labour and capital. It was at this point that a corporatist trade union model was put into effect (Oliveira 1982).

Bonduki's (1998) examination of the city's peripheral expansion highlights the Vargas era as a turning point in social housing policy. Vargas was responsible for a massive restructuring of labour organization from 1930 onwards, that laid the foundations for his economic policy based on urban industry. His populist style was aimed at the urban working classes who would provide the political legitimacy for his rule (Holston 2008). As such, Vargas orchestrated enormous changes in state-society relations, and the issue of worker housing inevitably came to the fore during his time in office. Up until the 1930s, housing was considered a private good, and the expansion of residential areas,

by extension, were a matter for individuals and the market. Vargas, however, with his nation-building project based on the rapid expansion of industry, saw the link between worker productivity and industrial growth and hence the importance of housing for the reproduction of the workforce.

> In a setting in which all economic matters had become a concern of the public authorities and of the business entities involved in the national development strategy, the problem of housing emerged as one of the most important aspects of a workers' living conditions, since it absorbed a significant percentage of their salaries and impacted on lifestyle and ideological development (Bonduki 1998: 73).

This last point is important. Although the *higienista* discourse had not evaporated, priority was now given to the formation of the model worker and 'new man' who would form the basis of political support for the regime. The thinkers behind the regime, influenced by modernist planners, believed this type of social engineering could, in part, be achieved through housing.

Despite legislation that should have prevented further construction of *cortiço* housing and had existing tenements demolished, this form of housing had not been eradicated from the city and was the principal accommodation solution for low-income workers. As noted above, this type of collective dwelling worried the elites, and it was thought that they were a breeding ground for socialism, along with other social ills. The middle classes were also highly critical of landlords who did not work for a living. In sum, the model of rental accommodation for workers was seen to be in crisis. According to Bonduki the regime needed to convince the workers that having their own homes was just a matter of having the will, and that even a precariously built house, without infrastructure or basic services, far from the workplace and poorly served by public transport was preferable to the corrupting influence of a *cortiço* in the centre of São Paulo. Business would also support this model of home ownership, since it would bring down the cost of the reproduction of the workforce.

> Housing, as well as creating the illusion of economic progress, also contributed to the stability of the macropolitical order, and so was considered the basis for the creation of a moral society and the good worker, who would be adverse to deviant desires and practices. As such, if the family home and the dissemination of ownership guaranteed political order, at the micropolitical level the reproduction and docile acceptance of bourgeois morality by the workers would only be possible through individual housing and the eradication of *cortiços*. In this way, the role of the family, with its function of reproducing the established morality and order, was considered essential (Bonduki 1998: 84).

It was not just non-collective housing, but home ownership, that would encourage conservative family values, and keep the workers in check. Home ownership became synonymous with improvements in living conditions and would be proof that the workers were also benefiting from Brazil's development (Ibid: 88). As such, the state marketed the *sonho da casa própria* 'the dream of having one's own home', which is still a cultural referent in Brazil today.

One initiative of Vargas's involved a rent freeze of 1942 which remained in place for twenty years. At first it had popular support since as well as bringing down the price of rental accommodation it also did away with the class of unpopular, parasitic landlords. However, Bonduki (1998) shows how what seems at face value to have been a populist move in favour of the urban poor living in *cortiços* in the centre of the city, in fact led to a series of other outcomes in line with broader state objectives, both ideological and developmentalist. Firstly, by freezing rents at 1940s levels, and maintaining these values until rents had become almost minimal due to inflation, Vargas put an end to what had been a highly lucrative industry. While those who managed to remain in rented accommodation benefited greatly, they were few and far between, as many property owners found ways to evict sitting tenants to raise rents or alter the use of their buildings, so as to find a new way to make profits. It is estimated that in the immediate post-war years, 15% of the population of the city was evicted (Simoes Jr. 1991). Since new construction for residential accommodation was now almost profitless, investors turned their attention to industry, in line with the state's planned push towards manufacturing. At the same time, the onus for provision of low-income housing was placed upon the state, since the private sector was not thought capable of

providing a solution to the crisis. Although there were attempts to provide subsidized rental housing with resources from social security funds, these never came close to meeting demand, and were not aimed at the poorest of workers. This meant that almost the only alternative for low-income families was to buy a plot on the outskirts of the city and begin the slow process of building their own homes. It would seem fairly clear, Bonduki argues, that the rent freeze was never principally intended to benefit the urban poor.

It appears that a fundamental contradiction was at work. For the first time, the state was expected to provide housing for the poor, and, in this way, intervene in the private lives of the working classes to ensure the development of the country. However, although the state was controlling rents and was producing some subsidized rental housing, most of the urban poor were left to fend for themselves in the furthest peripheries.

> Self-building on irregular and distant subdivisions, without infrastructure or transport, would not have been the choice of the masses if there were another option. But there wasn't, and so the model of self-building of private homes proliferated. With epic sacrifices, the workers became property owners, and the city extended without end, reproducing discontinuous lots that were detached from the urban fabric. A cheap housing solution came into being, but the consequences for the city were definitive (Bonduki 1998: 276).

As discussed above, much of this building was undertaken outside of the law on clandestine sub-divisions. For Bonduki, it would be naïve to believe that the state was not able to contain the process of illegal subdivision of land on the peripheries. As he points out, in practice, the state's laissez-faire attitude provided a solution to the housing problem that was cheap, segregated, compatible with workers' low incomes and even gave them the sensation, false or otherwise, of realizing the 'dream' of becoming home owners. With the expansion of the periphery, the elite also got what it wanted: segregation and a reduction in density. Public investments could be concentrated in areas where the middle and upper classes were living, and the workers got their own homes at very low cost, without creating a financial burden for the

authorities or for the private sector (Ibid: 288). The downside for the workers was that they were, in effect, 'punished' for having built illegally or on irregular plots, by having to live without services.

The expansion of this model– ownership of self-built homes on the periphery – happened precisely at a time when the state was putting its entire weight behind capitalist development and encouraging home ownership amongst the workers as a way of maintaining the capitalist order. However, the massive production of housing by the urban poor using their own resources and un-paid labour was 'clearly non-capitalist [and] outside the normal processes of the production of merchandise' (Bonduki 1998: 96). Bonduki goes on to describe the solution of self-built housing as 'archaic'. This term is used in a similar context by Maricato (1996). She notes a dual system in São Paulo where formal means of land development through investment of financial capital exist alongside archaic ones such as building on clandestine subdivisions or in illegally occupied areas.

This seemingly paradoxical situation is given a more nuanced analysis by a number of Brazilian social scientists (Maricato and Bonduki are both architects). Rejecting the duality of 'archaic' and 'modern', Oliveira (2003) argues that capitalist expansion in Brazil depended on, and indeed was subsidized by, an army of underpaid workers who constructed their own homes at the margins of the city. Rather than a survival strategy, or 'Darwinist' adaptation to the process of capitalist expansion in Brazil, the self-building of workers' homes was a way of,

> Subordinating the new urban class, the proletariat, to the state and Brazilian 'transformism'. This was a form of conservative modernization, of a production revolution without a bourgeois revolution (Oliveira 2003: 130).

Drawing from Schmidt, he regards those who have built their own homes on the periphery as in a 'state of exception' within the city. Meanwhile, the state's principal,

but invisible presence in the city, was to manage the workings of the economy (Oliveira 1982: 52).

These arguments are similar to Kowarick's development of the idea of 'urban plunder'. Whilst some refer to the thousands of migrants who swelled the peripheries of São Paulo as 'underemployed' or a reserve army of industrial labour, Kowarick and Oliveira argue that this mass was crucial for the state to be able to keep down wages to almost bare subsistence, and thus increase profit margins. For Kowarick, capital absorbs and then 'dilapidates' young, unskilled workers, rejecting them by the time they reach their thirties, and moving on to devour the next cohort. The state's investment in the city is entirely focused on 'oiling the economic gears' of the country, and the problems of the workers will only become a concern if they spill over into the affairs of the dominant classes. Self-building, as the only housing solution for the workers, along with general pauperization combine to create 'urban plunder' – the sum of a number of ways that the workforce is exploited through the almost complete absence of collective services, which aggravates the exploitation experienced in the workplace (Kowarick 1979: 59). For Kowarick, then, São Paulo grew into the chaotic, illegal city so that the business elites could drive a further wedge between profits and production costs. Kowarick was writing and researching at a time when the country was under the rule of the military (1964-1985). The successful management of the economy, and Brazil's massive economic growth during the years of the 'miracle' were crucial to maintaining the legitimacy of the regime in the eyes of many of the population.

More recent attempts on the part of the state to address the housing deficit and illegal subdivision of lots has only served to entrench further social segregation in the city. Legislation in the 1970s enforced to subdue the market for illegal or irregular subdivisions brought in harsher penalties for those selling land on the peripheries in this way. This legislation, general pauperization and the decreasing availability of land did have the required effect in reducing the number of irregular subdivisions for sale,

but also appears to have stimulated the growth of *favelas* on illegally occupied land and increased density of occupation in settled areas (Simoes Jr. 1991; Caldeira 2000).[35] Despite this legislation, the number of illegal lots offered for sale in the period 1985-2000 exceeded the total number of housing units offered by the private, legal market (Maricato 2000). Further, the rapid peri-urban growth recorded by Torres et al. (2007) is fuelled by illegal occupation.

To date, the establishment of the Banco Nacional de Habitação (BNH) by the military regime in 1964 has been the only systematic attempt by the state to produce large numbers of low-income housing units in Brazil. The thinking behind the bank was the need to maintain support for the regime by facilitating home ownership amongst the lower income groups. This further entrenched the Brazilian obsession with *a casa própria*. But the activities of the BNH have been labelled one of the most shameful events of recent Brazilian history (Maricato 1996) with the workers ending up subsidizing middle-class homes. Whilst nearly five million units were built across the country, the majority was captured by those with higher incomes, often through clientelist networks (Maricato 1996). Caldeira (2000) records that in the twenty years that the BNH was operational, only 6.4% of apartments went to families with an income of less than 3.5 minimum wages. The Bank was closed down in 1985 amidst a huge corruption scandal. All records were subsequently lost in a fire (Rolnik 1995). With redemocratization and decentralization, public housing companies were established at municipal and state-level. The output of these companies cannot keep pace with demand, however, and is often of very low quality and located in marginal areas.

[35] The percentage of the city's population living in favelas has increased from 1% in 1970 to close to 17% in 2007. Source: O Estado de São Paulo 14/07/07

São Paulo Centro

The very use of the term 'periphery' suggests a comparison with the centre of the city, and implies a space of marginality as compared to one of inclusion. However, the centre of the city is also a space that is regarded as marginal by many of São Paulo's upper-income residents. Out of favour with the elites for many years and neglected by the authorities, it has recently become an important site of conflict between the state and the organized urban poor, as projects aimed at regeneration are implemented.

The fear of poverty and of contagion from the poor in the early twentieth century provoked the exodus of upper-income residents from the city centre, towards new exclusive residential areas such as Higienópolis and Jardins in the southwest (Simões Jr. 1991). At the same time, the consequences of the rent freeze and rising land prices in the Centre meant that, with the exception of a room in a *cortiço*, the area was no longer an affordable option for the working-classes. São Paulo Centro thus began its long decline. Today the area comprising the sub-prefectures of Sé and República is described as 'degraded'. Middle and upper income Paulistanos[36] consider it dangerous, dirty and overcrowded. In other words, it has been taken over by the *classes populares* or 'popular classes' who swell the streets during the day but leave it almost empty by night, apart from the population of homeless rough-sleepers.

It is not just higher income residents who have moved out of the centre. Business began to follow suit in the 1960s, as the first skyscrapers were put up along Avenida Paulista, the new 'chic' residential and corporate neighbourhood of São Paulo. Paulista, however, appears to have had its day, and elite business has followed the wealthy neighbourhoods further into the southwest of the city. There are now new 'centralities' along the Marginal Pinheiros and Avenida Berrini (Frugoli 2000). Commerce does still exist in the centre - the huge numbers of people who still come into the centre to work (it is the area with the highest concentration of jobs in the city) means that it is still

[36] Residents of São Paulo city.

profitable to run a shop or restaurant in these areas, thus maintaining high property and land values (Teixeira, Comaru, Cymbalista and Sutti 2005).

The centre is also characterized by its empty buildings – illustrating its unpopularity both as a residential area and a centre for business. It is estimated that there are 400 000 empty residential units in São Paulo, of which 45,464 are to be found in the central districts. In these areas 17% of homes are empty (Prefeitura Municipal de São Paulo 2004). There are also numerous abandoned hotels, factories and office buildings. While many buildings are left empty for speculative purposes, they are also abandoned because of legal wrangles over ownership (often amongst heirs), because of problems of irregular documentation with the land registry (the registry offices have a notoriously corrupt past) or unpaid property taxes.

Over the past decade, São Paulo's municipal authorities have made attempts to regenerate the centre, citing Boston's CBD, Barcelona's port area and London's docklands as successful models of urban renewal. However, this regeneration has been described as elitist (Teixeira et al. 2005) since much of it aims to attract the middle and upper-classes back to the Centre for high culture leisure pursuits in museums and art galleries. One such initiative involved a multi-million dollar refurbishment of a train station as a concert hall. Set in the heart of the drug-dealing/red-light district known as *cracolândia* or 'crackland', concert-goers reach their seats in the auditorium through an underground car park without setting foot on the streets of the neighbourhood (Wisnik, Fix, Leite, Andrade and Arantes 2000). A number of people associated with the project were reported as saying that the concert hall brought 'civilization' to the area (Andrade 2001). These localized investments are also marketed by the authorities in such a way as to suggest that the city as a whole has been improved. Here, the image of the 'formal' or 'official' city is used as a front for the entire metropolis, despite the fact that it is just a tiny fraction of the whole (Souto and Kayano 1996; Maricato 2000).

It is argued, also, that the revitalization of the centre is leading to the expulsion of poorer residents to the peripheries (Teixeira et al. 2005).

Meanwhile, residents of *cortiços* continue living in very low standard accommodation, as they have done throughout the twentieth century. Legislation designed to eradicate the tenements failed to do so, and subsequent regulations introduced to improve living conditions continue to be routinely flouted. Unlike *favelas* and the jumble of self-built peripheries that are inserted into and interfere with the urban landscape, *cortiços* are hidden from view behind a discreet front door (Caricari and Kohara 2006). It is, furthermore, extremely difficult to obtain accurate figures as to the numbers living in this type of accommodation. Some estimates put the number of *cortiço* residents in the city at 600 000.[37] Rooms are small and poorly ventilated: a survey in the early 1990s recorded an average of 2.6 people living in one room varying from 8 to 15 square metres (Santos 1996) and washing conditions are shared and often unsanitary. Nevertheless, rents for *cortiço* rooms are some of the highest per square metre in the city (Kohara 1999). Residents are routinely intimidated by the 'intermediary' who collects rents, and evictions are frequent. However, when weighing up the prospect of living on the periphery and travelling up to four hours a day to work in the centre, some families take the *cortiço* option. This type of accommodation has been tolerated, in breach of the law, since immigrants first started arriving in São Paulo in the last decades of the nineteenth century. They constitute yet another space of illegality in the city. Described by some as worse than living in a *favela* (Andrade 2001) they represent a type of peripheral marginality in the heart of the centre.

Despite its problems, the city centre is well-equipped with urban infrastructure. The streets are paved and lit, there is full connection to mains water and the sanitation system, and it is the public transport hub for the entire city. Although the falling middle and upper-income population means that there has been less investment in health and

[37] Source: O Estado de São Paulo 12/12/06. This is probably based on an estimate of the cortiço population in São Paulo by FIPE in 1993 of 595 110.

education in recent years, the once noble districts of Sé and República still have symbolic resonance for the elite.

> The abandonment of the central areas by the elites, however, was never complete. Principally because the symbolic and historic value of the central districts could not be reproduced in other areas (Teixeira et al. 2005: 4).

The gulf between the centre and the periphery, in terms of urban services and proximity to the workplace, and the fact that the only low-income housing option in the centre is the *cortiço*, further highlights the marginality of life on the outskirts of the city. The *cortiço* and the periphery are linked by their status as marginal, stigmatized and illegal spaces, where, in the discourse of the housing movements residents are deprived of dignity and as a result, of full citizenship.[38]

Segregation and stigma in the city

Returning to the periphery, there seems little doubt that São Paulo's growth was built on all-pervasive illegality and with the complicity of the state. Whilst there is an apparent absence of the state within the city, the research discussed here would suggest that this is, in truth, a calculated negligence. Despite popular wisdom that São Paulo has grown into today's chaotic city as a result of a lack of plans, both Villaça (2005) and Grostein (1987) show that the problem is not a lack of plans for the city, but a lack of political will to enforce existing legislation on the part of the state. The result of a century of unregulated, illegal building on the peripheries is a city fundamentally at odds with the dream of the Brazilian modernists (cf. Arantes 1998). The city was meant to provide a new democratic social space in which relations between state and society would be reinvented. The process of urbanization would break the patrimonial power of the rural elites and provide a counterweight to a centralizing, authoritarian state (Rizek 2003: 80). Instead, urbanization has produced 'a socio-ecological disaster' and a 'gigantic concentration of poverty, that is the result of a historical process of occupying

[38] Discussed in detail in chapter five.

land in a way that segregates and excludes' (Maricato 1996: 16). São Paulo has become a highly segregated city where people's life chances and opportunities are significantly influenced by their place of residence and where the stigma associated with low-income neighbourhoods is deeply entrenched in social attitudes.

The huge disparities between the wealthy neighbourhoods of São Paulo and the low-income peripheries are detailed by Villaça (2005). Although there is debate over the use of the term 'segregation' in Brazil, for Villaça it is closely linked to homogeneity of populations – a segregated city is one in which residential areas have very high concentrations of households with similar incomes and/or ethnicity. Villaça's work focuses on areas of the city with concentrations of very wealthy households. Overlaying maps of the city that show average income by neighbourhood with maps showing the human development index, social vulnerability and even average temperature, he illustrates the stark differences between life for the wealthy minority in the southwest 'quadrant' with the rest of the city. His thorough research into segregation in São Paulo highlights the skewed manner in which public investments are made in the city. The upper income districts are the best provided with rail services and will benefit from the latest addition to the underground system, despite the fact that those on higher incomes are much less likely to use public transport. An analysis of investments in large-scale road transport infrastructure during the administration of the corrupt 1990's mayor Maluf also shows that resources were concentrated in the wealthy southwest quadrant (Maricato 1996). Thus the management of the city deepens inequalities (Maricato 2000). These empirical findings would seem to confirm Oliveira's assertion that city in Brazil involves 'the creation and reproduction of middle class space' (Oliveira 1982: 52).

Marques and Torres (2005) illustrate the social consequences of living in a low-income neighbourhood in São Paulo. Controlling for parental income, ethnicity and employment, they have shown that an individual's residential neighbourhood will

influence his/her chance of finishing secondary school and finding a job[39] (Marques and Torres eds. 2005). The child of a low-income family living on the periphery is much less likely to complete its education than one living in a more central area. There are also negative consequences for health in poorly serviced peripheral neighbourhoods, with higher risk of infectious diseases.

Unfortunately for the city's low-income residents, the fact that their neighbourhood can impact upon their life chances finds a distorted echo in a type of environmental determinism rife in Brazilian social attitudes. Caldeira has examined the stigma attached to poverty and low-income neighbourhoods in São Paulo. She interviewed Paulistanos from several different social groups, and found that they shared certain perceptions on crime, poverty and evil.

> They seem to think that the spaces of crime are marginal ones, such as *favelas* and *cortiços*, and that their inhabitants, potential criminals, are people from the fringes of society, humanity, and the polity (Caldeira 2000: 53).

The idea of contamination of 'evil' and criminality from these sites is also often mentioned in her interviews, and there is a suggested link between low-income neighbourhoods and drugs and prostitution. The statements of her interviewees share much of their essence with the *higienista* movement of the late nineteenth and early twentieth centuries: class-based stereotypes clearly continue to be closely linked to the built environment in São Paulo. Caricari and Kohara (2006) note perceptions amongst the middle classes that residents of *cortiços* do not deserve to live in upgraded housing. Similarly, interview-based research by Souto and Kayano (1996) found lower-middle class respondents critical of the fact that families from a *favela* had been moved into brand new public housing, that looked, from the outside at least, like middle-class apartment buildings.

[39] Marques and Torres explain this relationship by the fact that in Brazil employment is often secured through personal contacts. If an individual is living in a low-income neighbourhood where there are a large number of unemployed or 'precariously' employed people, he or she is less likely to find a job through these means. Substantial anecdotal evidence would suggest that employers discriminate against candidates who live in 'bad areas'.

> Taking into account that the perception of the *favelado* is often conflated with that of a violent criminal, the fact that [the *favelados*] had been given the opportunity to own their own homes in an area considered well to do and close to the centre led [the respondents] to feel as though they had been unfairly treated (Souto and Kayano 1996: 40).

These respondents further remarked that the new residents should be penalized, if they 'insisted on behaving like marginals' (Ibid: 40).

Caldeira sees segregation increasing with the democratization of Brazil. As the 'popular' classes began occupying public and political space so the higher-income groups retreated into private gated condominiums and put up security walls, employing the 'talk of crime' as a justification for these measures. Caldeira sees them not only as fearful of crime, but also of social change – that the poor can no longer be kept in their place (Caldeira 2000: 322). This leads her to the conclusion that Brazilian democracy is fundamentally disjunctive, since while formal political rights are expanding, civil rights in the form of protection from violence and equality before the law are decreasing in a city that has rising levels of violence against the poor.

Citizenship in the illegal, segregated city

There are a number of links between illegality, segregation and limited citizenship in São Paulo. At the most basic level, living on the clandestine, illegal peripheries deprives individuals of citizenship, since their existence within the city is unknown to the authorities. Without an address, they are ineligible to vote. This definition of citizenship – as having an address on a government register – is simplistic, but one much disseminated by architects and urban planners writing on São Paulo. For example, Rolnik's brief discussion of citizenship sets it out in these terms:

> Urban legality defines territories within and outside the law. This demarcation has important political consequences, since to be located in a territory outside the law can determine a position of limited citizenship. To not exist from the bureaucratic

> or official point of view of city government is to be outside the scope of its responsibilities to its citizens (Rolnik 1995: 2).

She continues by pointing out that it is in urban sociology and sociology of law that 'we find a framework for the relation of urban legality to citizenship, revealing the political consequences of the clandestine occupation of space by the poor in the city' (Ibid: 6). Whilst there is no doubt that illegality will limit citizenship, there is a troubling implication here that citizenship will be achieved once a neighbourhood is incorporated into the official city. Grostein (1985) also implies that physical improvements to the peripheries will generate citizenship:

> The demand for better living conditions on the urban periphery continues to be an issue that is overlooked. There remains, therefore, the task of reconstructing the urban periphery and building real citizenship (Grostein 1985: 14).

Maricato (1996) makes a similar link between urban regulation and the building of citizenship. But beyond this somewhat simplistic connection between urban legality/improvement and citizenship, Maricato (1996) and Rolnik (1995) discuss the arbitrary way in which the law is applied to regularize illegal areas as another way in which equality of citizenship is jeopardized. Rolnik takes particular issue with the granting of amnesties to parts of the illegal city that began in earnest during the Vargas era. Drawing on the work of Teresa Sales, she views the policy as heralding an era of 'conceded citizenship' in which inclusion into the city was granted as a type of favour.[40] Furthermore, there was no fundamental change in hierarchical relations within the city:

> The old order was not transformed to incorporate different forms of occupation of space. It only selectively tolerated exceptions to the rule. By being recognized, the exceptions were 'awarded' the right to receive public investments in infrastructure and urban services. The clandestine majority thus entered urban policy owing a favour to those who judged them admissible (Rolnik 1995: 283).

[40] The paternalistic attitude of the state towards the poor was a core theme of the Vargas era. Later on in the century, populism would make way for a more clientelist relationship between the state and the urban poor, as regulation, infrastructure and improvements for low-income neighbourhoods would be offered by political candidates in exchange for votes.

Conditions on the peripheries also limit citizenship because of the amount of time a worker will have to spend travelling to his or her place of employment, low quality of education and healthcare, lack of leisure facilities and fundamentally, insecurity of tenure (Kowarick 1979).

The link between lack of access to the city and lack of citizenship, in the sense of receiving urban services and being able to enjoy the benefits of urban life, was also grasped and used to great effect by urban social movements in the 1980s. As the democratic transition unfurled, urban social movements began to gain prominence in São Paulo. Based in the peripheries and supported by the Catholic Church, their demands for urban services and the fulfilment of basic needs were closely linked to the struggle for democracy and citizenship rights. Amongst these campaigners were groups that would eventually form part of the city's housing movement. They began by demanding land, and then state funding for community house building. Their location on the periphery with its poor quality housing, limited access to schools, healthcare, leisure activities and public transport allowed them to make comparisons to those in better located areas who were able to take advantage of all that the city had to offer. Caldeira (2000) records the widespread use of this centre-periphery model by social movements in their early negotiations with government officials, although she argues that with the growth of gated condominiums in more distant areas of the city, this once sharp divide is no longer so clear cut.

However, as this thesis will illustrate, the centre-periphery comparison is still of great significance for the political struggles of housing movements in São Paulo. It is particularly important today because of the municipal authorities attempts to 'revitalize' the centre of São Paulo. In response to regeneration that commenced in the late 1990s the housing movements began to mobilize around the 'right to live in the centre' with a number of high profile building occupations. Whilst the idea of a right to live in the centre is questionable, there is a strong political argument for the poor to be

housed there, as a way of making amends for a century of expulsion to the peripheries. The centre has become important for the movement as the symbolic opposite of the periphery and the space from which the poor are either excluded – evicted to the periphery or hidden away in the *cortiço*.

The following chapter shows how illegality and the spatial segregation, lack of services, stigma and inequality of opportunity that it produces have been key mobilizing factors in the growth of social movements in the city. It thus supports much of the argument of Holston (2008) in this regard. However, beyond this, as will be shown in chapter five, the city's housing movements have developed a sophisticated discourse based on the idea of 'limited citizenship' that contrasts living conditions on the peripheries with the social rights of citizens set out in the 1988 Constitution. The historic negligence of the state vis-à-vis worker housing, and the conditions of illegality that arose as a response in both the *cortiços* and the peripheries have become a key weapon for the movement as it puts forward its members' demands and seeks legitimacy from society at large through a 'politics of rights'. Further, the illegality of much of the city, the way that the state has purposefully failed to enforce the law, and the fundamental ambiguity that surrounds ownership of land, can be used by the movement to justify its acts of civil disobedience. In the midst of an 'illegal' city, occupations of empty buildings can be read as a new manifestation of a centuries-old practice of land acquisition in the city.

Summary

To conclude, the history of São Paulo's growth during the twentieth century illustrates the way in which the city segregates and excludes its poorer populations. The complicity of the state in the expulsion of the poor beyond the boundaries of the legal city in order to benefit economic growth and land speculation, also gives an indication of the relationship of the Brazilian state to the urban poor. Maintaining a huge swathe of the population beyond the reach of adequate urban services and in a state of illegality creates multiple deprivations and negatively impacts upon citizenship and the

relationship between state and society. Much of Brazil's massive economic growth during the 1960s and 70s was based on the large numbers of low-paid, semi-skilled workers living in São Paulo's peripheries. Although the success of the military's economic policies up until the mid 1970s brought legitimacy to the regime in the eyes of many Brazilians, the concentration of so many poorly paid workers in São Paulo's industrial belt would ultimately play an important role in the struggle for transition to civilian rule. The following chapters will explore how the movement emerged out of the illegal city to challenge the nature and behaviour of the state and how its use of both legal and illegal activities forces the state into a reappraisal of its own relationship to the urban poor.

Chapter Four

Social movements in recent Brazilian history and the emergence of the União de Movimentos de Moradia

Introduction

This chapter traces the evolution of collective action in São Paulo in the context of the gradual transition from military to civilian rule that occurred over the course of the 1970s and 1980s. This provides the context for a presentation of a brief history of the União de Movimentos de Moradia. The chapter describes political organization during the dictatorship, before detailing the development of trade union activism and its influence on neighbourhood mobilization. The chapter shows how social movement and trade union activity emerged into the public sphere in the late 1970s, after a decade of less visible organization and mobilization, and gradually gained strength and legitimacy during the 1980s. These actors took advantage of changing political circumstances to denounce the chronically low standard of living of the poor in the city, particularly on the periphery (as explained in the previous chapter) which had been exacerbated by the end of the Brazilian 'miracle' of economic growth. The chapter highlights a number of key moments for social movement organizing in recent Brazilian history: the metalworkers' strikes in São Paulo, the formation of the PT, participation in the drawing up of the new Constitution and the return to electoral democracy. The second part of the chapter explores the significance of these moments for the União de Movimentos de Moradia, or UMM, the housing movement that is the focus of this study. It shows how levels of participation in the movement were sustained after the formal return to civilian rule in 1985 ; a finding that runs contrary to the bulk of analysis of the period. Of particular import were contributions amongst urban popular sectors into the drawing up of the new Constitution in the late 1980s. This marked the culmination of a gradual process whereby demands for basic needs were reconceptualized as social rights and as core elements of full citizenship. This reconceptualization, and the way it has been enshrined in the text of the Constitution, is of real significance for the way in which São Paulo's housing movement currently makes its

demands on the state and justifies its actions, as is shown in the following chapters. Building on the work of Walton (1998) that argues that particular types of urban collective action are motivated by shifts in the economic climate, this chapter suggests a greater overlap between his categories of urban conflict: labour action, collective consumption action and political and human rights action.

Social movements and transition

Much has been written about the transition to democracy in Brazil, which was the most protracted in the region (Alvarez 1990). But there is limited consensus as to precisely when it began and at what point it can be understood to have ended. The term 'transition' is in itself problematic, in that it implies a steady progression towards democracy, and does not contemplate the idea that countries may remain in the 'grey zone' between democratic and authoritarian political systems (Carothers 2002). Although Brazil is now considered a formal democracy, as pointed out in previous chapters, other measures of democracy have not been adequately consolidated, leaving commentators to describe the country as having suffered an incomplete transition. As Kingstone and Power summarize,

> The New Republic has not lived up to the normative promises inherent in the concept of democracy, to the expectations its defenders held at the time of the transition, or to the standards provided by advanced industrial democracies. Brazilian democratic institutions remain controversial and problematic, as do many of the public policies emerging from them. Brazilian society remains highly unequal and elitist, and the rule of law has not been effectively extended to the lower-income segments of the population (Kingstone and Power 2000:6).

Further to this, important parliamentary reforms are still to take place: the electoral system massively over-represents the poorer and more conservative states of the Northeast in Congress. This is a leftover from the pre-1964 era, benefiting the *coroneis* or bosses of the region. Indeed, Hagopian (1996) shows how traditional elites were able to maintain their hold on power during and after the military regime. It could therefore be argued that the transition to democracy is still ongoing.[41] As Keck (1992) points out, the ambiguity over

[41] Interview with Renato Simão, PT official and former São Paulo state deputy 29/06/07.

when the transition ended reflects uncertainty over the progress towards democratization. The problematic nature of Brazilian democracy is key to an understanding of the actions of social movements, as will be discussed below.

The role of social movements in the transition to democracy that took place during the 1980s divides scholars working on this period of Brazilian history. The transition has been described as top-down, elite dominated and a 'conversation between gentlemen and generals' (Alvarez 1990:14). It was a process inaugurated by the regime itself, and tightly controlled by a series of military rulers. Mainwaring (1989) emphasizes the dominance of the elite during the transition, and in Brazilian politics generally. Although he acknowledges that social movements have had some impact on political processes he believes that conservative political actors maintained their dominant position after the return to civilian rule. Alvarez is also cautious about the input of social movements into the transition process:

> Minimally, popular pressure and mass-based political protests indirectly legitimated the more moderate goals of the elite-based opposition sectors in the eyes of the military incumbents. And the existence of social movements among the popular classes and other social groups [...] who were quintessentially excluded from the pact of domination under authoritarian rule, provided the elite opposition with an organizational base that could be mobilized in favour of democracy (Alvarez 1990: 15).

Social movements cannot be credited with the initial decision to return to democracy as Arantes (2004) would suggest. The movements became more visible, vocal and influential once the military had signalled its intention to set out on the path towards democratization. But the ensuing outburst of popular mobilization no doubt contributed to the speeding up of this process. Other more sympathetic analysts of the period argue that movements made a clear contribution to the transition process inaugurated by the regime, emphasizing their contributions to 'democratization from below'. This position gives them a different role to that set out for them by Alvarez above. In this view, social movements both contributed to the democratization process by maintaining their opposition to the continuation of the authoritarian regime, and introduced their members to democratic practices through

participation in the internal workings of social organizations (Hochstetler 2000). However, beyond being a school for democracy, social movement organizing during this time did have an impact on broader political processes. For example, their demands brought about some change in policy towards the poor, with the implementation in the late 1970s of more targeted social programmes (Jacobi 1987; Mainwaring 1987). But more generally, as Keck notes, (1992:1), 'the emergence of a wide range of social movements raising socioeconomic demands and questioning elitist notions of politics' was a key outcome of the transition process. Collective actors of the 1970s and 1980s challenged the elitist nature of Brazilian politics, and were highly successful in bringing popular voices into the public sphere. This was achieved through campaigns for direct elections and popular involvement in the drafting of the new Constitution by the Constituent Assembly from 1987-1988, as will be explained below. These growing demands for popular participation were then institutionalized through provisions for participatory policy councils in the new Constitution.

Whilst the activities of social movements during the transition period should not be disregarded, it is also important to note the critical impacts of both the authoritarian and the liberalization periods on the organization of popular sectors and the mobilization of collective action. Firstly, as opposition to the regime grew, movement members and leaders developed an antagonistic and anti-state stance which is still in evidence in their discourse today (see chapter five). But of particular note was a growth in awareness of the concept of citizenship and its constituent rights that led to a discourse that posited needs as social rights. This culminated in movements' involvement in the drawing up of the new Constitution of 1988 which grounded the discourse of rights and citizenship in text-based guarantees. The social rights set out in the Constitution are now central to the São Paulo housing movements' public discourse and justification of both its demands and its actions. Furthermore, whilst there is indeed continuity amongst the political elite in today's Brazil, as will be argued more thoroughly in later chapters of this thesis, social movements play a role in Brazilian politics through their continued questioning of the status quo in Brazil,

particularly with regards to inequality and the role of the state in providing for the country's most vulnerable populations.

Transition from authoritarian to civilian rule

Brazil's most recent experience of military dictatorship began in 1964, when the military seized power from the left-leaning government of João Goulart.[42] Once installed, the military initiated a crack-down on organized groups that had grown in militancy during the Goulart presidency of 1962-64 (Hagopian 1996). The military regime also crushed the most radical elements of the São Paulo unions in 1964, bringing about the dismissal of around 1800 workers, and the imprisonment and torture of many (Sader 1988; Oliveira 1987). Attempting to wipe out the populist legacy, peasant and student groups were quashed, and their protests in 1967 and 1968 were harshly dealt with (Skidmore 1989). In 1968, Medici's hard-line 'coup within a coup' took the regime further to the right (Alvarez 1990), and the climate of fear pushed most dissent underground. During this time *habeas corpus* was suspended, and the military fought against an armed left-wing opposition (Skidmore 1989).[43]

Despite the repressive climate and the intolerance of many opposition groups, the presidency changed hands regularly throughout the authoritarian period as the military maintained a semblance of formal democracy through regular, but indirect elections. It also made numerous institutional changes as a response to sustained criticism (Alvarez 1990). However, the regime ensured that it maintained control of the electoral college that would elect each president. Although there was a 'profound ambivalence within the regime about liberal democratic principles' the military never openly rejected democracy (Stepan 1989: x). The generals argued instead that Brazilian society 'had not yet reached the stage of economic and social development where it could afford the practice of a 'true democracy"

[42] In the 120 years since independence from Portugal, Brazilian society has had two experiences with military rule. The first was under Getúlio Vargas, who took power in a bloodless coup, also referred to as a Revolution, in 1930 and ruled until 1945.

[43] Although it dealt with these groups ruthlessly, and used repressive tactics against the unions and other organized groups, levels of human rights violations were not as high as in Chile and Argentina during their dictatorships (Keck 1992).

(Martins 1986: 77). The military put forward its project to create the economic preconditions for 'the establishment of social structures out of which 'stable' and 'democratic' institutions would evolve in the future.' (Ibid). The semblance of democracy through the maintenance of an electoral system was one of the key differences between the military regime of Brazil and those of other Southern Cone countries. It was further fostered by a two-party system that allowed for a 'formal' opposition party, the MDB (Movimento Democrático Brasilieiro – Brazilian Democratic Movement) and the continued, although severely limited, functioning of the legislature (Keck 1992). Regular elections were also held for municipal mayors, although residents of capital cities of states (including São Paulo) and those considered key to national security did not elect their mayors; these were appointed by state governors (Samuels 2000). However, the military attempted to maintain control over these institutions and processes by manipulating electoral rules to favour the party that supported them, ARENA (Aliança de Renovação Nacional – Alliance for National Renovation) later known as the PDS (Partido Democrático Social – Social Democratic party) (Hagopian 1996). Whilst the MDB existed as an opposition party, its potential to develop a more radically oppositional stance was stymied by 'the efficiency of selective repression of its leaders, the government's firm control over the electoral rules and patronage, and the weakness of potentially countervailing forces in society' (Keck 1992: 30).

Buoyed by the defeat of armed resistance to the military, and with the belief that the massive economic growth experienced during the Brazilian 'miracle' had given the regime legitimacy, Medici's successor General Geisel took office in 1974 and introduced the concept of *distensão*, or 'decompression'. Geisel was much less of a hard-liner than his predecessor and considered it appropriate to loosen control over the electoral process, particularly as the economy was still strong at this point (Keck 1992). Further, as Mainwaring notes (1989:198) the apparent weakness of organized sectors of Brazilian society convinced the country's military rulers that they would be able to liberalize without 'adverse effects'. As a first step towards this gradual liberalization, elections for state governors were held in 1974, which although indirect, were still the freest since 1966 (Martins 1986). It is for this reason

that some commentators see these elections as the starting point for the transition. However, the 'transition' cannot be seen as a linear process from this time, as the military regime, shocked by the gains of the opposition in the governorship elections, continually manipulated and postponed further elections over the following decade.

The ensuing crisis in authoritarian rule that eventually led to redemocratization largely came about because of the end of the Brazilian miracle of 1968-1973 and the exhaustion of the regime's economic policies. This had involved a programme of 'accelerated industrialization [...] fuelled by multinational and transnationalized domestic capital investment and debt-financed state investment and supported by regressive wage policies and tight controls on labour' (Alvarez 1990:37). By the time of the debt crises of the 1980s, this programme had run its course, and the military lost control of the economy as inflation spiralled. The regime also lost the support of the entrepreneurial groups and elites who had benefited from Brazil's record economic growth during the miracle (Martins 1986). The slowdown of the economy coincided with the first oil shock and with reports of corruption and fiscal irresponsibility. The business elites and affluent middle-classes who had given their passive support to the regime began to question the generals' grip on financial matters, eventually leading to calls for greater civilian involvement and participation (Cardoso 1986).

Most scholars of Brazilian democracy put the start date of the transition at General Figueiredo's inauguration in 1979, when he announced his aim to make the country a democracy, thus kick-starting the *abertura* or 'opening' process. Although Figueiredo was succeeded by a civilian president, Jose Sarney in 1985, the population at large was still not able to cast its vote despite a huge popular campaign for direct elections, known as the *Diretas Já*, meaning 'direct elections now'. Sarney would have been vice-president had it not been for the death of Tancredo Neves, the choice of the electoral college, shortly before his inauguration. Sarney's democratic credentials were somewhat marred by the fact that he had been the civilian head of the military's party, ARENA/PDS, from 1979, and as Alvarez

(1990: 226) records, 'The military retained six cabinet posts in the Sarney administration and de facto veto power over a number of key policy areas.' Whilst some would place the end of the transition from military rule with Sarney's inauguration in 1985 as the first civilian president for 21 years, it was not until 1990, when Fernando Collor de Mello took office, that the Brazilian population finally elected its president directly.

The metalworkers' strike

In 1978, a strike was organized by the metalworkers' union of São Bernardo, an industrial municipality within the Greater São Paulo area (Kowarick 1994). The unfavourable conditions for industrial action, including tight control over the unions, meant that the country was surprised by the strike. This industrial action was undertaken by the 'new unionists', and led by Luiz Inácio Lula da Silva, who went on to found the Workers' Party and was eventually elected president of the Republic in 2002. New unionism opposed the existing forms of union organization and sought change from within. It was further characterized by the quest for autonomy from the state and was led by the *autênticos,* authentic popular leaders, as opposed to the *pelegos,* the latter being union leaders believed to be in the pockets of the regime (Galdino 2005). The strike has since come to be regarded as the key moment that kick-started popular mobilization for democracy. Furthermore, it acted as a catalyst for neighbourhood level organization that burst onto the public sphere in the 1980s.

Although centred on demands for pay to keep pace with inflation, the metalworkers employed a discourse that went beyond pay demands to touch on issues of dignity and honour. The leaders demanded that they be credited and respected for Brazil's massive economic growth over the past decade. Abramo gives some insight into the issue of dignity in the metalworkers' strikes, noting that the workers felt that,

> Their dignity was routinely violated. Their rights as workers, as citizens and even as human beings were totally and systematically disregarded at every moment of their waking day [...] The idea of dignity seems to have emerged out of a profound

> sentiment of *injustice* and *humiliation* experienced individually by workers in their daily lives (Abramo 1994: 150).

The strike in 1978 was successful, in that pay was brought back up to 1972 wage levels: a 63% increase (Skidmore 1989). But Abramo reads a deeper significance into the metalworkers' industrial action.

> The workers recovered their dignity and their ability as subjects to organize, act collectively in defence of their interests, and win victories against a political and economic system, a body of repressive laws, a set of employers, and a state which had long believed (and made society believe) in their own impotence and impunity (Abramo 1994: 170).

The reference to dignity and its relation to rights is important. It is linked to the idea of being respected by government, and is key to some of the ideas around housing held by the UMM, as will be discussed in the following chapter. It echoes Marshall's (1964: 72) conceptualization of social citizenship, in which citizens have the right 'to live the life of a civilized being according to the standards prevailing in the society'. And the theme of dignity is also drawn out by other scholars of São Paulo's labour force who, as noted in the previous chapter, refer to the way in which industry was able to drive down the pay and living conditions of a huge mass of semi-skilled and underemployed urban workers, resulting in massive exploitation and human degradation (Kowarick 1979; Oliveira 1982). Similarly, for Holston (2008:198) residents of São Paulo's peripheries began to organize in the late 1970s partly as a response to their 'incorporation into the labour market as practically servile workers [that] denied them dignity'.

The metalworkers' strike was also significant for those outside of the industry. It was the first major protest against the regime since 1968, and the strikers garnered immense support throughout the country. In the greater São Paulo region in particular, the strike transcended the boundaries of the factory to find solidarity in the neighbourhoods of the peripheries, where committees were set up to provide food and money for the families of those on strike (Skidmore 1989). The strike was seen as,

> Sowing the seeds of popular organizations in the neighbourhoods, which flourished after 1980 into a people's movement that began questioning the municipal government and the authorities in general (Bava 1994: 203).

The strike in 1978, and those that followed are, in this way, credited with the politicization of everyday life, serving as the catalyst for other collective action in São Paulo and beyond around both production and reproduction. Further, particularly after the arrest of Lula in 1980 and the repression of a second metalworkers' strike widely perceived by society as legitimate, these struggles came to be conceived as protests against a repressive state (Bava 1994).

That these strikes in São Paulo should come at a time of national economic contraction is interesting, since the traditional link between industrial action and the business cycle sees unions' bargaining power as greatest at times of economic expansion and declines during recession (Wood 2000:137). That these protests should manifest themselves through labour strikes also runs counter to Walton's supposition that collective action of the urban poor in times of recession 'is more likely to occur in the form of collective consumption and less often in the form of labour (e.g. strikes)' (Walton 1999:471).[44] The politicization of union activity, as demands spread from the narrow focus of the workplace to more general protests about standards of living, was not unique to Brazil at this point, however. The late 1970s in South Africa also saw trade unions with close ties to community organizations, pressing 'for political reforms that far exceeded the usual union mandate' (Wood 2000: 137).

The founding of the PT

A second key moment in the transition period was the establishment of the Partido dos Trabalhadores, the Workers' Party, or PT. Its creation reflects the broadening of focus within labour organizing as trade union leaders sought to establish a political party that would reach out beyond unionized workers to Brazilians employed in the informal economy

[44] Walton (1999) does concede that contrary to his expectations labour action can increase concurrently with collective consumption action, as was the case in São Paulo in the 1980s.

and residents of poor communities, thereby representing 'workers' generally.[45] In the late 1970s, union leaders and sympathisers had come to the conclusion that,

> Union representation of members' demands for better working conditions, wages, and other benefits was not enough to ensure a better life for Brazil's working classes. Workers were also citizens, with needs and interests outside the workplace, and they needed to be represented as such in the national political arena. Even for workplace issues, unions were seen as highly vulnerable to state repression whereas a party might operate in multiple locations within and outside the state apparatus (Nylen 2000: 129).

The PT was formed in 1980 after the military relaxed its rules on the formation of political parties, and although its impetus came from the trade union movement, other social actors were also involved in its formation, notably the Catholic Church, the neighbourhood movements and exiled left-wing academics. The PT is based on a pyramid system with groups organized around neighbourhoods, schools and workplaces who meet to make decisions and then elect delegates to party conferences at the 'zonal', municipal and regional levels. Key to the ideology of the party at its founding was to be the continued support for social movement mobilization and ongoing input into programmatic issues from the grassroots.

> The idea behind this pyramidal system is to insure bottom-up decision making in which a large party base rooted in popular movements has direct contact with the top leadership (Abers 1988:42).

The party's philosophy is based on 'three pillars': (i) popular participation, (ii) social policies for redistribution of income and (iii) 'reversal of priorities' *inversão de prioridades*– i.e. prioritizing the needs of the more vulnerable sectors of Brazilian society who have historically been marginalized.

The PT's roots in the trade unions, neighbourhood movements and general struggle for democracy led some observers to refer to the party, in its earlier years, as a social movement

[45] The term *trabalhador*, or 'worker' is a synonym for the hardworking, honest poor in Brazil.

in itself (Keck 1992).[46] It was perceived as fulfilling a dual function as both mobilizing and representing the poor. As Keck (1992: 3) notes,

> The PT was unlike other parties created in the 1980s, as it had a base in labour and social movements and it took representation, both internally and externally very seriously.

The mobilizational capabilities of the party were clearly demonstrated in the early 1980s when it brought thousands of protestors onto the streets of São Paulo at the time of elections in 1982, and then again in the campaign for direct presidential elections in the run up to 1985, the *Diretas Já*. However, much has changed in Brazilian politics since the 1980s, and in its current state of advanced formal institutionalization and integration into the Brazilian political system, the PT would not be referred to as a social movement. However, achieving a balance between a close relationship to social movements with the need to make electoral gains remains an underlying tension within the party. Some commentators argue that relationships with social movements have been sidelined in the quest for institutionalization (cf Petras and Veltmeyer 2003), but there are still currents within the party who seek broader engagement with grassroots movements (Duquette 2005). Although there is now considerable disquiet amongst many popular movements, the UMM included, as to the direction taken by the PT, there are still substantial links between social movements and the party as will be discussed below.

Emergence of a rights discourse

Scholars of political science in Brazil during the 1980s saw the metalworkers' strike and the establishment of the PT as opening the doors for an 'explosion of civil society' (Keck 1992). Autonomous popular organizations had traditionally been considered weak in Brazil, partly as a result of the dominance of elite groups that had fostered a history of clientelism and vote-buying, but also due to Vargas's legacy of the state-controlled corporatist organization of the trade unions (Hagopian 1994; Nylen 2000) (discussed in chapter three). Rights for

[46] The formation of the PT was also supported by left-wing intellectuals and members of former revolutionary and resistance groups (Duquette 2005).

registered workers had been privileged, but at the price of the closing down of spaces for dissent, and excluding those not in the formal sector. As Mainwaring (1989) points out, with the partial exception of the 1961-64 period, popular sectors had been excluded from decision-making processes throughout Brazilian history. The repressive tactics of the military regime from 1964 onwards against worker, student and peasant groups quickly put down popular organizations that had emerged in the early 1960s. The situation of the military regime was therefore one in which spaces for expressing dissent or articulating needs appeared to have been reduced to almost nothing, and this perception accounted for the general surprise that greeted the emergence of organized sectors in the late 1970s. This was the *fechamento*, or 'closing off' of the state (Sader 1988). In response to it, organized groups within society recoiled from the state and retreated to the sphere of the family and the neighbourhood. But this is not to say that popular organization disappeared. As Duquette notes,

> Civil society had not sat on its hands waiting for the demise of the dictatorship. Associations multiplied in the late 1970s and early 1980s, extending civil networks and attempting to take up the slack from a struggling regime short on money, prestige and internal organizational strength (Duquette 2005: 45).

The closing down of the state is credited with the gradual strengthening of civil society during the military regime, as 'people began to consider the potential of social movements, that could only be developed outside of the institutions of the state' (Sader 1988: 34).

The type of problem-solving and mobilization that ensued in the sphere of the home, neighbourhood, and to an extent the workplace, created a new perception of the state and its relationship to society (Sader 1988; Telles 1994; Brandt 1983). Since the 1930s, the state had 'penetrated the very pores of social life, ordering and regulating society while constructing an image of itself as the only subject able to realize a project for the national future' (Telles 1994: 200). By contrast, 'the history of the 1970s can be seen as the *constitution of the social as a political space*' in which people began to imagine alternative futures and to perceive these in opposition to the state's project for them (ibid: 198

emphasis in the original). Social movement militants therefore began to speak of 'everyday life' as the new space of resistance (Sader 1988).

The key actor in bringing about this change in perception amongst poor communities is generally considered to be the Catholic church, and the role of the Church in stimulating the first neighbourhood level associations should be emphasized:

> It is impossible to overstate the importance of the Catholic church's role in providing space for interaction and organization, a communications network and human rights advocacy during the most difficult years of the authoritarian period [...] The adoption of the defence of human rights and the preferential option for the poor as the principles for the whole Brazilian Church [...] meant that the Church qua institution could confront the State [...] it took an institutional position against torture, repression and social and economic oppression that were often stronger than those of its counterparts elsewhere in Latin America (Keck 1992: 37).

It was through the *Comunidades Eclesiais de Base*, the Christian Base Committees, that were set up in neighbourhoods across Brazil following the conscientization teachings of Paulo Freire, that a gradual politicization of everyday problems was built up.[47] The CEBs were an umbrella body for organizing local initiatives, such as mothers' groups, literacy circles and youth clubs, through which campaigns for improvements to local services were also developed.

> The CEBs [could not] accept the persistence and the aggravation of social inequalities. Nor [could] they accept the idea that inequalities are the result of individual differences, which implies that the poor – because of their ignorance, their low productivity, their inability to limit the size of their families [...] are the principal, if not the only ones responsible for their own poverty (Singer 1982: 290).

The work of the CEBs in the poorer neighbourhoods of São Paulo began to manifest itself in a series of well-publicized campaigns and protests in the late 1970s and 1980s, including the Cost of Living campaign. Although they may not have started out with a political agenda, many campaigns acquired a politicized edge, as Keck notes,

[47] Arantes (2004:189) explains Freire's pedagogy thus: 'According to Freire's teachings, literacy moves from being a process of domesticating and mechanizing students towards a means of awareness and liberation. Learning to read and write becomes, most importantly, an act of learning how to read the world and to write one's own history. What was required was an emphasis on the reality of each community and its problem situations with a view to the formulation of generative-themes with transformative educational properties'.

> Through an examination of Christian teachings, many communities, particularly in poor areas, developed a social critique based on immediate experience (Keck 1992: 47).

Similarly, as Alvarez (1990: 39) argues, it was through the process of making demands on the state that its repressive and exclusionary character was revealed, leading some movements to develop 'an oppositional consciousness and a combative political practice'. The conscientization and politicization of these groups led them to point the finger of blame at the authorities for the difficulties suffered by the urban poor. Crucially, basic needs began to conceptualized as rights: chronic hunger and malnutrition, combined with inadequate shelter (experienced even by families where adults were in work) were perceived as violations of the right to life and to human dignity. The state was posited as the culprit for the negation of these rights. In this way, an anti-state stance and a discourse of citizenship developed within neighbourhood organizations and urban movements.

The emergence of a citizenship rights discourse amongst the urban poor is one of the key impacts of social movement organizing during the 1970s and 1980s (Jacobi 1987; Sader 1988; Levy 2005). Poorer sectors of society began to challenge the elite dominated political system and to denounce the engrained inequalities of Brazilian society by both voicing their demands in the public sphere and framing these demands as rights. The impact of this was to raise 'their demands to a more encompassing, universal and systematic level, which strengthened their notion of citizenship as well as their collective identity' (Levy 2005: 106). Employing the discourse of rights over questions of poor urban infrastructure and basic needs was also a way of combating clientelistic relationships with politicians. The idea that the poor had the right, as citizens, to receive adequate urban services without the need to do deals with corrupt politicians was supported by the development within social movements of a strong rhetoric around the question of organizational autonomy (Jacobi 1987; Sader 1988).[48] Finally, for Sader (1988), the conscientization of movement members and

[48] The question of the autonomy of social movements is a highly charged and complex one, and will be discussed in greater detail below and in the following chapters.

politicization of demands is proof of a sea-change within the popular classes, as they became aware of their own agency and ability to alter the status quo.

That popular groups began to mobilize around basic needs at a time of economic recession would seem to lend weight to Walton's (1998) thesis that collective action of the urban poor around goods of collective consumption is most likely to arise at a time of economic decline.[49] This is particularly likely to be the case when welfare spending is cut back, thus damaging the 'moral economy' whereby populations have built up expectations of some kind of state provided social protection.[50] He observes that these groups express their discontent with a decline in living standards through non-institutional channels, particularly since many do not have access to unionized employment. However, it would be inaccurate to describe the collective action on the peripheries of São Paulo during the 1980s as purely based on a search for the fulfilment of needs. As has been demonstrated in discussions above, needs were conceptualized as rights, and, at a time of political liberalization, gross inequality, social segregation and even hunger became key rallying points in the struggle for democratization. This finding has resonance in the discussion of social movement theory in the first chapter of this thesis that, drawing on Castells (1983), identified a link between questions of identity and collective consumption. It is also echoed in the behaviour of other urban movements across the world that politicize their demands for housing and other services (cf. Appadurai 2001, D'Cruz and Mitlin 2007).[51] Finally, it gives weight to Walton's suggestion (which he does not develop further) that political and human rights action can involve popular mobilization around material as well as non-material issues (Walton 1998:463). There is thus a clear cross-over in the case of São Paulo between all three types of urban conflict in Walton's typology. Collective action in trade

[49] Goldfrank (2007) observes a pattern of neighbourhood-based mobilization across Latin America in the early 1980s in response to the deterioration of urban services brought on by economic crisis.
[50] As Baierle 1998 notes, somewhat ironically, it was during the military dictatorship that the Brazilian state established universal access to healthcare, education and some forms of welfare support.
[51] Many housing movements in cities around the world start life as savings and rotating credit organizations and, as such, could be classified as purely consumption based. These may be facilitated by the local authorities, as in the case of Thailand (cf. Boonyabancha 2001). However, as these organizations federate, they can develop a politicised discourse and strategy, particularly when they engage with democratisation processes, as is shown by the case of the South African Homeless People's Federation (Millstein et al. 2003) – recently renamed FEDUP.

unions catalysed and provided support for action based around collective consumption, which in turn acquired a political component as basic needs were conceptualized as rights.

The Constituent Assembly

The late 1970s and early 1980s were clearly a time of significant mobilization amongst poorer sectors of São Paulo society, and these groups were joined by more middle-class elements from the human rights and women's movements in the *Diretas Já*. The majority of scholars of the period consider the 1984 *Diretas Já* campaign as the high point of social movement organizing in the city's recent history. The campaign brought thousands onto the streets in 1984 to demand direct elections (to be held the following year) for the first civilian president in twenty years. The failure of this campaign (the transition to civilian rule went ahead in 1985 after indirect elections) is perceived by many observers as leading to the fragmentation of the pro-democracy coalition (Hochstetler 2000; Mainwaring 1987; Alvarez 1990). And popular collective action is posited as having gone into a general decline from this point onwards (Mainwaring 1989; Hellmann 1995; Hagopian 1996). These commentators display a belief that the movements that had shown so much promise and vitality during the authoritarian era and transition were not able to live up to their potential with the restoration of civilian rule after 1985.

Hochstetler (2000) notes the generally negative evaluation of social movements after 1984-5. She regards the period as the end of what Tarrow would label a 'cycle' of contention, and argues that the 'masterframe' of democratization that had held disparate movements together had been exhausted. There are two distinct critiques of the social movement field at this time, reflected in the following comment from Kingstone and Power:

> Groups and movements that were intriguing in the early 1980s now seem less vital or more ambiguously prodemocratic (Kingstone and Power 2000: 6).

On the one hand, social movements are seen to have lost their vibrancy, either because they have become institutionalized (Foweraker 2001; Houtzager 2005) or because they have

experienced difficulty in mobilizing members in the post-dictatorship era. The lack of a clear enemy is posited by Mainwaring as the explanation for social movements' decline:

> When the government was openly anti-popular, it was easier for the movement to project an image which combated this view (Mainwaring 1989: 184).

On other hand, a number of scholars voice their disappointment that the anti-regime coalition of social movements has not been able to adapt to changing political circumstances to become a force for the consolidation and deepening of democracy. Movements are perceived as unable to make the shift from the 'confrontational tactics of the transition period to strategies of negotiation and compromise necessitated by democratic political rules of the game' (Alvarez 1990: 227). A similar critique is made by Jacobi (1987) who criticizes the anti-state positioning of social movements. Hellmann (1995) concurs that with the return to democratization, social movements have not found a 'positive role' for themselves in the new political arena.

The pessimism over the direction and general health of collective action in Brazil after the end of the military regime is reflected in evaluations of the process that accompanied the promulgation of the new Constitution. For over nineteen months in 1987-88 the members of the *Assembléia Constituinte*, or Constituent Assembly, mainly congressmen, debated the form and content of Brazil's new Constitution. For Duquette (2005) social movements hovered between being 'bit players' and 'docile participants' in the process. Keck quotes from an article in a the newspaper *Folha de São Paulo* which evaluated the work of the Constituent Assembly as,

> Nothing so much as a group of politicians sitting in a room surrounded with mirrors, so that everywhere they looked they saw only their own images (Martins cited in Keck 1992: 253).

Political scientists have also been somewhat scathing of both the constituent assembly process and its final outcome. Kingstone and Power (2000:19) criticize the 'non-stop tinkering with the institutional arrangements of Brazilian democracy', damning the process

of the Constituent Assembly as 'a free-for-all of parochial and sectoral demands [that] produced a document reflecting its chaotic politics and ad hoc procedures'.

Beyond tinkering in a room of mirrors, however, there was a strong participatory element to the process: citizens' groups that amassed at least 30 000 signatures supporting changes to the draft of the Constitution were permitted to submit amendments to the Assembly. In total, 168 amendments were submitted in this way, meaning that movements collected millions of signatures. They then lobbied the Assembly in favour of the proposed changes and debated the language used in the drafts of the Constitution (Hochstetler 2000). Alvarez (1990) records the presence of effective women's lobbies during the drafting of the new Constitution that ensured the incorporation of key demands from the women's movement. The process also created a huge amount of popular interest in the Constitution and brought about a high degree of awareness of the content and tone of the final document amongst social movements. As will be shown in following chapters, the way that the São Paulo housing movement now uses the Constitution to make claims on the state and to justify its actions is a key element of its 'politics of rights'.

The activity of popular sectors in the Constituent Assembly clearly contradicts arguments that the failure of the *Diretas Já* marked the beginning of a serious downturn in social movement organizing in the city. In general the accounts of the withering away of social movement activity post-transition do not find resonance with the specific history of São Paulo's União de Movimentos de Moradia. The UMM was founded in 1987, and although it has undergone fluctuations in internal organization, success and mobilizational ability, its general trend, as with the national level movement that emerged out of it, is one of growth in strength and visibility over the past twenty years. Similarly, Brazil's most well-known movement of Rural Landless Workers, the Movimento de Trabalhadores Rurais Sem Terra or MST, has also made gains over the period since the transition. Indeed, the MST is considered to have 'exploded' in the mid 1990s (Power and Roberts 2000). Levy (2005) makes parallel claims for the housing movements of São Paulo, which she sees as having

had a renaissance in the late 1990s. The vibrancy of these collective actors is acknowledged by Keck (1992:24) who points out that these are the two social movements that have not faltered post-transition.

> Social movements did not disappear, indeed, during the 1980s some of them, particularly urban squatter movements and the rural landless movement, were much larger and more militant than their counterparts during the early phases of the transition. The difference lies in the fact that during the late 1970s such movements were interpreted as part of the broader fabric of a democratic opposition, while in the 1980s it was their contestatory role and their capacity for disruption that appeared paramount.

Keck does not, however, elaborate on these issues of contestation and disruption, and appears to refrain from making a value judgement on social movements' 'contestatory role'. Her somewhat oblique comments suggest that during the dictatorship, contestation was part of the way in which opposition was mounted, but that this appears somewhat out of place in a democracy. Comments above on the lack of a 'positive role' for social movements post-transition suggest a similarly negative critique of disruptive or transgressive action on the part of social movements. At the other end of the spectrum, movements that have become less visible through absorption into the institutional political system, particularly through participatory policy councils, risk accusations of cooption and a loss of vibrancy This appears to have been the fate of the once highly dynamic youth and health movements in São Paulo.[52] These evaluations will now be examined in light of the specific history of the União de Movimentos de Moradia in the post-transition period.

[52] Interview with Luiz Kohara, representative of a legal assistance NGO 27.03.07.

Figure 4: Members of the UMM gather in central São Paulo to attempt the occupation of an empty federal building

A Brief History of the União de Movimentos de Moradia

The developments in recent Brazilian history outlined here – the transition period, the formation of the PT, mobilization around the Constitution and the restitution of formal democracy – have had important and lasting effects on the São Paulo housing movement, as will now be shown. The UMM was founded two years after the return to civilian rule, but as a federation of movements, organized into regional groups, it brought together a number of already well-established associations campaigning for housing and urban services across the city.[53] It thus reflects the organizational structure of other large housing movements of the urban poor around the world, notably in India, South Africa and the Philippines (Appadurai 2001; Baumann and Bolnick 2001; Millstein, Oldfield and Stokke 2003;

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53 At the time of the fieldwork for this study, the UMM's internal structure incorporated six 'macro-regions' within the municipality of São Paulo: North, East, Southeast, South, West/Northwest and Centre and a further three in São Paulo state.

53 Each regional movement is also a federation of smaller associations and movements located in its geographical area. Through these many grassroots groups, known as *grupos de* origem, the UMM currently claims to represent 50 000 people across São Paulo state.

Shatkin 2007). Many of the members and leaders of São Paulo's urban movements had been involved in activism since the 1970s, working in local neighbourhood associations, involved with the work of the Catholic Church through the Christian Base Communities and the Pastoral de Moradia[54] or participating in industrial action. Key leaders, particularly from the eastern areas of the city, had also been affiliated to the MST that, as part of a broad programme for land reform, had begun to transpose its tactic of land occupations from rural areas to urban ones.[55] The UMM's roots in the movement against the dictatorship and involvement in the transition period are clearly reflected in its discourse – leaders and members continue to refer to their campaigning as *a luta*, 'the struggle', their rhetoric has a strong anti-state stance and they continue to carry out occupations of both land and buildings. Leaders and members also demonstrate extreme concern with the autonomy of the movement, again an echo of the new unionism of the late 1970s. These are not an anachronisms, however. The UMM adapts swiftly to changes in political circumstance, and engages when it can with the local and national states through collaborative housing ventures and involvement in new participatory policy councils. This suggests that along with analysis of economic climate, analysis of social movement action must also take political process into account. The movement's dual strategy of collaboration and contestation is at the heart of its response to a situation of formal democracy where many Brazilians still suffer from 'limited citizenship'.

In the early years of mobilization around housing, the 1980s, groups of low-income residents affiliated to the MST and supported by the Church undertook mass occupations of land, particularly on the eastern peripheries of the city. This action can be read as a survival strategy amongst the urban poor; a response to growth in inflation and unemployment, and rising rents. Occupations, sometimes involving up to 100 000 people, were also a reaction to the growing density of the *favelas* and legislation that restricted the opening up of new plots for house building. Squatting, land invasions and rent strikes are classic 'non-

[54] This is the Church's housing support programme. There are also pastoral units organized around health, education, children and young people.
[55] Although the UMM and its constituent members borrow from the strategies and discourse of the MST, as will be discussed in chapter five, the two organizations no longer have formal associations.

institutional' responses to economic downturn amongst the urban poor (Walton 1998). But the 1980s saw both the intensification of occupations and protests in São Paulo as well as the gradual development of a political component to this type of action at a time of democratization. The UMM was formed precisely to give a deeper political dimension to demands for housing. Its original *raison d'être,* according to UMM leaders, was to bring groups with similar aims into a federation so that they could present their demands in a unified manner to the municipal and regional state, giving 'greater weight to the struggle for housing' (Cavalcanti 2006).[56]

The development of the housing movements' demands also shows an increasing emphasis on collaboration with a newly democratic state. In its early years, demands on the local state by housing movements revolved around the provision of land in the city of São Paulo, calling for thousands of plots from the municipal government on which their members would build their own homes (Cavalcanti 2006). However, over the course of the 1980s, elements of the housing movement began to develop the idea of *mutirão con autogestão,* a type of self-help in which land and financing of building materials are provided by the municipality. The future residents, known as *mutirantes,* are organized into groups and take on building work in their spare time. The group of *mutirantes* receive technical assistance from architects and are intimately involved in all aspects of the project, from planning to administrative management of resources. For Cavalcanti (2006) *mutirão* was a significant development for the housing movement because it engendered a change in relationship between the state and the social entity organizing the project. Rather than simply receiving plots of lands on which to build poor quality housing, *mutirão* aimed to break with the traditional cycle of precarious self-construction in poorly serviced areas (detailed in the previous chapter) by producing higher quality housing and establishing a relationship between the state and organized groups of the urban poor. Further, while the state approves the project, provides the funding and makes checks on the building work,

[56] Levy (2005) also claims the Union was formed as a response to the emergence of other umbrella organizations linked to the PT and the unions, particularly the forerunner to today's Central de Movimentos Populares (CMP) or Centre for Popular Movements.

control over all other management issues is passed to the social movement (Bonduki 2000). As such, it comes to be recognized as an 'autonomous political subject' (Cavalcanti 2006:66).

A couple of attempts to carry out pilots of *mutirão* projects were made during the 1980s, but these were marred by lack of funding (Bonduki 2000). However, the situation in São Paulo municipality changed dramatically in favour of the housing movements when the city elected a PT mayor, Luiza Erundina, to office in 1988. A woman from a humble background, who had migrated from the poor Northeast of the country, she had been actively involved in neighbourhood organizing on the peripheries of São Paulo and made housing one of the priorities of her mandate (Cavalcanti 2006). Her election opened the doors of the housing department to representatives of the housing movements, amongst which the UMM was and remains the most prominent. Erundina's government began a large-scale programme of *mutirão com autogestão* which proved enormously popular with low-income groups. Approximately 11000 homes were built in this way during her administration. *Mutirão* has recently been criticized for its extensive reliance on the free labour of the poorest members of society (Rizek, Barros and Bergamim 2003). However, proponents maintain that the process is socially 'transformative' in that it promotes community solidarity, individual empowerment and skills development, whilst also reducing the cost of individual units. The *mutirão* programme as a whole drew new members into the housing movements and was taken up by the São Paulo state government and, briefly, the federal government, although these programmes granted varying levels of responsibility to the social movements and associations involved (Rizek et al. 2003). The Erundina administration was positively evaluated for its contribution to housing amongst poorer sectors living on the peripheries (Souto and Kayano 1996) and the era is considered the 'golden age' of the *mutirão* by current UMM leaders. Furthermore, the 'self-management' aspect of the process, *autogestão*, remains at the core of the UMM's organizational philosophy.

The late 1980s also saw the UMM begin to engage with the federal government with yearly *caravanas* to Brasilia, in which bus loads of movement members would travel to the federal capital to make demands for social housing (Caricari 2006). The year 1990 saw the start of a lengthy campaign to establish the FNMP (Fundo Nacional de Moradia Popular – National Fund for Popular Housing) and an associated national management council that would distribute federal resources exclusively for social housing. This would ensure the development of housing policies for the poorest members of society. The UMM took advantage of a provision in the Constitution that permits the population at large to submit a 'popular initiative' to introduce a law. As Hochstetler (2000) notes, the UMM was the first coalition to do so, collecting over 800 000 signatures through collaboration with other social and non-governmental organizations across the country. The final petition was submitted in 1991 and the eventual acceptance of the FNMP, by now the FNHIS (Fundo Nacional de Habitação de Interesse Social – National Fund for Social Interest Housing) by the Lula government in 2003 after 14 years of campaigning, is regarded by UMM leaders as one of the key successes of the movement's twenty-year history. For Cavalcanti (2006) this campaign was also significant for the UMM since it achieved national level prestige and recognition within the unions and political parties. But it also shows a commitment to democratic principles, as the movement demonstrates a concern not just with the material needs of its own members, but attempts to bring about a redistribution of income at the national level, for the benefit of all poorer members of society.

This engagement with the Constitution is also significant as it reinforces the discussion of the importance of the document for social movements outlined above. The findings of this study show a widespread sense of pride in and ownership of the 1988 Constitution. Representatives of the UMM interviewed often referred to the document as the *Constituinte* (from *Assembléia Constituinte* or Constituent Assembly) rather than using the correct Portuguese term, which would be *Constituição*. In this way they were speaking of the final document by referring to the process through which it was drawn up. This phenomenon was also recorded by Holston (2008) in his interviews in a lower-middle class

neighbourhood of São Paulo in the 1990s. Although at first he believed this to be a mistake or slip of the tongue of his interviewees, he later came to understand that the process of involvement in the drawing up of the Constitution was intimately linked in their minds with the document itself, and that they were underscoring the importance of their agency in creating it. Whilst criticism of the document and the process by which it was drawn up remain, these findings point to the importance of informal institutionalization of the Constitution amongst representatives of popular movements, who both take advantage of the opportunities for participation and legislation that it offers, and draw on it as a symbolic resource. More recently the UMM has engaged with federal legislation known as the City Statute, that sets out the 'right to the city' and provides implementing legislation for articles of the Convention that deal with housing and urban services. The Statute is of considerable significance for the housing movement and its supporters, in that it establishes in law progressive ideas on the equal right of all to benefit from the use value of the urban environment, and to engage in participatory planning. The extent to which the discourse of the UMM is intimately bound up with Constitutional rights and legislation such as the City Statute will be discussed in the following chapter and in chapter seven.

Returning to the UMM's engagement at the municipal level, from discussions so far it should be clear that the fortunes of the UMM are closely linked to those of the PT. And indeed, after the failure of the PT to re-elect a mayor for São Paulo in 1992 the doors to the municipal housing secretariat were closed to the UMM, with two terms in office for candidates from the centre-right party, PP (Partido Progressista – Progressive Party). The first of these was Paulo Maluf, who presided over an administration of such high levels of corruption that the term *malufismo* has been coined to refer to misappropriation of public funds. He was succeeded by Celso Pitta, widely perceived to be Maluf's puppet, at a time when mayors could not stand for re-election. For Amaral (2002)

> Maluf's administration destroyed municipal housing policy [...] Approximately 124 building projects were frozen and left to deteriorate, bringing about a criminal waste of public money [...] Favelas multiplied and channels for dialogue with social

> movements were cut.[...]The lack of housing policy in the period contributed to a decline in living conditions for a significant number of people (Amaral 2002: 27).

While the UMM made some progress in negotiating *mutirão* projects with the state government from 1993, the movement remained frustrated with frozen *mutirão* projects at the municipal level. Levy (2005:119) paints the 1990s as a time of 'disarray and loss of influence' for urban popular movements. However, during this time the UMM was beginning to develop arguments associated with the difficulties of living on the periphery of the city, where there are poor transport links and few basic services (as detailed in chapter three). This led to a change in tactic in the second half of the 1990s. In 1997, the UMM carried out its first large-scale occupation of an abandoned building in the centre of São Paulo. There followed a wave of building occupations of both public and private properties until 1999. Along with the lack of housing policy for the city, movement leaders also cite the growing number of evictions of poor residents from *cortiços* in the centre of the city as a motivating factor behind the occupations, as well as the lack of adequate, low-income housing for poorer workers in central districts of the city, that would allow them to live close to their places of employment. Building occupations therefore served a number of functions: providing temporary accommodation for families facing life on the street, highlighting the contradiction between the city's housing deficit and the large number of empty buildings in central districts and condemning the absence of housing policy for the city. This 'new moment' (Amaral 2002:33) for the movement was characterized by the assertion of the 'right to live in the centre'. This notion, and the issue of occupations will be examined in more detail in chapter seven.

When the PT candidate Marta Suplicy was elected mayor of São Paulo in 2001, the UMM seized its chance to push forward on the central housing agenda, as well as calling for the renewal of *mutirão* projects. During the Suplicy administration a number of UMM leaders took up positions in the municipal housing secretariat, and had seats on the newly established Municipal Housing Council. Although there was massively increased dialogue with the city authorities during this time, movement members and leaders have expressed

dissatisfaction at the slow-pace with which housing projects progressed (Cavalcanti 2006). It is important to note that the UMM scaled back building occupations at this time. Suplicy failed to get re-elected, losing the mayoral race to José Serra who took office in 2005; as a result the majority of the plans for social housing in central areas were never implemented. Since this point the UMM has had difficulty in influencing the social housing agenda at both the state and municipal government levels. It also lost all representation on the municipal housing council in 2005. However, the assumption of the presidency by the former union leader Lula in 2003 created an alternative space for the UMM's campaigning activities. UMM members took up positions on federal level housing councils and within the newly created Cities' Ministry.[57] Since the establishment of the FNHIS, they have been lobbying for social movements and popular housing associations to have direct access to the fund. However, at the time of the fieldwork for this study, which coincided with Lula's election to a second term in office, the UMM leadership began to speak of taking a more antagonistic stance towards the federal government, including undertaking waves of occupations of federally owned abandoned buildings in the city.

As they continue to campaign for adequate housing supported by urban services, today the UMM's member organizations organize *mutirões*, call for the building of new units and the renovation of abandoned buildings, counter threats of eviction and lobby for the 'urbanization' of *favelas*. In almost all cases, the UMM's affiliated organizations link these *lutas* or 'struggles' with demands for increased levels of movement participation in policy-making and 'social control' of government spending on housing. The UMM itself, as the umbrella body, coordinates activities that aim to influence housing policy at municipal, state and federal level. It directs its activities at the municipal and state level housing departments, SEHAB (Secretaria Municipal de Habitação – Municipal Housing Secretariat) and the Secretaria Estadual de Habitação do Estado (State Housing Secretariat). These departments work in close collaboration

[57] The Cities' Ministry was established at the start of Lula's first term in office and brings together all government departments that work on urban issues, including housing, that had previously been scattered across a number of different ministries.

with their respective public housing companies, COHAB (Companhia Metropolitana de Habitação – Metropolitan Housing Corporation) and CDHU (Companhia de Desenvolvimento Habitacional e Urbano do Estado de São Paulo – *São* Paulo State Housing and Urban Development Corporation), that operationalize housing policy. There is very little to distinguish between housing built by the two companies which has, in the main, been of very low quality (Bonduki 2000) often in marginal areas of the city. Completed homes are distributed through a lottery system to which those in need of housing sign up. Not all of these are necessarily from very low-income groups, as CDHU currently builds homes for families with up to ten minimum wages. (To give some perspective, the UMM works principally with families with up to three minimum wages.) They are then invited to purchase the unit with a subsidy, thus, yet again, reinforcing the norm of property ownership, even amongst very poor individuals. Historically, CDHU has been better funded than COHAB and has built greater numbers of units. In recent years it has begun to work more closely with COHAB, as the political visions of the two São Paulo governments have become more aligned. As will be shown in chapter six, the UMM's leaders meet for frequent negotiations with representatives from CDHU (into which the State Housing Department has been virtually subsumed), COHAB and SEHAB. Although according to the Constitution all three levels of the Brazilian state share competency for housing, the Cities' Ministry at federal level is not involved in operational aspects of housing provision. It does, however, work with the federal level savings bank, the CEF, (Caixa Economica Federal) to provide subsidized mortgage loans for low-income groups, as well as directing federal funds to both COHAB and CDHU and developing housing policy. The Cities' Ministry is therefore also a target of UMM mobilization.

Although most movement leaders are careful to state that they are campaigning for housing for their members, rather than home ownership, in reality social rental housing or *locação social*, is almost non-existent in the city. Experiments in *locação social* are limited to three sites, all established during the Suplicy administration. Two

of these have quickly become no-go areas with the majority of flats bought from tenants illegally by drug dealers. The third, built especially for older people, was only finally inaugurated in 2007, and there are concerns over how it will fare. The problems faced in these social rental housing pilot schemes lead some in both the movements and the housing secretariat to question the viability of the model in São Paulo. Certainly, there was considerable resistance to the idea of social rental amongst the housing movements when it was first mooted by Suplicy's housing department. As noted in chapter three, the 'dream of owning one's own home' is deeply embedded in Brazilian social aspirations, and the idea of the 'dream' is a cultural referent played upon by property development companies and mortgage lenders. However, movement leaders, particularly those who work on the centre of the city, are coming to the realization that subsidized social rental is the only option for the vast majority of their members who have family incomes of up to three minimum wages. These very low incomes render them ineligible for other types of subsidized mortgages provided by the federal public bank, the CEF.

The UMM and the PT

That a political process approach is important for an examination of the UMM should be clear from the above brief discussion of the movement's twenty-year history. Clearly its fortunes are closely linked to those of the PT. Almost all the core leaders of the UMM are PT members, and a number credit themselves as being 'founders' of the party. The link between the housing movements and the party are not unusual, given that they both emerged out of union and neighbourhood organization at the end of the 1970s, that the PT always aimed to maintain a strong grassroots based, and they share a fundamental ideology of *inversão de prioridades*. Whilst the two Workers' Party administrations in São Paulo have provided openings for a greater degree of collaboration in policy design at the municipal level, the election of the first of these, Luiza Erundina, had had other long-lasting impacts on the UMM. It was from this point that links between the movement and the party began to become institutionalized, as UMM leaders took up positions in politicians' offices.

This practice was initiated by Henrique Pacheco, a *vereador* (city councillor) and former student activist with the movement, who decided to employ a number of UMM's leaders as his 'cabinet' assistants and advisors – *assessores de gabinete*. He justified this decision as follows:

> Before being a *vereador*, I was a law student, really committed to the student movement[58], and I ended up as a *vereador* thanks to the housing movement. My struggle was the same as the housing movement's. So when Luiza Erundina won and I got elected, the people who came to work with me were Gaetano, Ivana, Adana, Leide.[59] They were just starting out [...] now they all have important roles within the UMM. [...] I'm not some politician who went looking for the housing movement to incorporate them into my term of office. I was part of the movement, and I brought them into the cabinet that we had won together.

This practice has now spread, and almost all regional UMM leaders and those on the executive have at some point served as an *assessor* to a municipal councillor or state and even federal deputy. Movement leaders who are described as 'liberated' *liberado*, receive a salary but devote themselves full-time to the work of the movement. For those politicians who are committed to similar goals, and who dedicate themselves to housing and urban issues, this may produce a positive synergy.[60] At the time of the fieldwork there were two state deputies who were intimately involved with urban issues. They claimed to consult their UMM *assessores* regularly on the situation 'at the grassroots' and ask for their input into the drafting of proposed legislation.[61] This type of contact with parliamentarians means that movement leaders are kept abreast of important debates within the various levels of government, and can request PT politicians to form coalitions to vote on particular measures. This occurred in 2007 when the mayor attempted to make significant changes to the city's Master Plan that would impact on requirements for social interest housing in the centre of the city, without the required input of the population. On a more mundane level, UMM leaders can call on parliamentarians to help with pressing membership issues such as

[58] Members of the student movement, particularly during the dictatorship, affiliated themselves with a variety of popular movements. Middle-class students were less likely to suffer persecution for publicly defending movement demands.
[59] Key UMM leaders who will be introduced in the next chapter.
[60] It is normal for politicians in Brazil to dedicate themselves to legislative production on specific sectoral areas. This is in part because there is little idea of a geographic constituency. With an open list system every voter in São Paulo state will be presented with the same (extremely long) list of candidates for state deputy.
[61] Interviews with Simao Pedro 23.07.07 and Mario Reali 18.07.07.

evictions or support for occupations. In this way, the movement is able to open a window onto the 'closed spaces' (Gaventa 2004) of the parliament, and, when its allies are in power, of the government.

Nevertheless, much social movement literature criticizes close links between movements and political parties. Asserting a somewhat romantic view of collective action, it sees this type of association as sullying the aims of progressive social movements with the dirt of partisan politics. Undeniably, the close links to the PT problematize the movement's assertions of autonomy. However, as Hellman (1992) points out, it is important not to dismiss all connections between social movements and political parties as clientelism and cooptation. Challenging analysts of movements who have focused on the social element of collective action at the expense of the political, she argues that alliances with progressive political candidates can stimulate the creation of a 'new political culture' and the 'conquest of political space' in support of movement goals. As Luiz Kohara, a long-term collaborator with the city's housing movements notes, it is important to consider the gains the social movement can make from its involvement with politicians:

> When the movement started out, it had no strength, it didn't have a single member of parliament – it didn't have anyone. I think it gained strength when the occupations started. A lot of people became parliamentary assistants. That relationship brings sustainability. You have to consider the ways [the relationship] can be positive and the misfortunes it can bring.[62]

Finally, Cardoso (1992) dismisses the use of the word 'clientelism' in this context as old-fashioned and unable to accommodate the need for social movements to channel their demands into the political arena.

These authors do acknowledge, however, that the 'clientelistic game' (Cardoso 1992) is a dangerous one. A number of UMM leaders are currently working with city councillors who are not particularly committed to the goals of the movement. Some cabinet assistants are not 'liberated' and are required to undertake long hours of administrative work. Assistants

[62] Interview with Luiz Kohara 27.03.07.

to federal deputies rarely see their bosses, who are often in Brasilia. Most problematic of all is the electoral campaigning work that these assistants are expected to undertake. Clearly, if a parliamentarian fails to get re-elected, his staff will lose their jobs. There is a therefore intense pressure on *assessores* to secure as many votes for their boss as possible. Although all movement leaders who are parliamentary assistants claim to separate out their party work from their movement work, it is inevitable that a blurring of boundaries will occur during election campaigns. Further, although parliamentary terms are for four years, the staggered electoral system means that there are elections every two years. Networks of alliances within the PT between the three levels of the state mean that parliamentary offices of a city councillor, for example, will be expected to campaign for allied state deputies, who will have, in turn, supported their candidacy. The issue was an extremely sensitive one, leading to occasional obfuscation in interviews with movement representatives. When I asked one core leader of the UMM how he earned his living he replied that he was 'by profession, a cutter of cloth in the textile industry'.[63] But he had not worked with cloth for some time: he was a parliamentary advisor to Berzoini, a federal deputy, the head of the parliamentary PT and one of the most powerful politicians in the land.

Given the close working relations between the movement and the party, it is perhaps not surprising that until recently, the UMM has been loathe to undertake transgressive collective action against a government that it perceives as 'friendly' (i.e. run by the PT). However with the growth of electoral success of the party at national level, and its shift to the centre ground of politics, the movement has been confronted with the fact that not even sympathetic governments necessarily give priority to their demands. At the same time, there has been a growing burden upon movement members to increase party membership and contribute to electoral campaigning. In an article on left-wing governments and participatory democracy around the world, Heller (2001:150) argues that 'the unlikelihood of coming to power at the national level' means that the PT has maintained close and productive links to the grassroots, focusing its energies on promoting local democratic

[63] Interview with Benjamin 05.06.07.

governance. He cites the success of the Porto Alegre participatory budgeting experience as an example. Written in 2001, this evaluation is obviously outdated, but it provides an insight into the way in which the PT has changed dramatically in the intervening years. These changes have had an impact on the way in which the movement relates to the party and on its strategic decisions vis-à-vis the current PT federal government. That the UMM has decided to increase pressure on Lula's government is perhaps illustrative of the extent to which it has matured politically over its twenty-year history.

As this brief history has shown, the UMM did not disappear from the political scene with the transition to formal democracy, unlike many other key movement players involved in the anti-dictatorship struggle. Further, the transition to democracy had an important impact on the movement as it took steps to engage with local government through the production of *mutirão* housing. As will be shown in more detail in chapter six, the UMM does attempt to negotiate through institutional channels with different levels of government, even those perceived as 'unfriendly'. However, the movement has not lost its anti-state discourse nor its use of transgressive collective action, as will be shown in chapters five and seven respectively. It is this characteristic that renders it somewhat different to other São Paulo movements, notably the youth and health movements, that are regarded to have invested heavily in institutional engagement at the expense of direct action.[64] Although the UMM has been less prone to use the tactic of building occupations against PT governments, this attitude is changing, as is the nature of occupations, which are now rarely used to house movement members and are instead presented as 'political' or 'symbolic'. These occupations are no doubt an example of what some critics would call social movements' ambiguous relationship to democracy. However, this observation fails to contemplate the idea that disruptive or transgressive activity might be both an attempt to assert autonomy (a preoccupation that remains from the early years of union organization) and a critique of the country's 'shallow democracy' (Goldfrank 2007). What is lacking from these criticisms is a more thorough questioning of why some movements continue to place

[64] Interview with Anderson 06.08.08

themselves in stark opposition to the state. Rather than lament that social movements in Brazil have yet to create for themselves a 'more positive role' in the workings of democratic institutions, the following chapters will examine the significance and impact of the UMM's combative discourse and activities. In particular, the movement's skilful use of the Constitution to justify occupations is a key element of its 'politics of rights' and further ammunition against accusations of an ambiguously pro-democratic stance in the post-transition era.

Summary

Despite authoritarian repression urban collective action grew during Brazil's military regime, as popular sectors were forced to reappraise their relationship with a state that had cut off channels for representation and demand-making. Aided by the strong current of liberation theology within the Catholic Church and inspired by trade union action, urban social movements in Brazil began to challenge the inequalities inherent in society and to make demands on the state to improve living conditions for the urban poor. In this way, movements developed a strong discourse of autonomy in terms of their relationship to the state, and began to frame their demands for basic needs and urban services in terms of rights. This would suggest a crossover between the different types of urban conflict in Walton's (1998) typology, as mobilization around collective consumption acquires a politicized aspect. These factors, and the building up of alliances with pro-democracy movements and the PT, created a strong anti-state stance amongst urban collective actors. The return to democracy created some space for the housing movement to engage in policy-making forums in cooperation with institutions of the state at all levels, and lobbying work linked to the 1988 Constitution has been critical to the UMM's organizational consolidation. However, the rhetoric of struggle and of resistance still permeates the way in which leaders and members talk about the activities and goals of the movement. Further, the movement continues to use transgressive collective action to voice its demands. Far from being anachronistic, this positioning is key to movement identity, strategy and mobilization. As will be shown in the following chapters, the UMM draws on its institutional knowledge of

and engagement with the Constitution to construct a powerful 'politics of rights' (Scheingold 2004) and legitimate its acts of civil disobedience.

Chapter Five

Housing, citizenship and conflict with the state

Introduction

This chapter introduces the leaders and members of the UMM and seeks to understand how they 'see the state' (Corbridge, Williams, Srivastava and Veron 2005) and mobilize their members. This will involve an examination of how they conceptualize their collective relationship with the organs of the government and bureaucracy, and how they adopt and operationalize concepts of citizenship, discussed in chapter two, to frame their demands on the state for housing. More senior leaders of the UMM are careful to specify which level or organ of the state they are referring to. However, many movement members refer simply to 'the state', particularly when they are being critical of it. They are therefore referring to the 'state idea', defined by Corbridge et al. (2005:108) as a powerful myth that supposes a unity and purpose amongst the 'dispersed collection of institutions of government'. This chapter therefore outlines the movement's philosophy in terms of its stated rationale for the way it behaves, setting the scene for an examination of its behaviour in practice, in chapters six and seven. These chapters show how the movement uses both formal channels for engagement with the state (chapter six) and extra-institutional ones through the practice of building occupations (chapter seven). The current chapter will seek to explain how and why it takes up these seemingly contradictory attitudes towards the state. It shows how the movement's stance towards the state is tied up with its own perceived status as a 'democratic' organization, and a legalistic view of how government should work within a democracy that is continually challenged by the reality of the failure of the government to abide by its own laws. The relationship is further problematized by the

fact that the movement is dependent on the state for the funding and implementation of housing policy. This chapter will argue that the movement approaches these impasses by drawing on the 'politics of rights' (Scheingold 2004). This rests upon the careful construction of a discourse that posits housing as a core citizenship right and the evocation of the 1988 Constitution. The movement is able to use a rhetoric of rights to critique the Brazilian state for failing to ensure the full citizenship of its poorer populations. However, this leads to highly combative positioning on the part of the movement, which influences the ways in which it engages with the state in practice.

Movement Leaders and Members

In an echo of the rural landless workers' movement, the MST, or *Sem Terra*, the UMM's affiliates are open to anyone who considers themselves *Sem Teto*. Meaning, literally, 'without a roof', it is perhaps best translated as 'without a roof of one's own'. The UMM does not work with homeless rough sleepers (there are a number of movements in São Paulo organized for and by this group), but with individuals and families who live in *cortiços* and *favelas*, in overcrowded conditions with family or friends (*morando de favor*, 'living as a favour') and other types of substandard housing on illegally or irregularly occupied land. Individuals joining the movement generally come from very low-income households, and there is therefore considerable class homogeneity amongst the rank and file. People join in order to improve their own, or more frequently, their family's living conditions, or as a response to impending eviction. Movement leaders acknowledge that members are motivated by the need for a house, but they are keen to stress the consciousness raising, political awareness and other types of training programmes that members are then involved in. These activities take place at lower levels of the housing movement structure, within the *grupo de origem*, or neighbourhood groups, and the smaller movements that are made up of these groups. The extent of conscientization work varies greatly in intensity and depends on the attitude and experience of the group's leader. In some cases, attempts to discuss the city's housing problem and its links to poverty were dynamic and highly

politicized and were a core aspect of regular local meetings. In other group meetings, this type of discussion was often absent. As a consequence, the level of political awareness on the part of the rank and file of the movement was also extremely varied. Whilst some members that I interviewed were able to articulate their need for housing in terms of a social right that was being violated by the government, others were barely able to repeat to me the arguments used by their particular group leader in the regular meetings they were attending. The question of how many members remain within the movement once they have solved their own housing problems was a sensitive one. Estimates varied between two and ten percent, although a number of those interviewed posited that these people had fundamentally changed their outlook on life, and were able to use mobilizational and organizational skills to lobby for other types of improvement to their lives and communities, even if they were no longer involved in the housing movement.

The UMM leadership is formed by an executive committee of nine members each representing an area of São Paulo. The UMM holds weekly general coordinators' meetings in its headquarters, which are attended by up to 100 local movement and association leaders. The UMM also holds monthly plenaries for movement leaders from across São Paulo state. Some of the older leaders who described themselves as 'founders of the UMM', had become involved in the movement through experiences with the Catholic Church's *pastoral de moradia* and the unions in the peripheries of the city in the late 1970s. But at the time of my fieldwork, the majority of executive and general coordinators had joined the movement in the 1980s and 1990s out of a need for housing and had become committed to the cause of the movement, choosing to take up coordinating positions after, in most cases, satisfying their personal need for housing. Of the most prominent 25 or so movement leaders in the UMM, just two could be described as 'middle-class'. Adana had joined the movement not out of need for housing, but out of her connection to the Church and personal commitment to social

justice. Cristiano joined the movement when he became homeless after the loss of his job and the breakdown of his marriage and family relationships.

The life trajectories of other leaders within the UMM reflect those of the majority of São Paulo's urban poor. Many arrived in the city as children or young adults in the 1970s at the peak of the 'economic miracle', accompanying their parents from rural areas of the north-eastern and southern states. They remember helping to work the land at a young age before leaving for the city. The majority did not finish secondary education as children, and worked in semi-skilled and unskilled employment before joining the movement. For example, of the UMM's key coordinating group who will be cited in this and following chapters, Benjamin arrived in São Paulo at the age of eight from Rio Grande do Norte, leaving school three years later to work as an office boy before eventually training as a cloth-cutter in the textile industry. Gaetano arrived in the city aged eleven from the interior of São Paulo state, and later worked in the postal service. Ivana's mother was a migrant from the south of the country, she herself worked as a domestic servant. Diogo was born in a *cortiço* in São Paulo and worked in a bakery, whilst Kelly who arrived from the north-eastern state of Bahia aged eight, went on to work in a factory. Pedro trained as a metal worker and also worked as a bank clerk. Anderson's trajectory was somewhat different: the son of a domestic worker and a joiner from a small town in the interior of São Paulo state, he joined a seminary in his late teens and received an education within the Catholic Church. But becoming leaders in the movement has had a significant impact on their working lives and earning potential. Most have since been able to complete their secondary education, and a significant number have gone on to study at tertiary level. Anderson, Kelly, Gaetano and Pedro have all studied law, (two other leaders not interviewed for this study are currently studying law) although to date, only Anderson has passed the bar exam.

Movement leaders have had the opportunity to study because since the early 1990s, there have been opportunities for paid employment in the offices of PT politicians.[65]

In the course of this chapter, it will become apparent that there are significant similarities in the way in which different movement members and leaders speak about the state and their understandings of citizenship. This should be read as the promotion of the movement's official 'line', in that it reflects the way in which new leaders are formed within the movement through exposure to more experienced individuals within the UMM. Those who are considered to have leadership potential are encouraged to stand up in meetings and speak to the assembled members. This inevitably entails some repetition of the themes and rhetorical style which the new leader has witnessed in meetings. Further, the UMM was created, as noted in the previous chapter, so as to speak to government 'with one voice'. There is therefore pressure internally to present a coherent message in public, so as to prevent an attempt on the part of the municipal and state governments to privilege one regional movement over another, or to discredit the UMM on account of internal inconsistencies.

The UMM and democracy

As detailed in the preceding chapter, the UMM grew up out of the resistance to the military dictatorship in the late 1970s and 1980s, emerging from a broad coalition of pro-democracy actors. Since the return to democracy, as Houtzager (2005) notes, the 'social movement field' has undergone significant changes.

> At its foundational moment the field's protagonists shared an oppositional stance toward the state, an emphasis on transgressive collective action, and a symbolic order structured by a prophetic utopian project. Since the early 1990s there has been a shift towards increased contact with the state, a focus on citizen participation, and a discourse built around the construction of citizenship and influencing public policy (Houtzager 2005:13-14).

[65] These links to the PT also serve as channels of communication for the movement to learn of and contribute to political and legislative developments within the institutions of the state at municipal, state and federal level, as discussed below.

He continues,

> The field lost its original utopian and prophetic content as the emphasis shifted to constructing citizenship and "citizenship in action", which included participation in constitutionally mandated policy councils, and influencing public policy and public debate (Ibid: 15).

Given that the UMM is reliant upon the state to achieve its goals of housing its members and improving low-income housing policy, one might expect it to take a conciliatory attitude towards the state, as outlined by Houtzager. Pressure to adapt behaviour according to changing political circumstances is noted in the case of women's movements across Latin America, who faced the challenge of shifting from '*la protesta a la propuesta* (from protest to proposal)' (Molyneux and Craske 2002:13). Further, having been involved in the pro-democracy campaign, it seems likely that the UMM would be characterized by a commitment to democracy, both in terms of its internal organization and its external relations. These assumptions will now be examined.

Returning to the discussion of democratic citizenship outlined in chapter two, definitions of substantive democracy that involve the democratization of social as well as political relationships draw on the core elements of participation, accountability, equality and respect for the rule of law (Caldeira 2000; Holston and Caldeira 1998; Mouffe 2000; O'Donnell 1992; Harriss, Stokke and Tornquist 2004). These have been described as the 'satellite concepts of democracy' (Santos 1995:120). Observing the internal functioning of the UMM, the movement does indeed appear to value these democratic tenets. Firstly, leaders are elected to their positions within the UMM biennially in a vote where all regions of the city must be represented. But beyond this formal element, the way that the movement is organized is highly inclusive: anyone can join simply by attending local level meetings, and weekly coordinating meetings are open to all movement affiliates, including the rank and file. Anyone can stand up and speak at these, and new contributors are always welcomed. A commitment to transparency was also shown by the executive committee, who never met behind closed

doors. Weekly meetings begin with lengthy *informes* as representatives of affiliated movements share news and provide notice of upcoming events. These meetings are often extremely long, generally lasting at least three hours, and are characterized by a focus on open debate and the building of consensus around important decisions. Regional leaders then take these debates and their outcomes for ratification with their 'bases' in meetings at the grassroots, with whom they have regular contact. The behaviour of the executive committee is characterized by attempts to generate negotiated settlements, shying away from being seen to have made 'executive decisions'. Indeed, the biggest conflicts generally arose from accusations that individuals had acted unilaterally, without adequate consultation. But while the movement both declares itself, and can be seen to be, participatory, inclusive and transparent in its internal relationships, its commitment to the 'satellite concept' of the rule of law is problematic. Whilst the UMM has been involved in both the creation of pro-poor housing legislation and litigation against the state (suggesting a belief in the role that law can play in regulating society) it is also frequently involved in transgressive collective action of questionable legality. This issue is discussed below and in greater detail in chapter seven.

The UMM draws on its internal democratic structure and practice to validate its role as a representative actor in external relationships, particularly with the state. The UMM makes claims to represent around 50 000 families across the state of São Paulo and, in meetings with the municipal and state-level housing secretariats, its senior leaders emphasize their continued, close contact with the poor families they represent, and their detailed knowledge of the *favelas* and *cortiços* where they live. Movement leaders strongly assert the idea that they should always be consulted on housing issues by representatives of the local and state governments. An illustration of this was a reprimand by Pedro towards a senior figure in the municipal department for social housing who had visited a *favela* in the east of the city that was going to be demolished,

saying 'You came to *our* neighbourhood, but you didn't meet with us there'.[66] This type of indignation was also voiced by Anderson, after the UMM failed to receive an invitation to tripartite governmental talks on housing in the city.[67]

When asked specifically about the role of social movements in today's Brazil, leaders often indicated some continuity between the role of social movements in the struggle against the dictatorship and the function they fulfil in contemporary society, in that they continue to promote participation and democratic practice. This is now achieved, in theory, though a type of self-appointed watchdog role which is often labelled as the 'social control' of government action. Ivana, for example, states that 'social movements have a fundamental role, which is to demand that laws and housing programmes are actually implemented'.[68] Movement members also assert their role as a 'pace setters' for the state to try and speed up the processes of social change.

> My evaluation is that housing movements play a big role in society, very big, and it's not that their role is to do the work of the state. It's their role to impose a different rhythm on the government in power, whatever party it represents, because without the movements, what type of rhythm would there be? If with movements around it is already really slow, and with a bureaucracy that just wears you down, how would it be without the movements?[69]

Other leaders agree, remarking that social movements have an important role to play to 'push the government forward'.[70] Without the movements, the governments 'would do whatever they wanted'.[71] Further, the UMM attempts to bring the voice of the 'people' to the decision-making forums of the state, through its involvement in participatory councils and general negotiations with state bodies (see chapter six).

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[66] Meeting between UMM representatives and municipal housing secretariat staff 18.09.07
[67] Interview with Anderson 06.08.08, member of the UNMP (national union for popular housing) executive, principal founder and effectively the director of the UMM but not named as such.
[68] Interview with Ivana, high profile leader of a historically important centre-based movement 01.06.07
[69] Interview with Leon, UMM spokesperson and politically active leader of centre-based movement that undertook a high-profile building occupation from 1997-2005. 07.06.07
[70] Interview Gaetano, leader of a regional movement, member of UNMP executive 08.06.07
[71] Interview with Ivana 01.06.07

The movement therefore asserts itself as a democratic actor, stressing its internal representation, involvement in external participatory forums and commitment to keeping the government in check. Crucially, in doing so, it creates a situation whereby it is able to call on the state to keep its side of the democratic bargain. The call for reciprocity is made by Pedro in the following terms:

> The movement has to do its job, which is to pressure the government and hold it to its word. And the government has to fulfil its own role, which, if it's a serious government, is to sit down and dialogue, listen to proposals and try and find some kind of solution.[72]

Movement members continually stress that it is the democratic state that is responsible for ensuring that housing solutions are found for its population, particularly considering that housing is a right according to the 1988 Constitution. For example, Adana describes the work of the movement as trying to keep the government to its responsibilities: 'We hold them to their duties – it's them that are supposed to be building housing.'[73] As does Ana, 'We put pressure on the authorities so that they recognize our right to housing, and so that they give it to us.'[74] Movement members and the rank and file stress their desire for a reciprocal arrangement – they are willing to pay for housing, but wish to be given the opportunity to do so through the provision of affordable housing and/or credit. As occupying movement member Wanda put it, 'We want a place to live in, we don't want anything for free. We want a solution to this situation. The government has to give us a solution.'[75]

Analysis of the rhetoric of the movement soon reveals that it does not believe the state is keeping its side of the bargain. In particular, the governments of Brazil in the democratic era are not perceived as showing a commitment to equality. Nearly half the movement representatives interviewed made an allegation that the government (particularly at the state and municipal levels, but also occasionally the federal) was

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[72] Interview with Pedro, leader of a regional movement, member of UNMP executive 18.09.07
[73] Interview with Adana, adviser to UMM and UNMP 06.07.07
[74] Interview with Ana, provides support to regional movement leaders, 19.06.07
75 Interview with Wanda 24.07.07

only concerned to protect the interests of the more affluent sectors in society, and that they have exclusionary policies towards the urban poor. Benjamin and Cristiano's comments provide an example:

> The government today just thinks about policies for one sector of society [...] for the bourgeoisie, for the elite. [...] The state government is exclusionary, and so is the municipal one. They are right-wing governments, and the needy population and the social movements suffer at their hands.[76]

> A while back Kassab [the current mayor] didn't want to approve any plans for social housing in the centre of the city. It just shows that the government isn't worried about the situation here. Well, only in that he wants to clean up the area and send poor people off to the peripheries.[77]

This situation, in which all levels of government are perceived as favouring the moneyed classes, as opposed to those who are poor and in need, leads to negative evaluations of the state's commitment to democracy in terms of equality. Questions of transparency in the way that the low-income housing built by COHAB and CDHU is distributed are also frequently raised by the movement, and by some of its high profile supporters.[78] The perceived failure to respond adequately to the needs of the poor from the various levels of government is often conceptualized as a lack of respect, and, crucially, as a wilful violation of citizenship rights. This perception has an impact on the way the movement frames the state and its relationship to it, in public discourse.

The rhetoric of the UMM

The dissatisfaction that movement members feel with regard to Brazil's democracy is manifest in their rhetoric, which is perhaps best described as 'fighting talk'. The language used has clear echoes of the anti-dictatorship era, in that the movement places itself in opposition to the state, suggesting that they believe elements of the Brazilian state have yet to become fully democratized. The language used by movement leaders in interviews, internal meetings and public forums is peppered with the

[76]Interview with Benjamin, leader of regional movement, UMM treasurer and member of executive 05.06.07
[77] Interview with Cristiano, leader of small local association in the centre 09.08.07
[78] Interview with Jose Eduardo Cardozo 30.07.07, PT federal deputy.

terminology of resistance and antagonism. The UMM's motto that it displays on banners and posters is *Ocupar, Resistir, Construir*: Occupy, Resist, Build.[79] The UMM is engaged in a 'fight' for housing, and the movement's overall goals can simply be referred to as *a luta,* the struggle. When a family or individual receives the keys to a new home, this is described as a 'conquest'. When the movement 'takes to the streets' it shows its 'force'. Occupations and street protests are 'weapons' of the struggle, and the movement must show daring and strength as the only way to achieve its aims. Men and women in the movement describe themselves as 'fighters' who are 'battling for their rights'. These references to violence and the importance of militancy are underscored by allusions to life and death in the rallying cry of the more radical FLM: 'the person that doesn't fight is already dead'.

This discourse of resistance is directed towards the institutions of the Brazilian state, which is sometimes explicitly referred to as 'the enemy'. Movement leaders talk of 'taking on' the authorities, and when they organize protests or occupations this is described as *batendo no governo*, literally battering, or hitting the government. It is common parlance amongst members of the movement to denounce any government not explicitly 'popular' (which in practice means a PT government), as 'non-democratic'. Governments 'betray' the movement even when it appears to be cooperating and must be made to 'bend to the movement's will', while the role of social movements in Brazil is to provide a space for the workers to 'seize' or 'wrench' their rights from the grasp of government. It is the failure of the state that drives the movement, which, members claim, would not exist if there were adequate and transparent housing policy and provision. In general, the movement claims that rights are not willingly bestowed by the state on its people, even that it actively seeks to deny many rights. As such, these rights must be fought for.

[79] This clearly borrows from the rural MST's slogan of 'Occupy, Resist, Produce'.

The discourse might seem out of place given the democratic political system in place in Brazil today, and especially considering the country's influential experiments with forms of participatory planning. Democratization should, in theory, remove the need for such militancy, since it provides institutional outlets through which social actors can put forward demands and voice criticisms. But the UMM, as well as taking advantage of the institutional channels provided by a return to democracy, also takes a militant approach. Its actions thus contradict much of the literature on social movements in Brazil discussed in the previous chapter. It also contradicts Houtzager's evaluation cited above, that posits that the social movement field has lost the militancy of the authoritarian era and has become institutionalized. It further challenges the dualism established by Houtzager (2005) who regards the rural MST as being unique in its ongoing antagonistic stance towards the Brazilian state, in contrast to the rest of the social movement field that has taken on a 'citizenship in action' approach in collaboration with the state. The UMM maintains its antagonistic stance, expressed through the militant language of the transition era and put into practice through building occupations (see chapter seven). Simultaneously, however it adopts the discourse and practice of participatory citizenship, engaging in popular councils and holding regular meetings with representatives of the state (see chapter six). It maintains this dual position by using the idea of democracy and its trappings – participation, the rule of law and the Constitution – to frame its own practice whilst measuring the state's performance against these ideals. In this way, the rhetoric of citizenship comes to be used in a combative manner through the 'politics of rights', as will now be explained.

The myth of rights

As was noted above, in the introduction to the background of some of the movement's members, a number of key leaders have chosen to study law at university level. This is a significant phenomenon and reflects a general conviction in the importance and power of the law apparent amongst many interview respondents from the UMM. The

movement's overall commitment to both legislation and litigation in its relationship with the state is also evident. In 1991, the movement became the first organization to take advantage of a new constitutional right to submit a proposal for a law of 'popular initiative' for consideration by the federal legislature.[80] Leaders also follow and provide input into the processes by which laws are proposed and debated by politicians at all three levels of the state, in particular through their contacts with elected members of the PT. Benjamin, a member of the UMM executive who plays a key role as interlocutor between the movement and the municipal and state housing secretariats, sums up the movement's institutional agenda:

> In our specific struggle for urban reform [...] we have the things that are guaranteed us in the [city's] Master Plan, in the City Statute, in the ZEIS [zones of special social interest]. We have to make these things happen, and make these laws happen in practice (that to a certain extent we contributed to through the law of popular initiative) so that these laws aren't just on paper. If things are happening, there's no reason for us to be mobilizing people outside the doors of the municipal, state or federal governments. But if things aren't happening, we have laws that we have to make work. Like the law on the purchase of land, like a whole load of things that we have. And then if that doesn't work, the UMM has its other main type of struggle – occupation.[81]

The laws that Benjamin refers to are municipal (the Master Plan of which the ZEIS are a part), state-level (the law on the purchase of land which obliges the state-housing company CDHU to buy land yearly for social housing) and federal (the City Statute which regulates the constitutional right to housing). This extract therefore shows the significant extent to which movement leaders are conversant in current legislation at all levels of the state.

Beyond legislation, the movement has also become involved in litigation against the state through its close working relationships with the recently created city ombudsman and with specific public prosecutors sympathetic to the movement within the Ministério Público, equivalent to the prosecution service. Most recently, the housing movements, represented by a public prosecutor, successfully prosecuted the municipal

[80] Described in chapter 4.
[81] Interview with Benjamin 05.06.07

government for ceasing to pay housing benefits for families that had been evicted from properties declared unsafe. Since the municipal government had failed to provide permanent housing solutions for these families as it had originally committed to, a judge ruled that the municipality must continue to pay for their rented accommodation. This ruling led a senior advisor (and former public prosecutor) within the state secretariat to declare that the question of housing had become 'judicialized', that is to say, it had 'left the sphere of negotiation between the authorities and social movements and entered the sphere of the judiciary'.[82] The UMM's long-term involvement with other actors to ensure that the law is upheld is noted by Anderson:

> We have joint activities with other public actors like the ombudsman or the Ministério Público. We have always sought their help. [...]A government might commit what we believe to be a diversion from a particular policy direction that we support. We feel both obliged and at liberty to seek representation with the Ministério Público, or to seek the help of the ombudsman to make a judicial challenge to those public bodies, whether federal, state or municipal.[83]

This contradicts Holston and Caldeira's claim that Brazilian social movements emerging in the 1970s and 1980s 'ignored the courts as an arena of redress' and 'bypassed the judiciary' (Holston and Caldeira 1998:276). It further stands in sharp contrast to Houtzager's (2005) appraisal of the MST, who notes that the rural movement has been reluctant to engage in the juridical field, perceiving the courts as the traditional enforcer of bourgeois property rights.

It is perhaps surprising, however, that the UMM chooses to use legal channels to press for its aims, firstly since the law and its institutions are often perceived as deeply conservative (Shklar 1986), but also because of the specific characteristics of the legal system in Brazil. It is a country where the expression, 'some laws stick and some don't' is in common usage (Maricato 2000), and where pervasive 'rule evasion' (Leitzel 2002) leads to official tolerance of law-breakers (see chapter three). Indeed, the significant

[82] Interview with Sergio Mendonça 01.08.07. The significance of this remark will be discussed in more detail in the final chapter of this thesis.
[83] Interview with Anderson 26.06.07

gap between legislation and its implementation is widely acknowledged by scholars, leading to references to the law as a 'dead letter' (Paoli and Telles 1998; Macaulay 2002; Villaça 2005; Pereira 2000). Further, both Macaulay (2002) and Sadek (2001) note the problems of access of the poor to legal process in Brazil and the extremely slow progression of cases through the courts, which suffer from a shortage of judges. Court cases at the federal level, for example, can frequently drag on for a decade (Taylor and Buranelli 2007). Hold-ups in the legal system can also be purposefully created: Meszaros (2000:525) quotes a senior judge in the state of São Paulo as saying 'with the Brazilian judiciary, if you have an able lawyer you can almost eternalize the discussion: it never ends'. The legal system is further complicated by a profusion of laws at the three levels of the state that can contradict each other (Passos 2002). A perceived contradiction between municipal and state law can delay a court case for years as the problem is considered through the appeals process at a higher-level tribunal.[84] For both Caldeira (2000), Taylor and Buranelli (2007) and Fry (1999) these problems have generated a distinct lack of faith in the judiciary held by the population, particularly amongst poorer groups who declare that 'justice is a privilege of the rich' (Caldeira 2000:345). Despite these issues, however, lawyers have considerable status in Brazil, and are allowed to use the title of 'doctor'. Historic deference for members of the profession is noted by Holanda (1969) [1936] who labels Brazil, 'a land of lawyers, where, as a general rule, only those citizens who are trained in the law will rise to top public positions and offices' (Holanda 1969:115). He further notes Brazilian's general faith in the power of law, and their belief that,

> The letter of the law can in itself, and in a dynamic way, influence the future of the population. The rigidity, impermeability and perfect homogeneity of legislation appears to us to constitute the only obligatory requisite for the good functioning of society (Holanda 1969:133).

More recent analysts make similar evaluations, Maricato (2000:143) rebukes the FNRU for behaving as though 'the principal causes of urban social exclusion were the absence

[84] Conversation with Dra. J. Setzer. 25.07.08

of new laws or new urban instruments'. This faith in the law, and the idea that 'a new law will fix things', is represented by the overabundance of legislation on the statutes: 'Brazilians have an exaggerated hope that law can produce social change – if one day the laws are obeyed' (Pereira 2000:221). But the 'ambiguity of law' in Brazil, where it is never clear how or if the country's 'inconsistent and voluminous' legislation will be enforced, leads Pereira to declare that Brazilian legality 'contains strong elements of fantasy and desire' (ibid). Whilst this situation is clearly problematic for social movements who frame their demands in terms of rights and are involved in legislation and litigation, it also provides a significant resource for movement actors, as will be discussed in light of the 'politics of rights' approach.

Scholars from the law and society tradition have noted how successful litigation can provide momentum to a social movement, helping to increase membership numbers, and drawing attention to its aims from society at large (Handler 1978). However, they caution against an uncritical faith in the power of litigation to achieve social change. Benjamin's words cited above, where he appeals to the law as something that can be imposed upon the government from without, find resonance to an extent, in Judith Shklar's (1986 [1964]) exposition on 'legalism'. In it she sets out to challenge those who believe 'that law is not only separate from political life but that it is a mode of social action superior to mere politics' (Shklar 1986:8). She counters a pervasive positivist approach to law, in which the law is treated as 'just there', describing legalism as an ideology whereby law is divorced from its political and social context and can be neutrally 'applied'. Skhlar's ideas provided a stimulus for Scheingold's (2004 [1974]) work on the 'myth of rights', which critiques the generalized opinion that laws and legal decisions have a direct impact on society and social policy.

> Legal frames of reference tunnel the vision of both activists and analysts leading to an oversimplified approach to complex social process – an approach that grossly exaggerates the role that lawyers and litigation can play in a strategy for change. The assumption is that litigation can evoke a declaration of rights from courts; that it can, further, be used to assure the realization of these rights; and, finally, that realization is tantamount to meaningful change. The *myth of rights* is, in other

> words, premised on a direct linking of litigation, rights and remedies with social change (Scheingold 2004:5 his emphasis).

Rather than see rights and litigation as promoting social change in themselves through the legal system, Scheingold argues that a general belief in the myth of rights (within American society) constitutes a resource that can be used by social movements to achieve indirectly through 'political process what was unavailable through legal channels' (Ibid: xix). American society is, he argues, sensitive to the violation of rights, and can be mobilized in defence of rights. Rights as a resource can therefore be used as a weapon against the elites, in what Scheingold has labelled the 'politics of rights'.

> There is very little reason to believe that legal and constitutional values are directly persuasive to the elites who are most immediately responsible for making decisions for the polity. These elites are, however, likely to respond effectively to organized interests, and legal symbols can be usefully employed in behalf of political mobilization. The politics of rights, therefore, involves the manipulation of rights rather than their realization. Rights are treated as contingent resource which impact on public policy indirectly – in the measure, that is, that they can aid in altering the balance of political forces (Ibid:148).

Since it cannot be taken for granted that constitutional rights will have an influence on the political system, the rhetoric of rights, 'introduces constitutional values into politics in an imperfect but salient and engaging fashion' (Ibid:39-40). Essentially, the politics of rights approach is based on a disconnect between rights on paper and rights in practice. This disconnect is used both to mobilize members to the movement, producing a change in legal consciousness (Macaulay 2002; Scheingold 2004) and to generate general support from society in favour of the movement's rights claims, thus potentially bringing about adequately implemented public policy and real social change. Interestingly, Scheingold's idea that an awareness of the violation of rights works as a mobilizing tool is asserted by movement leaders:

> When people identify with the struggle, when someone begins to realize that housing is their right, and that that right is being denied, this really unites people at the grassroots of the movement. From the moment that you get that kind of consciousness, you'll never stop participating in some kind of way.[85]

[85] Interview with Pedro 18.09.07

Returning to the extract from the interview with Benjamin above, although his words seem to suggest that he is a believer in the myth of rights, his final comment, that if the laws don't work the movement can undertake transgressive collective action, are an acknowledgement of the limited power of the law to advance the goals of the movement.[86] The following section will detail how the UMM's discourse can be seen to reflect a politics of rights approach.

The politics of rights in Brazil

Scheingold based his research on the context of the United States, citing what he saw as a particularly North American belief that, 'politics *is and should be* conducted in accordance with patterns of rights and obligations established under law' (Scheingold 2004:13 his emphasis), but his theoretical insights have relevance for Brazil also. The discussion above of Brazilians' faith in the potential power of the law would suggest the concept is equally applicable to Brazil. Certainly, the considerable if badly coordinated institutional infrastructure in place in the capital to investigate and prosecute individuals involved in political fraud and corruption (Taylor and Buranelli 2007), and the numerous parliamentary and senate investigations ongoing at any time in Brasilia, point to a belief that politics, in theory, should be conducted in accordance with the law, even if it manifestly is not in practice. The UMM is able to take advantage of a Brazilian belief in the myth of rights to garner support for its aims by presenting the city's housing problems as a violation of rights, as will now be shown. Being able to present movement demands as rights is in itself a useful strategy, as (Nielsen 2004: 66) points out

> Rights serve as a significant source of power for members of traditionally disadvantaged groups precisely *because* of the characteristics inherent in the social construction of a legal right. 'Rights' are said to apply equally to everyone, they are 'neutral', and are backed by the legitimate authority of law and the state. While this

[86] Although Scheingold's work does not consider the question of illegal action, the discussion of occupations as civil disobedience in chapter seven explains how these can be understood as an extension of the movement's politics of rights.

> may not be true in practice, this idea may serve as a source of power for the disadvantaged (emphasis in the original).

Scheingold (2004:58) makes a similar point on the universalizing power of rights, noting that,

> In asserting your right you imply a reciprocal relationship with others in the society. Your right is no longer personal but part of a more general set of societal rights and obligations, independent of and predating your particular need. To claim a right is thus to invoke symbols of legitimacy that transcend your personal problems.

This is particularly useful for the UMM since it is campaigning collectively for what is ultimately a private good. Also, by framing its demands as rights, the role of the state is instantly asserted, for it is the state's acknowledged duty to ensure that rights are upheld.

The UMM is also able to pursue its politics of rights through the framing of its demands with reference to the Constitution. The Constitution of 1988 has particular resonance for Brazilian society, marking the end of the military regime, and, through its highly progressive content, setting out a legal framework for an egalitarian society. As Macaulay (2002:88) notes, regime transition is often accompanied by the drafting of a new constitution, thus 'signalling a symbolic discursive and normative break with the preceding regime and its values'. The normative value of national constitutions is outlined by Scheingold (2004) for whom the theory of constitutional government implies a legal approach to political change: the judiciary's proper interpretation of constitutional standards that reflect national political ideals renders the constitution a 'timeless document'.

> Rather than tying us irrevocably to the past, constitutional standards are presented as indispensable guides to the future (Scheingold 2004:16).

In the Brazilian case, the process by which the Constitution was written, with many thousands of people involved in the submission of popular amendments, has led to a

engrained feeling of ownership over and pride in the document amongst popular sectors of society, as discussed in the previous chapter. Kingstone and Power (2000:17) also note high levels of public awareness of the document,

> There are few countries in the world where an academic debate on constitutional design has so decisively influenced the journalistic and partisan arenas as the debate in Brazil has since 1985, and fewer still where public debate is so sensitive to perceived deficiencies of the existing institutional arrangements.

It could perhaps be suggested, using James Ferguson's (1999) terms, that reference to the Brazilian Constitution of 1988 has become part of a 'metanarrative' of progress and modernity, and one that has been absorbed by much of the movement and the society it addresses. Certainly, the power of the Constitution as a normative framework is not lost on the UMM, both as a backdrop for its demands, and as a weapon with which to denounce the state. This engagement with the Constitution is also indicative of the fact that legislative victories achieved at national level have resonance and salience for local level struggles.

Dubbed by jurists as the 'Social Constitution', the text promulgated in 1988 is generally considered highly progressive. The importance of social rights is flagged even in the preamble,

> We, representatives of the Brazilian people, brought together in the National Constituent Assembly in order to establish a Democratic State, for the purpose of ensuring the exercise of social and individual rights, freedom, security, well-being, development, equality and justice as supreme values of a fraternal, pluralist and non-prejudiced society, based on social harmony and committed, on both national and international levels, to the peaceful solution of conflicts, promulgate, under the protection of God, the following Constitution of the Federative Republic of Brazil (Presidência da República 1988).

The first article of the Constitution sets out the five foundational elements upon which the Republic is based namely, sovereignty, citizenship, dignity of the human person, social values of work and free enterprise, and political pluralism. The right to housing is set out in Article 6 along with other social rights including education, health, work,

leisure, security, social security, protection of motherhood and childhood and assistance to the destitute. But it was not included in this list in the original draft of the Constitution promulgated in 1988.[87] Housing was only added in 2000, through a Constitutional Amendment, and after years of campaigning by the Forum Nacional de Reforma Urbana, a coalition of academics, NGO representatives and social movements. According to Anderson[88], prior to 2000 the movement had still claimed housing as a right, but had done so with reference to the 1995 Habitat Agenda that came out of the UN conference in Istanbul, to which Brazil is signatory.[89] The assertion of housing as a citizenship right is given further weight by movement members and leaders who discuss the social significance of housing with reference to notions of dignity and equality. This would suggest that these foundational elements of the Constitution were used to support demands for housing before it was specifically made a right.[90] The formulation of housing in terms of rights will now be examined through the rhetoric of the movement.

Housing and the discourse of rights

Motivated by the need for housing, and by the desire to help others achieve solutions to their housing needs, movement members and leaders take the importance of housing as a given. They make continual reference to the inclusion of housing as a right in the Constitution and the evidence of the violation of this right in the city and across the country.[91] Ernesto's words are typical here:

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[87] Competency for promoting the provision of housing is shared across all three levels of the state (Article 23).
[88] Email communication with Anderson, 06.08.08.
[89] The right to housing was a key area of debate at Habitat II (Urquiza 1996) but it was not incorporated specifically into the conference's final document, the Habitat Agenda. Instead, references are made to the 'right to adequate housing' as set out in other UN treaties, in particular the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights. Further, the Habitat Agenda states that this right 'shall be realized progressively' (UN Habitat 1996).
[90] Turenne (2004) notes the use of constitutional commitments to the dignity and equality of all citizens by housing activists in France. Dignity is also a core element to the 1948 Universal Declaration of Human Rights. Articles 22 and 23 of the Declaration present the realization of social, economic and cultural rights as indispensable for the dignity and free development of the person (Dicke 2002).
[91] Although movement leaders acknowledge that members join because their incomes are not high enough to access mortgage credit available on the open market, they do not generally speak about housing in economic terms. Leaders admit that housing improves family finances, since subsidised loan repayments are often lower than the costs of renting, but these economic issues were not stressed by movement

> Housing is in the Constitution. It's in the law that every citizen has the right to housing. It's in the law. If it's in the law, we shouldn't have to occupy buildings and have the crap kicked out of us by the police.[92]

This awareness of a gap between the law on paper and the law in practice is fundamental to a politics of rights approach. But beyond this, over the course of my interviews, individuals associated with the movement elaborated a series of ideas around the significance of housing, grounding it in other rights and emphasizing its contribution to general well-being and human development. At the most basic level housing provides shelter, but it also gives those inside it a type of metaphorical shelter, by providing them with a framework around which they can organize their lives. These ideas are developed by Kelly who is a key figure in the UMM, which she represents in a number of international forums.

> I think housing is fundamental to the life of any citizen. Because through housing, you have a reference. If you don't have a house then you don't have a reference: you're a nobody. When you have a house you can say 'I left my house at this time in the morning, and I'll go back home at this time'. You can get home and lie down, and it doesn't matter if it's on a mattress on the floor or in a bed [...] but you know you have somewhere to go, and you have a moment to lie down, think, and plan how the next day will be [...]. Housing is fundamental to the life of any human being, because once you've got a house, your horizon expands, and you can see a whole load of other things.[93]

Having a house gives you a *reference*, as Kelly puts it, in the sense of providing you with an address and a geographical location, but the phrase also implies a less tangible idea of having a reference in the sense of a recognized place in society. Here the home is not only a safe haven, but a type of social anchor, through which you become a 'somebody'. Kelly's words also highlight another key issue: the idea that with a house, a person's horizon will expand, and they can address other areas of their lives. Later on in the interview she elaborates on this point, explaining that the aim of the UMM is for members to reach a point where they have housing and their lives have stabilized to the

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leaders. This is not surprising: a movement whose discourse revolves around housing as a right, and its importance in promoting citizenship is unlikely to stress that it will also be making its members richer.

[92] Interview with Ernesto, leader of a centrally-based movement affiliated to the FLM 14.03.07

[93] Interview with Kelly, member of UMM executive, represents the movement in international forums, particularly on women's issues, 29.05.07.

extent that they are able to reflect and to make plans for improvements in other areas, such as the health and education of the family.

Improvements in living conditions are seen to have a positive impact on an individual or family's practical life chances, in terms of health and education. Housing is, in itself, a social right, but it provides the key to achieving a number of other social rights that are also set out in the Constitution. This idea of adequate housing impacting upon the social development possibilities of its residents finds resonance in the work on capabilities advanced by Amartya Sen (1999). This is most clear in the words of Adana, the middle-class leader referred to in the previous chapter, who has a university education and close links to the Church.

> For me, for the poorest of people, those whose rights are most violated – rough sleepers, people who live in *favelas* where there is no clinic – what's most important is not just that they have needs that aren't met. For example, they need a doctor and there's no doctor, they need food and they haven't got any, they need a house but they haven't got one. It's not just this. It's that this person's capacity to realize themselves is hindered.[94]

At the root of these perceptions of the importance of housing is an intertwining of the more tangible benefits of housing with commentary on the impacts that having or not having a house will have on people's psychological well-being and sense of belonging to society. These two sides to the housing question are closely connected, in the rhetoric of movement representatives, to the notion of dignity:

> I generally say that the dignity of each citizen comes from them having a house in which to live, because once they've got decent housing, they can achieve anything. They have a reference, they can get a job and achieve a better standard of health, as they're not going to be living surrounded by rats anymore. That person will have a reference and a dignified address, and will be able to study without anyone being prejudiced against them, since here in Brazil, there is still a lot of prejudice against someone who lives in a favela.[95]

[94] Interview with Adana 06.07.07
[95] Interview with Tristana, leader of a regional movement, member of UMM executive 26.03.07

Reference to dignity is a thread that runs throughout the interviews with individuals associated with the housing movement. Indeed, the expression 'moradia digna' is in standard usage by movement leaders when talking of the organizational aims of the UMM. Although it is best paraphrased as 'decent' or 'adequate' housing, a literal translation of *moradia digna* would be 'dignified housing'. In this way, respondents make a distinction between the type of housing they are campaigning for, and that provided by the *favela* or *cortiço* in which many of their members are housed. The goal of *moradia digna* promoted by the UMM also resonates with the core theme of human dignity set out in the first article of the Constitution, whilst the reduction of stigma through decent housing contributes towards the promotion of equality. Thus the movement strengthens its politics of rights approach by emphasizing the multiple links between housing and rights: not only do they stress that housing is a constitutional right, they also show that housing is closely linked to core elements of the Constitution and that it enables the fulfilment of other social rights.

Figure 5: Shacks built over a ditch in the Heliópolis favela

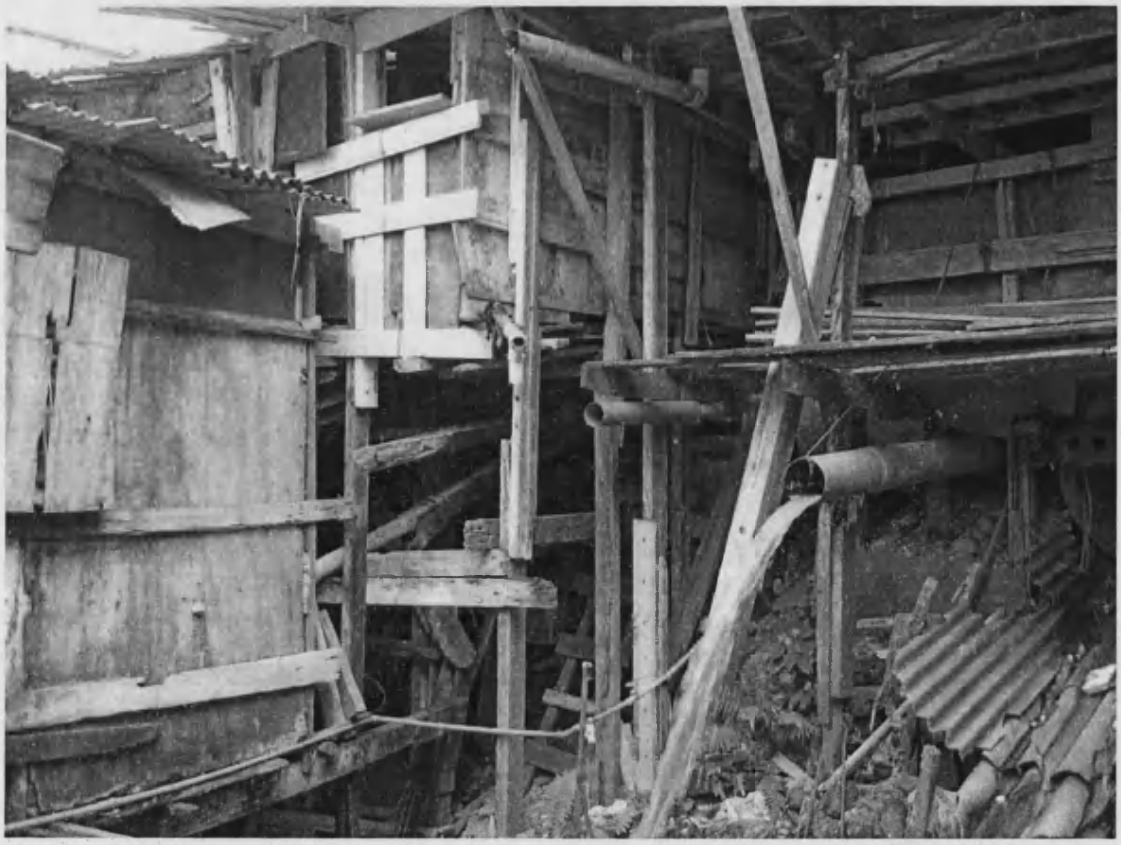

Figure 6: Luxury apartment building in the Higienópolis area

Housing and citizenship

Along with positing housing as a constitutional right in itself and the key to the realization of other social rights, the movement has developed a particular discourse that links adequate housing directly to the acquisition of citizenship. This is a particularly powerful weapon for the movement's politics of rights, since the concept of

citizenship is an emotive one in Brazilian society, building, as it does, on the 1988 Constitution. For both Caldeira (2000) and Dagnino (2007) citizenship in the democratic era has come to represent an Arendtian idea of the 'right to have rights'. As Holston (2008:xiii) notes, since the return to democracy, the word has become ubiquitous in Brazilian everyday life where its use is 'evocative of alternative futures'. For Dagnino (2007:550-551), an innovative definition of citizenship as a 'project for a new sociability', has 'penetrated deep into Brazil's political and cultural fabric'. The movement's establishment of a link between housing and citizenship further buoys the power of its rhetoric, and perceived violations of the government's own charter can be used by the UMM as a weapon against the state.

Responses to the question 'what do you understand by the term citizenship?' generally involved the research participant listing the social rights enshrined in Article 6 of the Constitution, and referring to the notion of dignity. Perceptions of citizenship were therefore closely associated with social rights, with civil and political elements of citizenship infrequently mentioned. Further, citizenship was generally described in a one-sided way: respondents placed responsibility for the acquisition of citizenship onto the state. A minority of movement representatives interviewed referred unprompted to the duties associated with being a citizen, but they then had difficulty giving clear examples of these. However, this limited appreciation of the complexities of citizenship amongst some movement members does not necessarily diminish the power of their rhetoric in appealing to a generalized myth of rights. As Scheingold (2004:60-61) notes, the piecemeal use of slogans and symbols may impede 'systematic reflection on the total social vision implied by the myth of rights' but, 'in the final analysis it is not the accuracy of the image, but its attractiveness, that determines the success of the myth of rights'.

Particularly salient from responses to the question of citizenship was the clear connection made between having adequate housing and being a citizen. For example,

> I think that having citizenship means, first of all, having basic things. It means having a house to live in, being respected as a citizen and having the same rights as everybody else.[96]

The direct link between citizenship and housing can be explained through the connection made by the movement between citizenship and dignity. Dignity will be achieved through the fulfilment of social rights, particularly housing. This is because having decent housing will enable an individual or family to live in a dignified manner, gain access to other social rights and thus become a citizen. These ideas are expressed by a member of a local movement affiliated to the UMM, whose family had moved to a centrally located building that had been converted into social housing after it had been occupied.

> Today I feel much more of a citizen that I did before. When I came to live here, I 'rescued' a bit more of my citizenship. We feel like decent people here [*a gente se sente gente*], and where we lived before, we didn't.[97]

The phrase 'sentir-se gente', literally 'feeling like a person', implies feeling like someone who is worthy of respect, and who lives in a civilized manner. This idea finds resonance in TH Marshall's (1964) definition of social citizenship discussed in chapter two. For Marshall, social citizenship involves being able to participate in civilized life, according to the standards prevailing in a given society. This concept is similar to that proposed by Sen in his work on the concept of freedom in which he develops the ideas of Adam Smith (Sen 1999). One core freedom is the ability to hold up one's head in public, without feelings of shame. For leaders of the UMM, having decent housing will allow movement members to achieve this type of freedom, since it will lift them up to the standard of 'dignified living' in Brazil and by making movement members 'more like everybody else' it should also reduce inequalities.

[96] Interview with Benjamin 05.06.07
[97] Interview with Nina 09.10.07

The link between housing and citizenship was further strengthened by research participants when they spoke about those without adequate housing. The underlying suggestion is that these people are not treated like human beings. For example, Lourdes, when describing a *cortiço* eviction, remarked that the furniture was better treated than the residents: 'At least the furniture has somewhere to go'.[98] Ivana spoke of police action to evict people from the 'Cracolândia' drug-dealing area of central São Paulo, in the following terms, 'They are throwing people onto the streets, as thought they were rubbish.'[99] Similarly, for Nina, residents of far-flung peripheral neighbourhoods are 'treated like trash'.[100] Ernesto complains that buildings are torn down in the city centre to make way for car parks, when they could be converted into social housing. This leads him to conclude that cars have 'more prestige today than humans'.[101] Another fairly common way of articulating similar beliefs was to suggest that poor Brazilians were treated worse than animals:

> We have a right to housing. We are human beings not animals. You can do what you like to an animal, but us, although we are poor, we still deserve respect. And we deserve somewhere to live.[102]

A couple of more radical leaders would contrast the living conditions of the *sem teto*, with that of vermin. This idea was most often employed with reference to buildings that have been left empty in the centre of São Paulo. Here, cockroaches, rats, fleas and pigeons all have a sturdy roof over their heads, whilst those who are *sem teto* do not.

Plácida's and other movement representatives' remarks suggest a dehumanization of the urban poor, and the phrase *condições desumanas*, 'inhuman [living] conditions', is also current. In the discourse of the movement, its members are being stripped of the basic dignity that should underlie all human existence. This is perhaps why some movement leaders talk of 'rescuing' their citizenship. The term suggests that all are

[98] Interview with Lourdes, leader of a small centrally based association.
[99] Speaking at a centre-movements' meeting, 02.07.07.
[100] Interview with Nina, member of a UMM affiliated movement, housed after an occupation, 09.10.07
[101] Interview with Ernesto 14.03.07
[102] Interview with Placida, member of a FLM affiliated movement, living in an occupied building 24.07.07

born as citizens and decent human beings, but that some have lost this status, as their basic needs (including housing) are not being met. This appeal to a kind of essential status as a mobilizing tool is discussed in passing by Nettl (1967:247) who notes that,

> One of the most successful elementary forms of mobilization of otherwise unacculturated sections of the periphery of society is the claim for the return of rights believed to have been illegally removed or denied.

Intriguingly, he illustrates this idea with reference to northeast Brazil, where 'preaching the inequity of land distribution, and the resultant glaring discrepancies in social status and economic return to peasants [...] are far less remunerative (in terms of resentment, generalized belief and therefore mobilized commitment) than the much 'narrower' presentation of ancient legal rights with regard to land and water unjustly or illegally taken away' (Ibid).[103] In a similar way, rather than a reference to citizenship as part of the path to modernity, the idea of rescuing citizenship used by some members of the UMM appears as an appeal to some ideal past. Nevertheless, this evocation of (mythic) rights may have symbolic weight amongst certain sectors of society, including the membership.

Establishing a connection between housing and citizenship is, furthermore, a critical element of the movement's politics of rights, since it allows for an extremely powerful discourse on limited citizenship. This is the principal argument through which the movement attempts to hold the state to account: it posits the state's failure to resolve the housing problems of the poor as a violation of their citizenship rights. This can be understood by borrowing from Khan's typology of state failure, where rather than affected by *structural* faults, the state apparatus suffers *process* failures, in that measures are not taken to improve redistribution of resources, as certain powerful sectors are committed to 'holding the existing structure of institutions constant' (Khan 1995:84). In the eyes of movement members, these process failures, where the government does not make a concerted, transparent effort to improve the living

[103] No sources are provided by Nettl for these findings.

standards of the poor, impact upon levels of citizenship, because it denies them dignity. Many interviewees expressed quite similar ideas on the paradox that they *were* Brazilian citizens, but that there were limits to the extent that they were enjoying full citizenship rights. A basic explanation of this idea is made by Ernesto.

> Look, I'm a citizen. But there's something missing for me to be able to *really* call myself a citizen. What's missing is the house that I haven't got.[104]

Joanadarc makes the link between formal and substantive citizenship more distinct:

> I haven't yet recovered my citizenship. Citizenship doesn't mean that I was born in some country or another. That has nothing to do with it....I mean, I do have citizenship, Brazilian citizenship, but not in the way that I want it, that I ought to have it, that I deserve. [105]

These comments on the limited nature of citizenship articulated by those without adequate housing are extremely common among movement members and leaders and bring to the fore the clear emphasis placed on the fulfilment of social rights for the acquisition of citizenship amongst São Paulo's poor. This runs counter to Holston's (2008) and Caldeira's (2000) preoccupation with civil rights, in their examination of citizenship amongst the property-owning urban lower-middle-classes of the city. The research participants in these studies show a greater concern for personal security and property rights, suggesting that income levels have a bearing on how citizenship is understood. Further, conceptualizing citizenship as 'limited' allows the movement to 'denounce' the state as behaving illegally for failing to uphold social rights, leading to accusations such as, 'The state steals our rights'.[106] The perceived illegality of the state is a cornerstone of the way in which the movement justifies its building occupations, as will be shown in chapter seven.

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[104] Interview with Ernesto 14.03.03
[105] Interview with Joanadarc, leader of a small association representing families living in an occupied building in the centre, 23.04.07
[106] Interview with Nora, leader of a small association based in the centre 08.10.07

The implication of a politics of rights approach

The failure of the state to develop and implement adequate housing policy for the poor and the resultant perception of a violation of citizenship rights drives the movement to take a radical and antagonistic position. This position is most clearly expressed through the use of building and land occupations, a tactic that can cause significant embarrassment and logistical difficulties for the government targeted. Many movement members and leaders express the belief that occupations are the *only* way to make a 'non-democratic' government listen to the movement's demands, or to force it to keep to its word on previous policy commitments. However, these criticisms are generally directed at municipal and state-level governments. There is a marked reluctance to make aggressive statements about the federal level government, which movement representatives refer to as *our* government, with *our* president Lula, at the helm. But for Anderson and Diogo, two of the more self-reflexive members of the UMM executive, the very fact that the Lula regime has not lived up to their high expectations points to the limits of the state's ability to respond to their demands and leads to the conclusion that the movement must always be on the offensive. Anderson goes some way to unpick the problems facing the relationship between the movement and the PT government in power in Brasilia. He gives as an example a recent presidential visit to São Paulo to sign off federal funds (known as the PAC) for urbanization of two *favelas*, in one of which Anderson has been working for over twenty years.

> Lula himself has said that he won the [presidential] elections thanks to the intensive collaboration that he built up with social movements before the second round – with urban movements and those from the countryside. And where's the dialogue and interaction now? That launch for the PAC here in São Paulo, where was the engagement with social movements? There wasn't any. That's why I didn't go to the ceremony. I don't accept that type of relationship with a political party that says it's left-wing and working class, and then creates a programme that it says will have huge social impact, (the resources that have been earmarked for the *favelas*, for social housing, are really significant amounts of money, thanks to our struggle, thanks to social movements) and then it doesn't invite us to help work out the prioritization of the projects or have even the tiniest bit of engagement with us, or discussion about the impact of these projects. We get indignant about these things because during the electoral process we were very welcome at the discussion forums in the presidential palace. When it's time to discuss policy, to make decisions, and when they really have the power to make those decisions, social movements aren't invited. That's why I think that there is no option for social movements other than

> social struggle, taking to the streets, mobilizing members – the whole battle plan that the movement has.[107]

What is interesting about this statement is that it shows that not even Lula, the movement's president, behaves in the way they expect of him. Diogo makes a similar point, noting that the movement tends to refer to Lula's administration as 'our government', and yet he has come to realize that the 'democratic' PT federal government must govern everyone in the country, even those who did not vote for it. As such the 'struggle' must continue, since the movement cannot assume that the government will automatically respond to the needs of its members.[108]

The seeming impossibility of an end to the housing struggle, with the failure of even friendly governments to place priority on the needs of the poor lead, not only to an adversarial stance, but also to a rhetoric of compulsion and duty to act as the government's antagonist. This idea of 'constant opposition' is discussed in greater detail in chapter eight. But despite movement leaders' strident statements of opposition towards municipal, state and federal governments, they cannot surmount the fundamental paradox of their overall reliance on the state. The state may be perceived as the enemy that denies dignity and limits citizenship, but firstly, the country is now formally a democracy thus limiting the actions of a movement that labels itself democratic, and secondly, the state and municipal housing companies are the only providers of housing with sufficient subsidies to be accessible for the UMM's members. Movement leaders may declare themselves to be in perpetual opposition to government, but if they are to house their members successfully, they must eventually negotiate with the representatives of the state. The labelling of state and municipal governments as 'non-democratic' and as responsible for maintaining urban populations in a state of limited citizenship is a useful tool for mobilization. It harks back to the movement's roots in the campaigns against the dictatorship, and helps to provide a clear target against which the movement is organized. But this positioning generates

[107] Interview with Anderson 26.06.07
[108] Interview with Diogo, leader of a large centrally based movement 12.06.07

difficulties for the UMM once a 'democratic government', (meaning the PT) takes office. Recent experiences with a PT mayor in São Paulo tested the ability of the movement to remain autonomous and maintain pressure on the government in the absence of a commitment to pro-poor housing and social movement participation (alluded to by Anderson in the final citation above). And the UMM is experiencing similar difficulties with Lula's current presidential administration. These issues are discussed in the following chapter.

Summary

Members and leaders of the UMM have adapted to political circumstances in the post-dictatorship era in Brazil by making skilful use of the fundamental elements of democracy. Stressing their own democratic practice, they call on the state to live up to similar standards. The movement's involvement in both legislation and litigation give it a legal take on the government's policy failure, and this has helped it to develop a 'politics of rights' approach that aids both internal mobilization and external support. In their rhetoric of rights they link housing to citizenship in multiple ways: (i) it is enshrined as a right in the Constitution (ii) it is the key to achieving other core social rights and (iii) it is bound up with notions of dignity, respect and having a place in society. Since responsibilities for housing lie with the state, the lack of housing provision for low-income groups is articulated by movement leaders as a state failure and a wilful violation of citizenship rights by governments more committed to protecting the interests of the wealthy sectors of society. The UMM uses these arguments to develop a powerful discourse on limited citizenship. However, the movement's strident politics of rights has led to a situation where it places itself in a type of perpetual opposition to the state. This is problematic given that it must also engage with the state to achieve its ends. The movement therefore walks a tightrope between institutionalized negotiations and theoretically illegal acts of civil disobedience. The following chapters explore how the UMM's rhetoric plays out in its actual interaction with the state.

Chapter Six

Non-confrontational institutional engagement

Introduction

The following chapter examines the ways in which the UMM attempts to influence decision-making processes on housing policy in São Paulo state and city and at federal level *without* recourse to confrontational tactics such as protest marches or occupations. As such, it focuses on its engagement with the institutions of the Brazilian state through formal channels as well as examining examples of the UMM's use of informal relationships and interaction to influence key decision-makers. Examining engagement with each level of the state in turn, the chapter documents the different strategies that the movement employs. These strategies (not all of which are used at each level of the state) can include involvement in deliberative and consultative councils on housing and urban issues; regular meetings with representatives of housing departments and public housing companies; input into wider initiatives for the establishment or amendment of local and national legislation; and movement leader employment in government housing departments.[109] These opportunities for participation will be discussed in light of Cornwall's (2002) and Gaventa's (2004) call for closer examination of the 'spaces' within which members of society interact with the state. Arguing that how these spaces are created will impact upon how people act within them, Gaventa draws up a typography of 'invited', 'created/claimed' and 'closed' spaces for state-society interaction. This chapter builds on this typology, showing how movement activity around one type of space can influence its leverage in others. Through an examination of the generation and use of these spaces, the chapter shows how the movement has come to be a recognized interlocutor at all three levels of the Brazilian state, that it is constantly seeking ever greater entry into policy-making institutions, but that total institutionalization is not its overarching goal.

[109] Although this may appear to be an individual decision, taking up employment in a state housing department is perceived by movement members and leaders as a way of promoting the goals of the collective. This issue will be discussed in detail later in the chapter.

Experiments in participatory governance

The chapter also questions some of the literature on participatory governance that has been a key focus of much recent academic study of state-society relations. Brazilian experiments with participatory budgeting forums and policy councils have generated considerable literature, reflecting their proliferation across the country which has become a 'laboratory' for participation (Fernandes 2007). Health councils, which along with councils for the protection of children and youth were made obligatory at municipal level by the 1988 Constitution (Houtzager, Lavalle and Acharya 2003), have drawn considerable interest (Cornwall 2007; Schonleitner 2004; Coelho 2007) as has the successful implementation of participatory budgeting schemes in Porto Alegre and Belo Horizonte (Abers 1988; Koonings 2004; Souza 2001; Baierle 1998; Baiocchi 2004; Heller 2000). However, some analysis of these spaces for participation is somewhat naïve in the assumed potential for the democratization of both society and the state (Avritzer 2002, Paoli and Telles 1998). Emphasis on the institutionalization of participation and Habermassian forms of rational dialogue (Fung and Wright 2003; Avritzer 2002) is, furthermore, at odds with the agendas and behaviour of the many social movements and community associations who are key players in these forums. And yet a number of texts speak simply of the participation of individual citizens or of newly formed social movements, without adequately exploring their links to pre-existing networks of organizations (Abers 1988; Baierle 1998). Schonleitner's (2004) careful examination of the impact of varying levels of social capital and political will on the workings of health councils across the country is a useful corrective to these less nuanced texts. And some scholars are now analysing the limitations of these forums, and the key question of who participates in them more critically (Houtzager et al. 2003; Cornwall 2007; Rodgers 2007). These authors examine the institutional affiliations of those who participate, and flag up, in particular, their engagement in party activism. However, the methodological approach of these texts tends to place a specific council or forum at the centre of the analysis (Cornwall 2007; Rodgers 2007) or involves

statistical analysis of participation (Houtzager 2003). This cannot allow for a detailed qualitative appraisal of how participatory spaces are used by social movement actors in conjunction with other opportunities for state-society interaction, nor how their participation in policy councils can impact or be impacted by involvement in other channels for engagement with the state. This chapter seeks to show that participatory forums are not the main site of state-society interaction for the UMM, placing them in the context of an array of different channels that the movement employs to engage with the state. Building on the introduction to the movement's history in chapter four, it also shows the extent to which the functioning of these spaces is intimately linked to configurations of political power.[110]

This chapter begins by assessing the forms of institutional engagement that were in evidence during the year's fieldwork with the movement. It will draw on observational data at meetings with government representatives and interview material in which UMM members evaluate the movement's position vis-à-vis the institutions of the state at the time. It will then analyse the movement's engagement with the state during the mayoral administration of Marta Suplicy of the PT in São Paulo (2000-2004) with greater scrutiny. This was the period of most heightened institutionalization of the movement at any level of the state to date, as movement leaders took up office within the municipal housing secretariat. Although for the purposes of analysis this chapter will study the more formal side of institutional engagement in isolation, this involves a degree of artificiality. Ultimately, the flipside of the UMM's institutional engagement is radical protest, and the potential outcomes of both are continually evaluated and

[110] It should be noted here that participatory budgeting has not been a success in São Paulo, nor has it been implemented by Lula at the federal level and that the participatory spaces that the UMM has been involved in are policy sector councils in the area of housing. Unlike participatory budgeting forums the creation of which is a policy choice made by an incumbent government (most often from the left of the political spectrum (Koonings 2004)), policy councils in many sectors are now a legal requirement at the various levels of the state. Goldfrank's (2007) insightful conclusions on the way in which well-institutionalised opposition parties can derail the efforts of incumbent PT governments to implement participatory budgeting are not therefore directly applicable to a discussion of the housing councils. However, a general recognition of the way that party politics can influence the workings of participatory governance spaces informs the analysis of this chapter.

compared by movement representatives in accordance with changing political circumstances.

The importance of the 'institutional struggle'

Before analysing the movement's engagement with each level of the state, it is important to stress the importance the UMM gives to involvement in policy-making processes within the state. This may seem surprising, given the considerable animosity expressed by members of the UMM towards the institutions of the state detailed in the previous chapter, and the movement's notoriety for its extra-institutional building occupations. However, the movement's members spend the majority of their time attempting to influence decision-making processes through formal channels or setting up opportunities to discuss housing issues with state employees in the housing departments at all three governmental levels. A number of senior UMM leaders showed immense pride in the movement's history of institutional achievement. When asked to name what they believed to be the UMM's greatest 'conquest' of its twenty-year existence, as many leaders cited the approval of the FNHIS, the national fund for social interest housing, and its related housing councils as they did the construction of tens of thousands of homes through the *mutirão*. As Gaetano remarks,

> The biggest conquest was the FNHIS. Why? Because it was a national campaign, driven by the housing movements, and today it's become law. It was the first 'popular initiative' law in Brazil. Other people will say that the biggest conquest was the building of housing units through self-management. That was very important, but the most important thing has been us having this institutional struggle. As well as conquering housing through self-management, we have managed to construct a national law.[111]

For Gaetano and others, the movement's involvement in the creation of a legal instrument that has institutionalized funding for pro-poor housing provision is a crowning achievement, proving that the movement is able to impact upon policy at the highest level. It should be remembered that Gaetano ran for political office in 2006,

[111] Interview with Gaetano 08.06.07

and is perhaps more likely to value achievements in this sphere. But the movement has also shown considerable support for the creation of other relevant legislation, becoming closely involved in campaigns connected to the municipality's master plan, the creation of the Cities' Ministry and the City Statute in collaboration with the FNRU. This involvement reflects another of the movement's key characteristics, as perceived by its more senior leaders, that it is *propositivo* – able to develop proposals for housing policies that are then brought to the negotiating table with state representatives. The ability to *propose* is contrasted with movements that are only able to *demand.*

However, the 'institutional struggle' also involves more mundane dialogue with government housing departments over specific plots of unoccupied land and buildings that could house low-income families. Here the movement is not attempting to leave its mark on broad policy development, but is trying to respond to the demands of its members. If more immediate solutions are to be found for these individuals and their families, negotiations must remain open. It is Benjamin, the key mediator, who articulates this issue most clearly.

> If you don't know what you're doing in politics, you can create a crisis between the movement and the authorities. Governments are in power for four years, and suddenly those guys will stop doing anything, and won't receive any of us from any region of the city. I believe that my responsibility has to come before my personal feelings, and I've got to grin and bear it [*engolir sapo*, literally 'swallow a toad']. I'd like to go into a meeting and tell them all to go and get stuffed. Do you understand? But I can't do that, even though I don't feel great about it, and that's why I'm sometimes seen as a bit of a *pelego*.[112] They say, 'the right-wing[113] speaks to Benjamin, every government will talk to Benjamin, and Benjamin has to go and open the doors there, and talk to this person and that person'. But it's not because I want to, it's because we all should be doing this. Only unfortunately, within the UMM, the person who has this role is me.[114]

[112] A person or popular organization that does deals with right-wing governments.
[113] This is a reference to the municipal government of Gilberto Kassab, of the recently renamed Democratas party, generally perceived to be on the centre right of the political spectrum. Given the country's recent history of military dictatorship, Brazilian politicians rarely refer to themselves or their parties as 'right-wing', which can be taken as a pejorative term. Walter Abrahao, a personal friend of Kassab, appointed by him as commercial director of the municipal housing council, COHAB, reacted angrily when I referred to the Democratas as right-wing in an interview, 15.06.07.
[114] Interview with Benjamin 05.06.07

Benjamin sees the danger inherent in resorting to more 'radical' solutions without any attempt at negotiation first. In Portuguese the term has more negative connotations than in English, suggesting an outright refusal to compromise or to accept the existence of opposing viewpoints. Asked to reflect on whether he thought this policy of moderation was having any results at the municipal level, he replied that although times were difficult, 'the tap was still dripping'.

> You see people who go to the meetings and they want much more. It's just that it's very difficult to wrench much more out [of the municipal government]. [...] In politics, you have to discuss things with everyone. You have to sit at a negotiating table. He [the director of COHAB] acts as though he were my friend. I know that he's not my friend, but I have to pretend that he is. [...] Some people in the movement have this idea of getting radical, but I'm not going to get radical with anyone. I want the União to get its projects realized – the ones that are suspended as well as the ones that have yet to get started. And that's why we have to have everyone swallowing toads together.[115]

While the discourse of the UMM discussed in the previous chapter generally presents the movement as a resilient opponent of a malevolent state, the reality of their dependence on government funding means they must keep as many channels of dialogue open as possible. The need to 'keep the tap dripping' is the foundation for much of the movement's engagement with the state.

Strategic planning

Although as was noted in the previous chapter some movement members refer to 'the government' as the entity that should be responsible for providing low-income housing, more senior movement leaders are careful to disaggregate the different levels of the Brazilian state when assessing the status quo and making plans for movement activities. This planning often took place during the weekly general coordinator meetings, but was also discussed in greater detail during the monthly plenaries. In both cases, the words 'municipal', 'state' and 'federal' would be chalked up on a large blackboard, under which dates of important events and ideas for relevant movement

[115] Ibid.

action would be added as the meetings progressed and different members contributed news of meetings, seminars, official visits, building inaugurations, public hearings or parliamentary votes. Much of this information comes from movement contacts with PT parliamentarians.[116] This type of strategic planning is, according to Adana, a hallmark of the UMM. She had been struck by the movement's ability to undertake *análise de conjuntura*, or 'situational analysis' since its earliest days:

> I remember this right from the start of the União, which has stuck till today – our meeting agendas: municipal, state and federal government. All our agendas were like that. That means that we aren't focused on one government in one place. Even if we're fighting with the mayor's office, we're in discussions with the state government, fighting in Brasilia and doing various different things. It's so we don't become an organization that is dependent on one type of situation, on one particular institutional set-up, that could change at any moment, just like it's changed a lot in the last few years.[117]

This characteristic of the UMM is underlined by another very experienced leader, Anderson, responding to a question on the activities of the movement during the most recent PT administration of São Paulo municipality.

> Our actions always have three separate accusations.[118] If you look at our documents from the Marta [Suplicy] era, for example, they always make demands on the three levels of government. [...] If you take the mobilizations and actions of the housing movement, they always make a diagnosis of the municipal, state and federal environment. The movement will never bring up just one specific local issue, because the way we engage has always been to defend the integration of policies and government actions. It has always made these demands of the three levels of government. Obviously the movement sometimes holds meetings with a specific municipal, state or federal agenda... but our belief is that the government has to follow the line that we are defending, which is the integration of policies. And we also know that the housing problem in the country will never be dealt with by one government alone. It can only be taken on by integrated action from the state, municipal and federal governments. You'll see that this is a very particular characteristic of the UMM.[119]

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[116] As was detailed in chapter four, a number of movement leaders work in the parliamentary offices of elected PT politicians.
[117] Interview with Adana 06.07.07
[118] The word Anderson uses is *denúncia*, a term equivalent to 'accusation' or 'charge' used in legal proceedings. References to the law and the criminalisation of the state will be examined in detail in chapter seven.
[119] Interview with Anderson 26.06.07

Although Anderson calls for the integration of government policy, and claims that the UMM spreads its focus over all three levels of government, it became clear from observation and interviews that the movement, in practice, will vary the intensity of its activities according to the prevailing political situation within each level of government. This is based on on-going *análise de conjuntura* of how receptive each level of government is likely to be to the movement's demands. Recalling the discussion of chapter four, it should be reiterated here that the election of PT governments at both municipal and federal levels has had an important impact both on movement access to policy-making arenas and the way in which the movement strategizes.

In interviews, movement leaders were asked to articulate their personal views on which level of government they believed should be targeted by future movement demand-making or campaigning. These respondents almost all presented a very similar analysis of the difficulties and opportunities the movement was facing at the time, although their reasoning led them to different conclusions as to how to overcome these problems. In general, the majority of movement leaders saw the federal government as the most likely source of funding for housing projects. As the wealthiest level of government, and one that was headed by a PT president and a close ally of social movements, it would make sense to focus demand-making at this level. Other members agreed with this, but pointed out that Lula's government had already earmarked a considerable amount of money for building of new homes and 'urbanization' of *favelas*. In early 2007, the federal government had announced a huge infrastructure programme called the PAC (Programa de Aceleração do Crescimento – Programme for Acceleration of Growth) which had set aside billions of *reais* for the urbanization of the two largest *favelas* in São Paulo, Heliópolis and Paraisópolis, along with other large-scale investment across the country. The problem perceived by a number of movement leaders was that the federal government can only finance these projects, and must leave their execution to the municipal and state-level governments. This issue is discussed by Ivana:

> This is the story: the federal government sends money to the municipality, and the municipality does nothing. It sends money to the state, and the state does nothing. This is why we need to step up the pressure. We used to say that the federal government didn't help, only the municipal and state governments did. Today there's money from the federal government and now the state and municipality aren't doing anything.[120]

The municipal and state governments of São Paulo were also widely perceived to be in a close alliance unfavourable to social movements. The governorship of the state has been run by the centrist Brazilian Social Democracy Party (PSDB) for nearly 14 years, and when José Serra of the PSDB won the mayoral election against the incumbent Marta Suplicy of the PT, taking office in January 2005, the two governments were in the hands of the same party for the first time since the return to democracy.[121] Serra stood down from the mayoralty in mid-2006 to run for the office of São Paulo state governor and his success meant that the vice-mayor, Gilberto Kassab of the Democratas was elevated to the position of mayor. Despite the change of mayor, movement members widely regard the alliance between the state and municipal government to have continued, particularly in the area of housing where few changes were made to executive posts that are appointed by the mayor (known as *cargos de confiança*, or 'trust posts'). Movement members were largely pessimistic about their ability to impact upon policy and decision-making forums within the housing departments and public housing companies at the state and municipal level. The following section will address each level of government in turn, describing the ways in which the movement was observed to be engaging with institutions of the Brazilian state during the fieldwork year of this study.

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[120] Interview with Ivana 01.06.07

[121] The UMM has had a varied history with PSDB state governors. Despite friction, it made considerable headway with state-funded *mutirão* projects during the two administrations of the more populist governor Mario Covas in the 1990s.

***Federal government*[122]**

With the election of Lula to the presidency in 2003, the ability of the UMM to engage with the federal government increased considerably. Prior to this, the movement had been met with 'dogs and water cannons' on its campaigning trips to Brasilia, according to a number of movement leaders. Key to an increase in institutional engagement was the establishment of the Cities' Ministry in 2003 to coordinate urban policy and management that had previously been dispersed across a number of government departments. Also important was the ratification of the FNHIS, that had been at the heart of housing movement campaigning for fourteen years. During the first of Lula's terms in office, when the Cities' Minister was a PT politician and movement sympathizer, social movements were encouraged to play a strenuous role in policy discussions, as Raquel Rolnik, former national secretary for urban programmes and erstwhile member of the FNRU recounts,

> The first Minister we had here, Olivio Dutra, was a minister who was really committed to the idea of social movements being protagonists, to the idea of constructing a non-state public space, to the idea of creating policy based on dialogue with the movements, involving a lot of space for the movements in that formulation process.[123]

Engagement with the country's housing movements had been particularly intense in the first years of the Ministry as Rolnik had employed the UMM leader, Adana, to work as her chief of staff and to coordinate the participation of popular sectors in the work of the ministry. However, shifts in the PT's network of alliances led to changes at the head of the Cities' Ministry in 2005. The new Minister was a politician from the right-wing Partido Progressista (an incarnation of the dictatorship party ARENA), and his appointment led to the resignation of a number of PT sympathizers working within the bureaucracy, including, eventually, Rolnik and Adana. Despite these changes, the UMM continues to have considerable levels of engagement in urban policy deliberations in

[122] Although I spent five days in Brasilia carrying out interviews in the Cities Ministry, I was not able to participate in any UMM meetings with federal state employees or to attend sessions of the councils linked to the Cities Ministry.
[123] Interview with Raquel Rolnik, 17.07.07

Brasilia through two participatory councils that were established alongside the Cities' Ministry. These are the Cities Council and the Management Council for the FNHIS fund. At the time of the fieldwork the UMM was represented on both councils by two of its most senior members, Anderson and Adana, with Ivana as a substitute councillor. Involvement in these councils meant that senior UMM figures were making frequent visits to Brasilia. Alongside these councils, as Gaetano explains, the UMM has received a number of invitations to participate in other discussion forums in Brasilia.

> As nowadays the União is a movement that is very strong on urban issues, it is invited to take part in different events in various secretariats in Brasilia. So, we're taking part in a special commission on hunger in the national secretariat for human rights. We're also invited to take part in the judicial reform process, in Brasilia. Another important group we were invited to join works on relations with social movements [in other countries] through the foreign office.[124]

Movement members involved in federal level councils are fairly cautious about the extent to which they can influence policy through these channels. Ivana, for example, notes that as the Cities Council is consultative, the government does not have to act on its recommendations. Other councils, such as the municipal housing council in São Paulo are 'deliberative' in that their decisions are taken to a vote and are legally binding on the municipal housing secretariat. Despite their limitations, there are other indirect benefits to membership of the federal level councils, particularly visibility for the movement and an increase in status. For example, high-level officials in housing departments at the federal and municipal levels showed awareness of the UMM's representation at federal level. And, as Cid Blanco Jr. chief of staff to the national housing secretary noted in an interview, movement members' presence on these councils brings them into regular and close contact with senior members of staff from the Ministry.[125]

Although there was criticism within the movement of the slow pace at which the Ministry functions, pressure from UMM representatives through the Councils appeared

[124] Interview with Gaetano 08.06.07
[125] Interview with Cid Blanco Jr. 14.07.07

to be leading towards a couple of policy successes for the UMM. The first of these was the creation of a programme called Crédito Solidário, which provides federal funding for *mutirão* building (although this has yet to be implemented in São Paulo because of high land values in the city). The second was an increase in resources flowing into the FNHIS. Building on this, during 2007 the principal demand on the federal government coming from the UMM was for social movements and community associations to have direct access to the Fund, so as to reduce the role of the municipal or state governments in the planning and building of new housing. The importance of this is set out by Benjamin:

> We have to focus on the federal government, so that there is a proper mechanism in place that will allow associations to get their hands on the money, without having to go through the state or municipality. Because otherwise things just won't go forward. The federal government can keep sending the money, but things won't improve. These guys [in the municipal and state governments] are doing nothing at the moment and they won't start in the future either.[126]

Progress was made on this issue over the course of 2007. According to Blanco Jr. the national housing secretary, Inês Magalhães, was coming round to approving this move, and in August 2007 she met with UMM members in their headquarters in São Paulo to discuss the matter.

This type of personal contact with a high-level public servant is, however, of a different order to the debates that the movement will have with these types of actor within the space of the federal councils. Despite being represented on these councils, the movement bypasses formal channels for negotiation between the federal government and social movements, to make personal demands on the national housing secretary. Whilst the councils can be perceived as an 'invited space'(Gaventa 2004; Cornwall 2002) in the sense that they have been opened up by the state expressly for the participation of its citizens, the negotiations in São Paulo on the issue of the distribution of federal resources were on the movement's terms and, quite literally,

[126] Interview with Benjamin 05.06.07

within its own space. As such, this type of engagement, to follow Gaventa's typology, could be described as a 'created space', one that is 'claimed by less powerful actors from or against the power-holders' (Gaventa 2004: 35). On this same visit to São Paulo, Magalhães had taken on the role of mediator between the city's housing movements and the municipal and state housing secretaries in an attempt to resolve the stalemate between them. Although a number of UMM leaders remarked to me afterwards that they had gained very little from the visit, it was as a result of this meeting that a solution was finally found to a long-standing building occupation by the FLM affiliated MSTC (Movimento Sem Teto do Centro – Roofless Movement of the Centre). Her visit is evidence of the considerable leverage that São Paulo's housing movements wield over the national housing department.

This kind of interaction between the housing movements and a high-level civil servant can be described as 'informal', since Magalhães was under no obligation to meet with UMM representatives or to discuss policy issues with them outside the official forums for participation in Brasilia. It is not, however, uncommon.[127] The informality of social interaction in Brazil pervades even the highest levels of politics. Anderson remarked that on their visits to Brasilia for council meetings, movement representatives take the opportunity to arrange other meetings within the Cities' Ministry. This was denied by Grazia de Grazia, a former member of the FNRU and now a senior manager in Rolnik's former department at the Ministry, who stressed that this interaction took place within the Councils. However, on further questioning she admitted that the movement members did arrange meetings outside of the forums, but only if they had a specific problem with, for example, a federal building they were campaigning to have renovated. Testimony from Rolnik would suggest that interaction between movement representatives and those from the Ministry had, in the past, often occurred outside the formal channels for discussion.

[127] This type of personal relationship was taken to an extreme by Ivana, who was in regular telephone contact with the president of the CEF, which is the main provider of housing credit to low-income families in Brazil

> In the secretariat for urban programmes that was a phenomenon that was quite, well [...] there was a lot of dialogue, the whole time, and that's to do with personal relations as well. It was a space where when the movements came to Brasilia, to do whatever, they would come to the secretariat and settle in. They would sit at the desks, use the computers. The secretariat was their home, because they knew they were welcome and that they had space there. This was partly because Adana was my chief of staff, and she was always a social movement leader. I asked her to be my chief of staff because I wanted the secretariat to be closely identified as a space for the movements.[128]

In this way, the movement was able to take advantage of a different type of 'invited space', one that was considerably less formal than that provided by the federal councils. This type of engagement is still institutional in the sense that it is taking place within an institution of government, but is marked by a considerable degree of informality. The movement was therefore able to discuss and influence the formal processes of government in an informal way. This 'open door' policy for the movement, with one of their key leaders playing a dual role as a representative of both state and movement can perhaps be read as an attempt to infiltrate and thus reduce the number of 'closed spaces' within government, where 'decisions are made by a set of actors behind closed doors' (Gaventa 2004: 35). Adana's decision to take up a post in the ministry that took her away from the UMM's headquarters in São Paulo was positively evaluated by other movement leaders. Her presence there was seen to facilitate their engagement with the state at the federal level, and to have helped the movement gain greater understanding of the workings of the government in Brasilia.

Once Dutra lost the position of Minister, the level of informal engagement within the Cities' Ministry dropped dramatically, particularly after the resignation of staff, such as Rolnik and Adana, who were most in favour of social movement input into decision-making. However, the UMM remains on the formal councils and is still able to exert pressure on the national housing secretary, as shown above. Even with this reduced interaction, this level of dialogue over federal housing policy is still considered far higher than under any previous administration. The changing levels of engagement are

[128] Interview with Raquel Rolnik 17.07.07

indicative of the way in which the movement's relationship with the state fluctuates according to the electoral fortunes of the PT. This issue will be discussed in greater detail in relation to Marta Suplicy's administration of São Paulo municipality. However, at the time of the fieldwork, as noted above, the political environment in São Paulo city and state was not so conducive to positive working relations between the movement and the institutions of the state government, as will now be shown.

State government

Since at the time of the fieldwork for this study the state secretariat had yet to establish a participatory council for the management of resources destined for social housing, the movements had no formal institutional channel to engage with the state government's housing department, or its operational wing, CDHU, the public housing company.[129] The UMM had been making repeated demands for the establishment of the state-level fund and its oversight council for many years, through official letters submitted to the secretariat and by raising the issue at meetings. The council is a legal requirement if the state is to receive funding from the FNHIS. The planned creation of the council was finally announced by the São Paulo state secretary for housing, Lair Krähenbühl, in August 2007. However, the detail on its functioning was swiftly challenged by the UMM, who were opposed to the council being consultative rather than deliberative, meaning that it cannot make binding decisions on how resources should be spent. Movement leaders attributed the slow progress on the establishment of the council as evidence of lack of political will on the part of the state government to open up state housing policy to external scrutiny and debate.

Despite the absence of a state-level council, UMM representatives were in regular negotiations with high-level officials within the secretariat during 2007. Krähenbühl had been appointed at the start of 2007 by the newly elected state governor, José Serra.

[129] Although in theory the state housing secretariat and CDHU are separate entities, in practice they have the same director and are housed in the same building. In recent years the secretariat had been reduced to a handful of staff, with almost all functions transferred to CDHU.

One of his first actions as secretary was to call a meeting for February 5th with housing movements from across São Paulo state, including those affiliated to the UMM, to set out his vision for the CDHU. Although much of the two hour meeting was taken up by speeches made by the secretary and his technical team, Adana was also able to give a prepared speech from the floor in which she listed the UMM's demands. These included joint work towards the development of proposals to be funded by the FNHIS, so that these were ready to be submitted by the time that the state-level housing council and fund had been established. She also presented the secretary with a fifty-point agenda for future discussion and expressed the need for 'shared goals', saying that she and her movement colleagues expected progress to be made 'before April'. During this speech Krähenbühl turned to his director of planning and told him to arrange meetings with Adana and the UMM to work on FNHIS funded proposals.

During the course of 2007, the UMM's representatives requested and were granted an average of one meeting a month with high-level representatives of the state housing secretariat. Although they demanded to meet with the secretary himself, they were generally met by his chief of staff, Sergio Mendonça. The UMM took steps to formalize these meetings: each time a date was fixed, an agenda would be submitted by the UMM the week before the meeting to be *protocolado* – stamped by the CDHU to acknowledge that the document had been received. Although these meetings would appear to correspond to Gaventa's (2004) 'invited spaces', in that the state secretary had made it clear from the start of his mandate that he was willing to work with movements, these spaces for negotiation had been gradually carved out by the UMM through its history of being *propositivo*. The CDHU has, in the past, responded positively to proposals put forward by the UMM, notably during the governorship of Mario Covas when *mutirão* projects were adopted on a large-scale, modelled on the housing movement's experiences with the municipal government. It should be emphasized that the CDHU was under no legal obligation to hold regular meetings with housing movements over the course of 2007. As such, building on Gaventa's (2004) framework, this is perhaps

an example of the 'creation of an invited space'. Notably, FLM members told me they had significant difficulty in arranging meetings with the company. During the week of 9th April 2007, I was able to attend two meetings held by Sergio Mendonça, one with representatives of the FLM and one with the UMM. His reactions to them were significantly different. The FLM had to explain, in detail, who they were, and were eventually told to take their concerns to a lower-level official. By contrast, Mendonça asserted his willingness to set aside a whole day in which to discuss the UMM's agenda (presented at the meeting convened by Krähenbühl in February) point by point, with each region in turn. This points to the UMM's status as a recognized interlocutor on housing issues, that it has achieved through its long history, proven ability to provide workable proposals for housing, but also its ability to mobilize many thousands of members and undertake transgressive collective action.

Despite the relative regularity of meetings in 2007, granted more freely than by counterparts in the municipal government, movement leaders complained that these involved nothing but 'chat, coffee and iced water'. Although Adana noted in a meeting on June 22nd that some progress had been made on 'heritage issues' (agreements made during previous administrations but yet to be implemented), they were not 'managing to go forward'. No meetings had been held to discuss proposals for the FNHIS, for example. Although meetings were congenial, movement leaders generally considered that they were 'getting fobbed off', and that the state was agreeing to meet them just to 'keep them quiet'. Although Adana had called for 'shared goals', implying that the UMM was willing to work in partnership with the CDHU, in general, movement leaders appeared suspicious of any attempts by the state government to absorb them into programmes that they had not had a hand in designing. In October 2007, they were invited to attend a second meeting convened by Krähenbühl, in which he announced his plans for 'shared management' of *mutirão* projects with the movements, essentially an attempt to regularize the institutional contact between the CDHU and São Paulo state's many housing movements. This 'new model of *mutirão*' would involve a

tendering process for housing movements and community associations, who, if successful, would be involved in aspects of project management of future *mutirão* projects. Afterwards, movement members expressed their anger at the limitations that would be placed on their role when compared with their own model of *mutirão com autogestão*, declaring that it would reduce them to mere 'minions' of the state government apparatus, rather than key figures in designing and implementing housing policy.

Since the announcement, however, a number of movements and associations affiliated to the UMM have submitted their applications to the tendering process, illustrating that there are differences of opinion amongst regional and local movements on the best way to engage the state. Whilst cautious of institutionalization, in order to keep the 'tap dripping' and produce real results in terms of housing its members, the movement must take up the state's invitations to be involved in housing production. The movement cannot refuse to cooperate out of hand, or it will be accused of behaving 'radically' and 'undemocratically', potentially closing down sources of state funding. This situation is somewhat at odds with the participation literature that discusses the involvement of social movements in collaborative ventures with the state. For Sagoff (1999:161), there are considerable dangers involved in collaboration:

> Deliberating with others undermines the group's mission, which is to press its purpose or concerns as far as it can in a zero-sum game with its political adversaries [...]. When an interest group joins with its enemies to solve a problem, it loses the purity of its position; it ceases to be a cause and becomes a committee.

A similar point is also made by Fung and Wright (2003:282), who note that the use of 'injustice frames' on the part of social movements can lead to a unyielding attitude towards the state, since they 'unambiguously assign culpability'. They further argue that many social movements refuse to become involved in collaborative governance since this would 'erode bases of solidarity and support [...] and call into question the deep purposes of leaders and the very reasons that those organizations exist.' (Ibid)

The discourse of the UMM detailed in the previous chapter falls within the 'injustice frame', as they put forward the idea of the 'limited citizenship' of the movement's members. UMM representatives are also acutely conscious of the importance of maintaining autonomy, as discussed in chapter four. However, their reliance on state investment in housing renders them a different type of collective actor from the environmental movements that provide the examples for both Fung and Wright and Sagoff. This reliance prevents the UMM from entering into a zero-sum game with the state. Indeed, it must enter a considerably more complex game, to extract as much as possible from the state, whilst avoiding allegations of cooptation, or of behaving like a *pelego*. It tries to achieve just this by making continued attempts to influence the direction of housing policy.

Municipal government

The UMM's desire for intense participation in the formation of low-income housing policy was given shortest shrift by employees of the municipal housing department SEHAB, and its public housing company COHAB. Bette França, superintendent of social interest housing in SEHAB regarded it as 'absurd' and spoke at length in an interview of her personal technical expertise on housing issues.[130] This is in marked contrast to the attitude amongst her counterparts in the federal housing department, displayed by Rolnik above, encouraging a 'protagonistic' role for movement leaders. Rolnik's attitude reflects the left-wing of the PT who still prioritize the party's original commitment to close partnerships with the grassroots (discussed in chapter four). Meetings between the movement and SEHAB/COHAB employees, especially when the Superintendent was present were considerably less congenial than those held at state-level. On one occasion França repeatedly made inflammatory remarks about the federal government's decision to send far greater levels of resources from the PAC for the urbanization of *favelas* to the city of Rio than to São Paulo. The general lack of progress of these meetings was highlighted by the fact that an almost identical agenda for the

[130] Interview with Bette França, 26.07.07

meeting was submitted by the UMM each time. In these meetings most discussions revolved around the regularization of completed *mutirão* complexes. This issue was effectively a stalemate since movement members living in the *mutirão* were refusing to make their monthly repayments to COHAB until the regularization of the land and buildings was complete, whilst the financial director of COHAB was refusing to initiate the regularization process until the residents began paying. There was also continued discussion on the 'unfreezing' of payments to uncompleted *mutirões* and the approval of projects that had 'got stuck in the drawer of the municipal housing secretary'. The latter was a euphemism for the housing secretary's decision to stall all projects associated with the housing movements after a protest in January 2007 that disrupted the mayor's participation in public commemoration of St Paul's day outside the city's cathedral.[131]

Unlike the state-level government, the municipal government has a deliberative housing council in place, the Conselho Municipal de Habitação, CMH. Although the creation of a council had been the subject of debate in the municipal chamber since the administration of Luiza Erundina in the early 1990s, it was only finally established in the second half of Marta Suplicy's term as mayor, in early 2003. The council, the establishment of which had been a key demand of the housing movement since the Erundina era, is composed of forty-eight members elected by the population of the municipality, who stand as representatives of one of three 'sectors'. There are thus sixteen representatives of relevant municipal and state bodies, sixteen from popular associations and sixteen from 'civil society' all of whom stand for two years. The term 'civil society' is used in this case to refer to organizations that are not social movements or community associations. Within it, there are quotas for NGO employees, representatives from relevant unions (for example property development, civil construction, architects), and university lecturers. In the first elections in 2003, the

[131] A group of student activists along with some key members of the UMM had attempted to present the mayor with a toilet bowl, to symbolise his attempts at the *higienização* or 'social cleansing' of the city centre.

UMM swept the board, winning fifteen of the sixteen available seats. The sixteenth seat went to a representative of a housing movement linked to the PCdoB, the Communist party of Brazil, broadly considered an ally by the UMM. However, the second time elections were held in 2005, once José Serra had taken over as mayor, the UMM failed to gain a single seat. All sixteen were taken by community groups more favourable to the PSDB, Serra's party. When questioned on how this had occurred, UMM members and leaders unanimously stated that it was because the mayor had arranged for the CMH election day to coincide with the PT's internal elections. When pressed, a couple of interviewees admitted that they had not anticipated the efforts that the governing party would make to change the composition of the council.

Although regulations state that meetings should be held every two months, during the fieldwork year only one meeting was held, on March 19th 2007 (the previous meeting had been held on September 29th 2006, before my arrival). As implied by Tatagiba and Teixeira (2007) in their study of the council, under the Serra/Kassab administration the CMH had degenerated into a 'rubber stamp' for approving proposals submitted to it by the executive. Although one of the key items on the agenda for the 2007 meeting was the approval of the budget for the municipal social interest housing fund, no figures were circulated beforehand to councillors. A brief presentation by a representative of the housing department was made, during which he flashed up figures on a powerpoint presentation that were too small for the majority of the room to read. Despite this, the budget was passed almost without comment. The only interjections were from the two university architecture professors who queried variations in COHAB's pricing of housing units and voted against the budget on principle because of the way it had been presented to them. One member of the construction industry union abstained. Notably, a representative of a popular association stood up to ask the university professors to stop making comments so that the meeting could proceed. This was the only contribution from any of the sixteen representatives of the popular sector for the duration of the four and a half hour meeting.

The almost complete absence of debate within the council during the administrations of Serra/Kassab at the municipal level and its reduction to a mere formality is noted by Tatagiba and Teixeira (2007). They compare this to the dynamism of the CMH during the Suplicy administration when extraordinary meetings were frequently called to be able to accommodate intense debate on housing policy, and meetings could last for up to six hours (as opposed to a mean of around two from 2005 onwards). Although UMM members were not able to participate in the CMH during the fieldwork year, and given the frostiness of relations between the housing secretary and the movement were likely to be refused entry to the meeting room to observe, they still kept abreast of developments through their contacts and close allies in the 'civil society' sector. A meeting was held with these representatives on 6th March to discuss how these councillors could support movement objectives in the forthcoming meeting. This meeting was also called to discuss formalities for the upcoming council election, that was held in September 2007. Wary that the UMM would again miss out on representation, the discussion revolved around how the municipal housing secretary could be forced to begin the election process, since the timeframe for him to do this, according to the regulations, had nearly expired by this point. Once the electoral procedures were in place, the UMM began intense mobilization, fielding fourteen candidates on a single voting list with the two other places on the same list granted to the FLM affiliated MSTC and a PCdoB affiliate. The UMM presented this election as a pitched battle against the ruling party and accusations spread that the director of COHAB would be using municipal resources to bus voters to the polls to vote against the UMM's candidates. Ultimately, the UMM's exhaustive campaigning was successful, and all but one of the candidates on the voting list were returned (the sixteenth had failed to complete the complex paperwork required of his candidacy).

The significant resources of both time and money expended by the UMM to get its representatives elected to the CMH point to the importance placed on these

institutional spaces by the UMM's leadership. This despite the fact that the council's workings can be emptied of almost all political content by the executive, and that it is *outside* the space of the council that deals are brokered between the movements and the municipal government. França claimed in July 2007 that she was agreeing to meet regularly with the UMM and its affiliated movements because they were not represented on the council, but these regular meetings have continued throughout 2008, after the UMM's success in the elections.[132] Further, Tatagiba and Teixeira (2007) note that the movements represented on the council during the 2005-2007 term were negotiating with the housing secretariat outside the boundaries of the council. Nor when the council was fully functioning during the Suplicy era did the UMM limit its engagement with the municipal housing bodies to the space of the CMH, as will be discussed below.

These issues colour São Paulo's municipal housing council somewhat differently to other evaluations of Brazil's experiments with participatory governance in much of the literature. Rather than being a way for 'the people' to set priorities in policy-making and contribute to the democratization of the state, the CMH has been reduced to a pawn in a game of party politics. The UMM's drive to win the election appeared to be less of a wish to make a significant contribution to debates on housing policy, which they regarded as unlikely given the political situation, than to make life difficult for the mayor and his housing secretary. Nabil Bonduki, a councillor who represents the architect's union and long-term ally of the movement remarked that election of UMM candidates would allow them to 'make a noise' on the council. Bonduki credits himself as one of the founders of the CMH but conceded that its workings are open to manipulation by a recalcitrant executive.[133] This evaluation is far removed from Avritzer's (2002) idea of a space for rational discussion and consensus building, where there is 'genuine deliberation' for 'problem-solving' (Fung and Wright 2003).

[132] Email communication with Rosemary, UMM volunteer, 17/07/08.
[133] Cornwall (2007) notes a similar reluctance on the part of the mayor and health secretary in Cabo to ensure the proper functioning of the municipal health councils.

Institutionalization during the Suplicy mayoral administration

The election of Marta Suplicy to the position of mayor of São Paulo in 2000 was described by Diogo as one of the movement's key 'victories' of recent years in the city.[134] At the most basic level this PT election success can be equated with movement success since the vast majority of UMM leaders are card-carrying PT members who had campaigned hard for her candidacy. But beyond this, between 1992 and 2000 the movement's overall goals had been seriously thwarted by eight years of conservative and corrupt city government. After Suplicy assumed the mayoralty, the relationship between the movement and the local state changed profoundly, only to change once more after she failed to get re-elected four years later. The welcome made to the UMM within the space of the municipal housing secretariat and COHAB during the Suplicy era mirrors that described by Rolnik in the Cities' Ministry. But the election of an ally to political office also generated significant changes in strategy within the movement that lasted throughout the four year PT administration.

The three years prior to Suplicy's election had witnessed one of the most belligerent phases in the UMM's history with waves of high profile building occupations in the centre of the city – an entirely new tactic that had taken the authorities by surprise and generated significant media coverage. Once Suplicy took office the UMM's occupations appear to have ceased. Interestingly, when asked if the movement had undertaken any occupations during the Suplicy administration, a number of movement members were unable to give clear responses. Those who replied in the affirmative were then unable to supply dates or names of buildings. Diogo was one leader who was clearer on the issue: there were a couple of 'political' occupations, during which movement leaders entered and then left a building within minutes, so as to then meet with the press and put forward their demands and accusations, but nothing more substantial than this. Furthermore, none of these occupations had been focused on the municipal

[134] The election of Lula to the presidency is described in similar terms.

government, instead they were specifically aimed at the state government. This is in marked contrast to the UMM's behaviour during the PT's first administration of São Paulo municipality during the Erundina era, when it occupied SEHAB's offices to demand progress on *mutirão* building (an event now enshrined in UMM folklore) to the fury of the then superintendent for popular housing, Erminia Maricato.

This change in strategy amongst the movement was perhaps partly a result of a rethink by Ivana and her movement, one of the most active and visible groups in the centre at the time, after a child died in an occupied building in 1999. Other movement leaders attributed the greater focus on negotiation, in part, to the fact that the municipal government was 'democratic' and was 'listening to and receiving' them. The movement's engagement with the state took place within a variety of different forums for the discussion of housing policies, including in the CMH, but also through other spaces set up within the framework of specific housing projects. This institutional involvement was taken to its extreme by an invitation to Anderson and Cristiano to work in the 'cabinet' of the municipal housing secretary, Paulo Teixeira. They were also joined there by Xavier, a key figure in the Centre for Popular Movements (CMP), to which the UMM is affiliated. According to Anderson, this opportunity was discussed within the UMM, and his acceptance supported by movement colleagues. However, it has since become a highly contentious matter, drawing criticism both within the movement and by observers and allies outside of it.

Out of seventeen interviews with key UMM figures, only three spoke positively of Anderson and Cristiano's move to the municipal government, remarking that this had given them a hotline to the housing secretary, and naming the creation of an emergency rent support programme as a key success. Nine of the movement respondents condemned it outright, whilst five others gave ambiguous responses, skirting the issue by employing the mantra they use to deflect criticism of the movement's close involvement with the PT: 'party is party and movement is movement' with the phrase

'government is government' added. In this way they attempted to gloss over any conflicts of interest or potential issues of cooptation, saying that experienced leaders knew how to separate out the different areas of their working lives. However, Cristiano himself admitted to me that he found the situation confusing. This conversation took place on a car journey through São Paulo, when Xavier (who I did not formally interview) was also present. The conversation between the three of us unfolded as follows:

> Lucy: The decision that the two of you made to go and work in the government, did it help the movement?
> Cristiano: I don't know if it helped, for me, at least, it created a bit of difficulty. There were times when I didn't know if I was from the government or the movement. I would go with the movement to negotiations with the secretary himself [...] and he would ask me if I was from the government or the movement at that particular time. But he did always respect the situation.
> Xavier: [inaudible]
> Lucy: What was that, Xavier?
> Xavier: I didn't have those doubts. I was from the government.
> Cristiano: Well, I did. I would be there, making demands on the side of the movement, and would forget that I was in the government and shouldn't be doing it. So, I got stuck in a type of difficult relationship. Your heart's with the movement, wanting to speak about how the people are feeling.[135]

Ricardo, an architect working in COHAB at the time, also expressed his difficulty in perceiving Anderson as a government colleague, rather than a key leader of the UMM.[136]

Anderson himself said that after much thought, he had concluded that he had not done any harm by taking up the position. But many of his senior colleagues were decidedly more critical, remarking that Anderson and Cristiano had ended up acting as a 'buffer' between the movement and the municipal housing secretary, in detriment to the movement's ability to put forward its demands and pressurize the secretary to speed up the pace of policy implementation. How could they rise up against Teixeira, they asked, if this would mean 'beating up' their own colleagues? Ricardo and another architect, Raquel, who was contracted by SEHAB at the time, also commented on the skilled

[135] Interview with Cristiano 09.08.07
[136] Interview with Ricardo 04.10.07

political manoeuvring of Teixeira that prevented 'attrition' between him and the movements. Both labelled the situation one of outright cooptation. A number of movement leaders and observers also implied that it was the UMM's move away from the strategy of occupation that had brought about the rise to prominence of the MSTC, affiliated to the FLM. Rebeca, an MSTC leader at the time, named eight buildings in the centre of the city that were occupied during the Suplicy administration.[137]

As mentioned in the previous section, there was a great deal of activity within the space of the CMH once it was established during the latter half of the Suplicy administration, but it is not clear that the lengthy discussions had a great impact on policy. Both Raquel and Ricardo were cautious in their evaluations of the council, as were some of the UMM leaders. Despite having undertaken extensive campaigning in support of participatory housing councils at all three levels of the state, Anderson acknowledges that these spaces have very limited scope for influence on housing policy.

> Any housing council is always going to be extremely limited in its ability to put forward proposals, because the wider agenda is much more loaded and there are many, many more demands than the council can cope with meeting monthly, or every two months.[138]

Whilst those who had sat as councillors during the Suplicy administration tended to give a more positive evaluation of the potential influence of the CMH, other observers were modest in their appraisals, noting the limited amount of money in the municipal fund controlled by the CMH, which is not the housing budget for the whole of the city, and more critically, that high levels of debate did not necessarily lead to related policy decisions. It would seem fair to conclude that the CMH has functioned as a space for debate (if not necessarily a great deal of action) around housing policy only when under the auspices of a government that holds popular participation as a central election promise. This finding echoes reappraisals of much of the somewhat uncritical literature

[137] Interview with Rebeca 05.06.07
[138] Interview with Anderson 26.06.07

on the participatory budgeting process in Porto Alegre, that faltered once the PT lost control of the municipality (Harriss et al. 2004).

Despite high levels of participation in the invited spaces within the municipality, few new housing projects got further than the design phase before Suplicy was voted out of office, leading Raquel to question the degree of 'permeability' that this participation had into real arenas of power and decision-making.[139] Out of twelve social rental projects designed for the centre of the city trumpeted by Paulo Teixeira (Budds and Teixeira 2005) only two had been completed by the time Serra won the election. A further two were under construction and were completed in 2007. Although a number of unfinished *mutirão* projects from the Erundina era were completed, no new projects were initiated. Explanations for this within the movement ranged from the apologetic: Suplicy did not have a majority in the municipal chamber, the administration ran out of time and needed another term to complete its goals, the municipality had been sucked dry by a succession of highly corrupt mayors, to the more fiercely accusatory: that neither Suplicy nor Teixeira were concerned with the housing problem, and were not brave enough to confront powerful business interests to implement the city's progressive Master Plan. All but one movement leader interviewed voiced frustration that more had not been achieved during this time. The most common phrase employed was that Suplicy, 'left much to be desired'. Most also apportioned a significant degree of blame for this on their own failure to exert greater pressure on the municipality at a time when it was most likely to support their demands. As Cristiano noted:

> It was a mistake on the part of the movement not to have organized any direct action, particularly when the budget for housing was reduced.[140]

Leon concluded that the movements had believed themselves to be on honeymoon, treating the election of a PT mayor as an end in itself, rather than an opportunity for 'revolution'. For Cavalcanti (2006) the relationships established between Suplicy's

[139] Interview with Raquel 03.10.07
[140] Interview with Cristiano 09.08.07

government and social movements caused serious damage to the latter. A government employee at the time, he believed movement leaders were coopted by individuals within and around the executive who had underlying authoritarian tendencies, and were more focused on retaining power than delivering on election commitments. Raquel also questioned the PT government's overall understanding of 'participation' and noted, similarly, that powerful elements within the government took key decisions in an autocratic manner. Although none of my movement respondents made such profound criticism, there was general consensus that after Suplicy left office, the UMM found itself in much the same situation as it had been four years previously. In sum, most UMM members appear to regret having placed all their faith in the invited spaces of the local state during the PT's mayoral administration. They have, however applied this lesson to their relationship with the PT's administration at federal level, as will be illustrated in the next chapter.

The limits to institutional engagement

This chapter has shown that the movement's discourse of continual opposition to the state discussed in chapter five does not appear to be entirely congruent with its choice of strategy vis-à-vis the institutions of government. Even though the municipal and state governments in power during the fieldwork year were labelled 'anti-popular' in that they were not committed to the interests of poorer sectors of society, and 'non-democratic' as they were not regarded as espousing genuine participation, the movement still sought to occupy invited spaces within the institutions of government, and beyond this, continually sought to open up other channels of negotiation with civil servants, technical staff and members of the executive. This would suggest that movement leaders discern value in these channels, since they can create opportunities for dialogue with representatives of the state, and catalyse the flow of resources towards low-income housing projects. However, the movement's non-confrontational involvement with the institutions of the state is always coloured by the future possibility of extra-institutional and potentially illegal direct action. Adana's speech to

the CDHU in February 2007 is an example of this: she had demanded a response to the UMM's demands 'before April', knowing that Krähenbühl and his colleagues were fully aware that April is a month of intensified campaigning on the part of the movement.[141] The subtext of her comments was that the movement would carry out occupations of state-owned buildings and land if it was felt progress was not being made. More overt threats were also made in a meeting by leaders of regional movements affiliated to the UMM when they met with the head of planning on 22nd June 2007. These leaders made specific reference to uncompleted CDHU-funded *mutirões* where movement members and future residents 'were at the end of their tether' and 'things were getting complicated at the grassroots'. But the threat of direct action is present even when it is not articulated. Kelly notes that once an agenda is *protocolado*, 'they know what will happen if they don't turn up to a meeting.' Here, rather than sitting down at the negotiation table to achieve consensus, the movement is attempting to leverage greater control over negotiation spaces before dialogue has begun. As Ana remarks,

> This insertion [into the political arena], and the mobilization that we're capable of, the demands we make, they all influence politics. Not a lot, but they do something. Because they [the governments] are a bit afraid of what we might do.[142]

These meetings are a clear example of the analytical difficulties involved in distinguishing 'moderation' from 'disruption' in movement strategy, and, by consequence, in making a clear divide between an 'invited' and a 'claimed' space in which to negotiate with government. It is difficult to make a distinction between an invited and a created space when a government is obliquely threatened with adverse consequences if it fails to invite the movement to negotiate.

Although, as noted above, the movement is reliant on state investment in housing and must at some point reach a deal, engaging with the state through formal channels is also a way to be seen to be behaving 'democratically'. By making visible attempts to

[141] This is an echo of the rural MST's 'Red April' in which it carries out mass occupations and protest marches.
[142] Interview with Ana 19.06.07

work in an institutionalized way with the authorities, the movement is then able to assert its moral superiority over the state, and to declare its behaviour illegal or undemocratic when progress on housing policy, or solutions to particular housing problems are not forthcoming. As Benjamin remarked, after an occupation the movement must always be able to say to the press that it has never stopped trying to negotiate through formal, 'civilized' channels. By announcing the failure of these channels, the movement will justify direct action in the form of occupations and protest marches. Taking direct action without first having attempted negotiations will draw unwelcome criticism of 'radicalism' upon the movement, a term that is almost synonymous with 'undemocratic'. Also, by virtue of being elected councillors, authors of federal laws and interlocutors with all three levels of the state, movement leaders are able to counter the accusations of criminality that often follow occupations.

While the movement must engage with the state through formal channels, if it is seen to accept invited spaces in an unquestioning way, it will be accused of cooption and to have contradicted its own rhetoric on the authoritarianism and conservatism of the Brazilian state and its elites. The (dis)functioning of the CMH in São Paulo, while challenging some of the hyperbole around participatory governance experiments, also serves as an exemplar of the limits to institutionalization. For Avritzer these types of participatory spaces should constitute an institutionalized version of the democratic values brought into the public sphere by social movements during the transition from authoritarian rule, making the 'innovations at the societal level operative at the political level in a democratized setting' (Avritzer 2002: 98). Both he and Fung and Wright (2003) place considerable faith in the ability of these forums to democratize the state, 'to transform the mechanisms of state power into permanently mobilized deliberative-democratic, grassroots forums' (Fung and Wright 2003:22). This emphasis on institutionalization is clearly at odds with social movements concern for their 'autonomy' and fear of cooptation. Further, the fact that these spaces can be almost completely emptied of political influence by a ruling party that does not support

popular participation (and even one that publicly defends participation) places serious queries over their democratizing potential. Essentially, Avritzer sows the seeds of destruction of his own argument, by emphasizing the extent to which the Brazilian state machinery is tainted by its authoritarian past and the considerable 'elite continuity' from the dictatorship era to the present.[143] Were the UMM to limit its engagement with an essentially undemocratic state to an invited space established by that state, it would be seen to be sanctioning the behaviour of its stated enemy.

Far from being a zero-sum game, the movement's interaction with the state requires a delicate balancing act to maximize returns from collaboration whilst avoiding accusations of cooption. Anderson articulates explicitly this interplay of institutional activity and direct action:

> We have been struggling, since the beginning, for local and state councils, for spaces of participation. That's what the União defends, but without giving up direct action. We have an institutional struggle, pressure for policies that we apply in councils and in our dialogue with governments, and the legislature, but the União, at root, is an organization that grew out of fighting, mobilizing, occupying. So we will never let go of that principle, of uniting direct action and mobilization with interventions in the institutional field.[144]

And Luiz Kohara also noted the limits to institutional engagement, asking whether, if the state is essentially capitalist, the movement with its socialist roots really can be intimately involved in state management.[145] This delicate balancing act, in which the movement swallows a certain number of toads before taking up direct action was, however, disrupted by the election of the PT to the mayoralty in 2000. The change in political context had problematic outcomes for the movement's internal continuity and overall goals, as well as external reputation. Anderson's recognition that the movement was 'scalded' by its experiences with the Suplicy government renders his assertions

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[143] The traces of lingering authoritarian and clientelistic culture are also noted by Cornwall (2007) and Coelho (2007). This situation leads Schonleitner (2006: 62) to suggest that Brazil should work first to ensure the proper functioning of traditional political mechanisms, before further experimentation with alternative forms of participatory governance, since, 'deliberation presupposes conditions most likely to be found in already more democratic polities'.

[144] Interview with Anderson 26.06.07

[145] Interview with Luiz Kohara 27.03.07

above more of a mission statement than an accurate evaluation of movement actions. But the realization that institutional alliances with a left-wing government, and one that supposedly espouses participation, do not necessarily further movement goals has led to a reappraisal of internal strategy, particularly in regard to the relationship with the current federal government. The beginning of my fieldwork coincided with Lula's election to a second term in office when intense discussion in UMM meetings on the need for a year of campaigning focused at the federal level. Movement leaders are coming to the painful conclusion that in the past they have achieved greater levels of mobilization and internal coherence during the mandates of governments to which they are politically opposed. As Diogo noted,

> One thing the movement knows really well how to do, is to be in opposition. Man, when there's a government that's not democratic we are so good at beating it up, because we've tried to negotiate and nothing gets done. We have such a hard time when there's a democratic government, thinking that everything will be easy, and we end up getting fobbed off and given crumbs, and sometimes not even those things come out right.[146]

A similar evaluation was implied by UMM leaders' frequent references to the late 1990s as the glory days of the movement, when it was aggressively mobilized against the state and municipal governments. Its strategy of daring building occupations at this time ultimately generated some key successes, as will be shown in the following chapter. Cavalcanti (2006) also remarks that the UMM emerged from this period strengthened as a movement precisely because of its ability to maintain an oppositional stance. The following chapter will explore the use of occupations as a counterweight to institutional engagement.

Summary

In what appears to be a display of faith in the importance of formal arenas for participation and negotiation, the UMM has campaigned assiduously for housing councils at municipal, state and federal level. Furthermore, where the movement

[146] Interview with Diogo 12.06.07

cannot participate on such a council, it attempts to formalize its engagement with the state by institutionalizing regular meetings. The fact that the UMM is regularly received at all levels of the state, even where authorities are under no legal obligation to negotiate with them, would suggest that the movement is a recognized interlocutor. However, this chapter has shown that 'invited' spaces are just one of many entry points to the state for the UMM, and furthermore, its status as interlocutor in these spaces cannot be credited purely to its ability to present proposals for housing policy or the legitimacy it has accrued through close connections to the grassroots. The movement has also built up a reputation on its ability to organize direct action in the form of protests and occupations and has come to recognize that, perhaps paradoxically, it is at its strongest when in opposition to government and relying most on direct action. This leads to a situation where the boundaries between invited and created spaces for negotiation with the state are blurred, since it places the state in a position where it fears the consequences of not inviting the UMM to participate. Furthermore, the fact that the movement does not rely on spaces such as participatory policy councils for access to policy makers and politicians calls their prominent status in the literature into question. That they can be subverted and circumvented by both the movement and the state is a fact that challenges their role in widening societal input into decision-making processes. Broadly, attempts to open up dialogue with recalcitrant governments are often made by the movement so as to assert its own credentials as a democratic entity in the event of the almost inevitable failure of the state to respond to the movement's demands. As will be shown in the following chapter, the use of informal strategies such as illegal building occupations highlights the failure of legally instituted and formal channels for state-society interaction.

Chapter Seven

Occupying the city

Introduction

At midnight on the 8th March 1997, the ULC (Unificação de Lutas dos Cortiços – Unification of the Struggles of the Cortiços) undertook the first organized building occupation the city had ever seen.[147] Although families and individuals had squatted in empty buildings on a small-scale before, the occupation of the Casarão Santos Dumont (a listed building once home to the pioneer of Brazilian aviation) was different. Several hundred movement members, most of them women, set out for the central district of Campos Eliseus, once an elite residential district, but now one in which many large family mansions had become *cortiços* and squats. On the way to the Casarão, some of the women came across a police patrol who asked where they were going. The women replied that they were off to occupy an empty building. The police laughed, believing them to be joking, and the occupation went ahead unimpeded. The ULC was accompanied by a priest, who helped to make a hole in the door of the building, and to push people through. The movement members remained inside the building for three months, while negotiations were held with the state government (that owned the property) on how the site could be developed to provide housing for movement members and preserve the historic building. The perceived success of the building occupation led to a wave of 'organized occupations' in São Paulo city, and beyond, particularly over the years 1997 to 1999.

This chapter examines the use of building occupations by the movements affiliated to the UMM and FLM since 1997. It details the way the tactic has been modified and adapted in the intervening years and how it is justified and understood by movement representatives. This involves a discussion of how concepts of citizenship are used by

[147]At the time the ULC was the largest and most visible of the housing movements acting in the centre of the city. Since then, it has suffered a number of splits and former leaders have gone on to form the Forum dos Corticos, Movimento de Moradia do Centro (MMC) and Movimento Sem Teto do Centro (MSTC).

different movement factions in ambiguous and contradictory ways in the context of an act that is in formal contravention of both the civil and penal codes, but potentially supported by the Brazilian Constitution. Occupations are then examined in light of the theory of civil disobedience. Although this body of literature is not often paid great attention by social movement scholars, the way that civil disobedience theory focuses on the issue of legality helps to shed light on the significance of building occupations. The final section of the chapter examines the attitude of government authorities to building occupations, both in terms of views aired during interviews, and eventual policy and specific case responses resulting from this particular movement tactic. This includes an examination of how these actors respond to the movement's discourse around the 'right to the centre'. The discussion reveals a profound ambiguity on the part of the state towards the legality of building occupations. This 'grey zone', of movement action and state response, is the subject of further analysis in the final chapter of this thesis.

The 'golden age' of occupations

As can be gathered from the nonchalant response of the police in this chapter's opening vignette, organized building occupations in the centre of São Paulo took the city and its law enforcement agencies by surprise. Occupations of urban land have been occurring in Brazil for centuries. Indeed, as was noted in chapter three, property ownership in colonial Brazil was originally established through occupation, and São Paulo's phenomenal growth (both geographical and economical) was based upon occupations of land. Urban land occupations in São Paulo have generally been carried out on the peripheries[148], and occupations of marginal areas are very often tolerated in the city, particularly if the land is public (Maricato 1996; Bonduki 1998). As Anderson points out,

[148] Rio de Janeiro's centrally located *favelas* show that that this has not always been the case in Brazilian cities.

> The authorities will react when occupations take place in areas where the real estate markets have an interest. If the market's not interested then the authorities aren't interested [...] On the periphery occupations happen everyday. Everyday in the city a new *favela* is born, and there's no attempt to regain possession, no reaction, no indignation shown by either society or the authorities.[149]

There is, however, something fundamentally different and shocking, for São Paulo society, about the occupation of a building in a central location in the city. Anderson makes the contrast between centre and periphery plain:

> Go and try and occupy a building in the centre – then you'll get a reaction from government.[150]

Movement leaders speak of overcoming their own inhibitions and breaking a taboo when the first building occupations were carried out. As Macareno, a trained lawyer and founder of the FLM put it, they had challenged the right to private property, and shown that this right, a *cláusula pétrea* or untouchable clause in the Constitution, was no longer inviolable. For Macareno, this was an 'ideological advance'. As Luiz Kohara, (an activist within a São Paulo NGO that supports the housing movements) explains it, occupying a building is different from occupying land, since you are clearly interfering with an individual's (or the state's) heritage: an asset and investment that adds value to the land it is built upon. Furthermore, although the centre of São Paulo is degraded, it is still the historic heart of the city. Middle and upper class Paulistanos may not wish to live or work there, but nor would they be happy seeing it 'handed over' to the poor.

The case of the Casarão Santos Dumont generated much media coverage, through which the ULC was able to broadcast its message to the city and country. The ULC called for low-income housing to be provided in the centre of São Paulo, and criticized the general practice of municipal and state governments that build affordable housing only in the under-serviced peripheries, despite the presence of many thousands of empty and abandoned buildings in consolidated areas of the city. As Pedro put it,

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[149] Interview with Anderson 26.06.07
[150] Ibid.

> The decision to occupy [...] in the centre, was a decision that was about putting the question of living in the centre of São Paulo on the agenda. Because before that, there had always been a huge prejudice that people who were poor couldn't live [in adequate accommodation] in the centre.[151]

The occupation therefore contrasted the centre with the poor quality of life in the far-flung 'ghettos' from where workers had great difficulty in reaching their place of employment, and where social housing units were often left for years without paving, schools, recreation facilities, transport or street lighting (as discussed in chapter three). The centre is already equipped with infrastructure and services, that are, furthermore, seriously underutilized outside of office hours. The occupation was also a way of denouncing the existence of many thousands of empty buildings in the central areas of the city. This contrast between the centre and the periphery is ever-present in the rhetoric of the movement, and the transposition of a movement tactic used first on rural land (from the MST), to urban peripheral land and finally to centrally located buildings is also significant. The organized occupation of buildings shows that scarcity of land and inequality of tenure are not just rural phenomena, draws attention to the city's housing problem as a whole, and indicates that the city cannot rely on its peripheral areas to absorb the city's poorest populations forever.

Occupations were therefore backed up with pragmatic arguments that called for the renovation, as low-income housing, of empty privately and state-owned buildings in central areas as a more cost-efficient way of housing the poor than expanding the periphery to areas without infrastructure. But the first building occupations were also used to make a political argument over the treatment of the urban poor. The movement began to express a *right to the centre*, and called on the state and municipal governments to prove their commitment to social equality and to make amends for years of 'expulsion' to the peripheries, by providing low-income housing in the centre of the city. The idea of a right to live in the centre is highly problematic in theoretical

[151] Interview with Pedro 18.09.07

terms, but is an aspiration that has been widely adopted, without a great deal of questioning, by left-wing academics, politicians and policy-makers, as will be discussed below.

As well as these publicly pronounced aims of the occupations, there were other internal issues that prompted the transposition of occupations from urban peripheral lands to centrally located buildings. The ULC had been working with the population of *cortiços* for a decade, helping them to reduce utility bills and countering the threatening tactics of the intermediaries who would collect the rent for the landlord. However, the ULC was faced with the dilemma that any physical improvements to the *cortiço* would ultimately benefit the landlord, who could then increase rents, potentially leading to the eviction of the movement's members. Key movement leaders also noted, in interviews, that the mid-1990s had seen a huge rise in the number of evictions. Occupation of empty buildings was, therefore, a way of providing housing for movement members who were facing life on the streets. These evictions may also have been linked to plans on the part of the municipality to begin the regeneration of central districts, attempting to bring in investment and prevent businesses from leaving the area.[152] Returning again to the issue of the peripheries (which are key for an understanding of the dynamics of the centre) land for occupations was becoming increasingly scarce from the 1980s onwards, as property speculators bought up large tracts, and the city limits reached forest and water protection areas. After the Santos Dumont occupation, other UMM-affiliated regional movements that had traditionally been involved in *mutirões* on the peripheries, began participating in building occupations in the centre, perhaps aware that the model of *mutirão* building had come to reproduce the state's own social housing builds in un-serviced and distant areas. Finally, the coup of the Santos Dumont occupation was a way of expressing utter dissatisfaction with the years of corrupt and negligent municipal governments of Maluf and Pitta, as well as forcing negotiations with the state governor, Mario Covas, who was considered potentially more open to the

[152] Conversation with Edson Miagusko, PhD student, department of social sciences, Universidade de São Paulo, 10.12.06.

demands of the UMM, having already adopted some *mutirão*-style building within the CDHU.

The years of 1997 to 1999 are often referred to as the 'golden age' by the UMM's centre-based movements. The visibility and perceived success of occupations drew many hundreds more families in to the movements, who then went on to undertake numerous further, and more daring occupations in the following years. One student of the city, Diederichsen (2003) noted that in October 2001 the UMM had reported that there were 1340 families living in sixteen occupied buildings in the city. Some of these buildings had been occupied simultaneously, in what are referred to by the movement as 'mega-occupations'. The chief concern of movement leaders during a night of occupations is to get as many members into the building as possible before the police arrive (between five and ten minutes), since it is then very difficult for them to be physically ejected without casualties. The movement leaders then work with lawyers to stay eviction orders until a housing solution for the movement members has been reached. In the experience of the UMM, in a number of cases where an occupation has lasted for longer than a few months a definitive housing solution has eventually been found for the occupiers. Either the occupied building is renovated as social housing; movement members receive social housing units elsewhere; they are signed up for a special housing credit scheme with the CDHU or federal government, or are eventually moved into another, formerly abandoned building, indicated by the movement as appropriate for renovation. A string of successes derived from occupations brought political strength to the movement as its numbers grew. It is also generally agreed, by both movement leaders and government officials, that the tactic of occupations brought the question of low-income housing in the centre of the city onto the public agenda. As Adana notes,

> Since then [the occupation of the Casarão Santos Dumont] not only have we managed to conquer some building projects, but we have managed to make a mark on the authorities' agenda. It didn't exist before. Housing in the centre was something that half a dozen weirdos used to talk about – a few techie types and zany

> architects. Noone discussed it. Today, housing in central areas is on the city's agenda, and everyone has to discuss it whether they agree with it or not. Orlando [de Almeida Filho, municipal housing secretary] has to state that he's against it. He can't ignore the issue as though it didn't exist.[153]

However, the initial success of the use of occupations as a movement tactic has also had significant drawbacks. Some occupations have lasted nearly eight years. During this time, movement members live in often dangerous and difficult circumstances, with clandestine electricity connections, non-functioning lifts in buildings as high as twenty-two storeys, little privacy, risk of fire, serious damp and ramshackle plumbing. In several cases, buildings have been infiltrated by organized drug gangs, and a number of murders have occurred. After the death of a child who fell into the water tank of an occupied hotel in 2000, Ivana, the head of the movement responsible for the occupation, declared that she would not occupy a building again. Other movements affiliated to the UMM have since turned their back on the strategy of *ocupar para morar* or 'occupying to live', where the aim is to resist eviction for as long as possible so as to provide housing for members. Instead, the UMM's occupations are now declared to be 'political' or 'symbolic' and rarely last longer than a few days, sometimes only a few hours. In contrast, the FLM, that broke away from the UMM in 2001 in part because of differences over the process of occupations, has characterized itself by being staunchly in favour of *ocupar para morar*.[154] In May 2007, the FLM affiliated MSTC finally negotiated housing for 468 families who had been living in the occupied Prestes Maia building for nearly five years. Before giving up the building, it secured the occupation of an abandoned hotel nearby, where it housed several hundred members. The different ways in which the FLM and UMM carry out occupations today are also reflected in their varying conceptions of citizenship, and as a consequence, their relationship with the state.

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[153] Interview with Adana 06.07.07

[154] Movement members put the split down to 'political differences' between different leaders, but this was probably a euphemism for personality clashes and rivalries. Since the matter was a sensitive one, I did not pursue this line of inquiry.

Figure 7: Abandoned hotel in the centre of São Paulo successfully occupied by housing movements affiliated to the FLM

Occupations and citizenship

Aware that many in society will perceive their actions as illegal, members of the Sem Teto take great efforts, both internally and externally, to present justifications for their actions. This often involves legal arguments (discussed below) but the question of

citizenship is also important. With its roots in liberation theology, the movement's original ethos is closely connected to the idea of active or republican citizenship, that emphasizes civic engagement and active political deliberation (d'Entrèves 1992). The *mutirão* epitomized this process, as movement members gave up their time to work together to build their own homes, and where community participation and consciousness-raising were perceived as of equal importance to the final housing product. The UMM has made attempts to introduce the *mutirão* to the centre of the city, but this has only been viable in cases where building work has begun from scratch. It is generally acknowledged that renovation work requires skills not easily acquired by untrained *mutirantes*. Anxious that people who simply receive housing without any 'struggle' will not have properly understood the question of rights, the sacrifice and long-term commitment involved in the *mutirão* is sometimes equated with the difficulty of living in an occupied building for lengthy periods. As Tristana puts it, people living in an occupied building learn to value themselves and their rights through suffering. And Adana agrees, (acknowledging that her Christian beliefs play a part in her perception): they come to realize that by taking the difficult decision to live in an occupation they will eventually be rewarded.[155] Other leaders stress the sense of community fostered by those living in occupied buildings and the political education they receive. On this issue, they note the regular compulsory meetings and strict regulations on alcohol, drugs and domestic violence. Further, a large room is often set aside in these buildings to serve as a community centre, for literacy classes, homework clubs and cultural events.

Faced with the accusation, along with criminality, of being *baderneiros* (trouble-makers or hooligans) and *vagabundos* (wasters), terms that echo the early twentieth-century *higienistas*, who linked poverty with filth, promiscuity and crime, the leaders of occupied buildings take considerable pains to keep the communal areas of the building scrupulously clean. In the MSTC's most recent occupation, that of the abandoned hotel,

[155] Interviews with Tristana 26.03.07 and Adana 06.07.07

the occupation leader Daiana proudly told me of plans to paint the façade. Hoping that the building would be expropriated by the municipal government to be renovated as social housing, she noted,

> We have to take care of it, really take care of it, more here than ever before, because the owner hasn't requested a restoration of possession. He hasn't done anything. So we have to be as organized as possible, so that when they come here [the owner and the authorities] they'll say 'No, wait a second, they're really looking after it'.[156]

Daiana's sentiments here are echoed by a number of other movement leaders who justify occupations by citing the beneficial impacts of an occupation. The idea that they are giving 'life' to an abandoned property and improving the local area is a frequent claim. As well as noting levels of rubbish and vermin in empty buildings, which are cleaned up as soon as the occupation has begun, movement leaders are also indignant about the official records and private documents they find rotting in state-owned buildings. Adana describes the state in which they found a building belonging to the national social security institute.

> The building had been closed for fifteen years and was being used as a warehouse. There were cracks in the walls, and people's claims documents had got wet. People who had had accidents at work, who were being compensated by the government – all their claims were wet and scattered about.[157]

Her words mirror Leon's indignation that the state culture secretariat had left 'a good part of the history of Brazilian television and of Brazilian culture, documents and other things' in an abandoned building his movement occupied for nearly eight years.[158] Adana recalled that they had piled up the rubbish they had found outside the building, so as to show 'the world out there' the state that the building had been left in. The implication of these denunciations is that the movement representatives are decent citizens who take care of state-owned and private buildings, whilst their owners leave them abandoned, their contents rotting.

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[156] Interview with Diana 28.06.07
[157] Interview with Adana 06.07.07
[158] Interview with Leon 07.06.07

However, equating life in the occupation with a type of active and responsible citizenship is highly problematic considering the terrible living conditions endured by movement members, and, when drug gangs take over, the levels of violence and intimidation suffered. Whilst some movement members and leaders spoke in an unambiguously positive way of how much they had benefited from life in occupations, of positive learning experiences and the sense of community fostered, others recounted their experiences in a subtly different manner. Leaders are generally cautious about criticizing occupations, since these have come to be a defining characteristic of the UMM. However, Cristiano, now a local movement leader who lived in a number of occupations, recounted his experiences in a way that invites a reading between the lines.

> It wasn't easy no. I suffered a lot. It was a real learning experience...I wasn't prepared for it. I'd never seen so much confusion all in one place like that. It's not easy no. It's a real laboratory. You have to be very well prepared for it, or you might lose your mind.

A number of other leaders admit that long-term building occupations can easily turn into a 'vertical *cortiço*' or 'vertical *favela*', reproducing the problems of precisely the type of housing they wish to see eradicated. This has led the UMM to reject *ocupar para morar* in favour of 'political occupations'. The FLM, however, continues to pursue this type of tactic. Although the breakaway movement also uses the language of active citizenship, giving themselves a more radical edge with the slogan, 'whoever doesn't join the fight is already dead', its general methods jar somewhat with the ideals of citizenship in terms of dignity and the integrity of the person. MSTC representatives (the FLM's largest movement in the centre) admit that the greater the number of people living in a building, the more likely that the occupation will be successful in terms of securing housing for its members:

> We make a point of filling the building up to the maximum, because that way [the government] will have to respond. [...] It's a lot of families. Think about it – can you

> imagine an eviction with 500 families? About 2300 people? It's complicated. It's something else. So we also use this strategy of putting in a lot of people so that we get a solution.[159]

The MSTC plays on the fact that any attempt at forced eviction in an extremely densely populated building is likely to end in casualties, or even fatalities. Where an eviction of a large-scale building is ordered by a judge, it is generally accompanied by the military police. In the case of the MSTC's Prestes Maia occupation, the military police chief implied that he would not be able to control his own troops once they were in the building (Mídia Independente 2007). The MSTC is also known for its willingness to confront the police, in contrast to the UMM that avoids confrontation. This threat, of a violent and chaotic eviction, where many thousands of people would end up on the street at once, is used by the MSTC as a weapon against the state in its negotiations for housing. But this overpopulation also significantly reduces the quality of living for the movement's members, particularly for those living at the top of Prestes Maia's twenty-two storeys with no lift, and often without running water.

Further, the FLM has more recently adopted the tactic of creating a *favela* on the central streets of the city, when its members are threatened with or have already experienced an eviction. The FLM's general coordinator expressed his wish that all housing movements followed this example.

> The only tool that the movement has to stop the government from stalling is pressure. [...] It would be interesting if all the movements took up this idea: the eviction happens, you set up a *favela* in the centre. Because who is it that gets uncomfortable with a *favela*? On the periphery no-one minds, they already live in *favelas*. But in the centre, a *favela* upsets tourists, upsets businesspeople, upsets society in general. So, for the government, it would be a lot of political stress to have a *favela* in the centre.[160]

In interview, Daiana joked about the *favela* she had helped to set up outside the mayor's office, where children ran riot and their sambas interrupted the municipal office workers. But she did not refer to the human cost for the members of living in this

[159] Interview with Daiana 28.06.07.
[160] Interview with Arturo 05.07.07.

way. Wanda, a member of an FLM affiliated movement, who lived in a make-shift *favela* for a number of weeks, referred repeatedly to the humiliation she suffered, and the physical privations of hunger and exposure to torrential rain and tropical sun.[161] This tactic is, further, a way of accentuating difference between movement members who are on the streets, and the public officials who have to step over them to get to work. As such, this FLM tactic can be interpreted as demeaning and essentially disempowering, as the movement throws its members on the mercy of the authorities. It suggests that movement members are not active citizens, but marginal, dependent non-citizens. This evaluation finds resonance in a photocopy of a federal judgement handed out to visitors at the FLM's headquarters, which, it was argued, should be applied to the Prestes Maia building. In it a judge refuses to evict three hundred families associated with the MST from a hard shoulder in a rural area of the state of Minas Gerais, arguing that, through the fault of the state, the families were indigent, and that until the state 'elevated these marginalized people to the condition of common citizens, normal people, able to exercise their citizenship, the state has no authority to demand [...] the strict enforcement of the law' (Melo 1996). It is telling that the municipality qualified its eventual decision to provide permanent housing for the occupiers of Prestes Maia as a response to the building's high risk status (that had been exacerbated by the MSTC). Rather than be given homes as empowered citizens who had fought for their rights, it was the threat to their physical integrity in a dilapidated building that eventually secured decent housing for movement members.

The connection between occupations and citizenship is therefore an ambiguous one – movement members are either non-citizens reliant on the state to lift them out of their quasi-destitution, or active citizens consciously acting on the state to claim their rights. It could be argued that by moving from the former to the latter position, the UMM has taken up a more sophisticated approach towards its relationship with the state. But while the UMM continues to employ the tactic of occupations, it must also try to

[161] Interview with Wanda 24.07.07

legitimate these actions in the face of accusations of criminality and uncivil behaviour, both of which render problematic the movement's rhetoric of citizenship. The question of legality is therefore central. This will now be discussed through the lens of civil disobedience.

Occupations and civil disobedience

If occupations are to be understood through the frameworks set out by social movement theorists, the UMM, in its choice of tactics, can be seen to be borrowing from the 'repertoire of contention' (Tilly 1995), drawing from its roots in the MST – an organization famous for its occupations of unproductive rural lands as a way of bring about agrarian reform. The forerunners of the UMM who were once affiliated to the MST brought occupations to the outskirts of cities to support their call for urban reform, before transferring the tactic to centrally located buildings. This use of techniques of contention first employed in different geographical settings, and for somewhat different ends is widely noted in the literature (Taylor and Van Dyke 2004; Tilly 1995; Tarrow 1995). Indeed, the transposition of specific types of contentious action from one setting to another can be highly effective, since it can create new meanings and connections both inside the movement and in society at large.

> Action repertoires do not spring fully-formed from nowhere; they are bounded by the cultural and historical contexts in which they develop, and reproduced and adapted as both a conscious process of critical learning and as an expression of symbolic proximity to past political movements (Hayes 2007: 309).

The MST has broad support within progressive circles in Brazil (Houtzager 2005; Brandford and Rocha 2002), and the UMM's use of a similar tactic, as well as the appropriation of the label *Sem Teto*, reminiscent of the *Sem Terra*, is a way of tapping into the legitimacy of the long-standing rural movement.

However, in general, frameworks and theories developed by leading collective action scholars around the repertoire of contention are not particularly helpful in shedding

light on the activities of the UMM. For example, the fact that there is almost always some violence involved in an occupation – the occupiers generally have to force entry into an occupation – means that the tactic falls within Tilly's (2003) definition of collective violence, which is,

> Episodic social interaction that, immediately inflicts physical damage on persons and/or objects ('damage' includes forcible seizure of persons or objects over restraint or resistance); involves at least two perpetrators of damage; and results at least in part from coordination among persons who perform the damaging acts (Tilly 2003).

And yet scholars of collective violence like Tilly and Tarrow tend to look at large-scale acts of violence: the Rwandan genocide, revolutions and riots. Even where they turn to smaller scale 'everyday resistance' (Scott 1985), these groups are distinguished by the fact that they generally set out with the express purpose of committing violent acts against people and property. A number of leaders of the UMM describe their own activities as 'resistance', and occupations do, up to a point, fit with Tilly's (2003:172) definition of resistance where 'one party enjoys the preponderance of force but [...] the other side responds to its demands or interventions with intermittent, dispersed damage'. But for the housing movement, the violent act of breaking into a building is more of a side-effect, a means to an entirely different end: that of protesting the non-application of a number of laws as an act of civil disobedience.

Cohen and Arato (1994: 563) note that civil disobedience is 'one of the most important means through which social movements can hope to influence modern society'. They discuss the ways in which civil disobedience undertaken by social movements can help to maintain a dynamic and responsive democracy. Lowi (1971) also examines the way that the disruption caused by civil disobedience can help to animate a pluralist democracy in danger of stagnation. However, the theory of civil disobedience does not appear to have been taken into consideration by many social movement scholars, perhaps again reflecting a lack of focus on the interaction between state and society that is generated as a result of social movement activity. Nor do scholars in the law and

society tradition who study collective action seem to have explored this area (cf. McCann 2006). Civil disobedience is, nevertheless, a useful lens through which to discuss the actions of social movements and their relationship with the state, precisely because it focuses on issues of legality and state response to collective action.

Recalling discussions from chapter two, for an act to qualify as civil disobedience it must break the law, whilst showing fidelity to law in order to expose an injustice, and be public in nature. There is some debate over the detail of the definition, however. Rawls (1999), for example, asserts that civil disobedience must be non-violent, and a number of scholars support this approach (cf. Bedau 1991; Suber 1999) And indeed, perhaps the world's most famous civil disobedients, Mahatma Ghandi and Martin Luther King, were explicitly non-violent in their approaches. For Rawls, violence will nullify the affects of civil disobedience: 'any interference with the civil liberties of others rends to obscure the civilly disobedient quality of one's act' (Rawls 1999:321). However, scholars have noted the difficulty in specifying an appropriate notion of violence (Brownlee 2007). Morreall (1991), for example, has asserted that violence can be psychological as well as physical, and that the line drawn by Rawls is arbitrary. Further, violence can be justified, he argues, when one person's rights are superseded by a higher moral claim. Arguments against Rawls are also made by Brownlee who notes that,

> Limited violence used to achieve a specific objective might heighten the communicative quality of the act by drawing greater attention to the dissenter's cause and by emphasising her seriousness and frustration (Brownlee 2007).

Hayes (2007) in his discussion of French activists' destruction of genetically modified crops argues that these acts qualify as civil disobedience since, in Rawls's words, they are not 'acts that are designed to injure and hurt'. Both Brownlee and Hayes also takes issue with Rawls's assertion that civil disobedients should give notice to legal authorities of their intentions, since this is very likely to prevent an act taking place.

They assert that acknowledgement of the act after the event is sufficient to render it public.

Aside from debates over violence, scholars also note that civil disobedience can be direct or indirect – the law that is broken does not have to be the law that is under issue. Student sit-ins on university campuses to protest the war in Vietnam are an example of indirect civil disobedience (Cohen and Arato 1994). Whereas in the case of the civil rights movement, contravention of segregation laws through lunch-counter sit-ins is an example of direct action, since legislation that prevented black people from eating in specific areas were the very laws they wished to see repealed (Tarrow 1995). However, the distinction between direct and indirect civil disobedience is not always so clear cut, the original civil disobedient Thoreau's refusal to pay his taxes that supported the war against Mexico is a case in point (Brownlee 2007). This ambiguity of action is also present in the case of the Sem Teto's building occupations, as discussed below.

Building occupations can be read as civil disobedience for the following reasons. Firstly, according to the penal and civil codes, they are illegal, because they involve trespass and the assumption of adverse possession. Secondly, they are undertaken as a protest against public policy that houses the poor on the marginal peripheries, rather than in the centre of the city, and does not uphold the right to housing. Thirdly, although occupations are specifically undertaken covertly, there is no attempt to maintain anonymity once the occupation has taken place. Fourthly, the occupiers show fidelity to the law – not only has the movement's commitment to law been demonstrated by their efforts to influence legislation processes, but movement leaders do not resist arrest during occupations. Building occupations are, further, an example of the difficulty of defining the boundary between direct and indirect civil disobedience. The movement is not protesting laws of trespass or adverse possession, per se, but the act of housing its members in the centre of the city (both symbolically, in a short-term 'political'

occupation, or in a case of *ocupar para morar*) is closely related to the policy they are protesting.

Justifying an occupation: beyond civil disobedience

Building occupations are, however, an interesting and perhaps particularly Brazilian variant on civil disobedience, because they serve a further purpose, which is to denounce the illegality of other parties. Along with protesting municipal and state government failure to provide centrally located housing for the urban poor, they are also specifically undertaken so as to denounce the fact that whilst the city's housing deficit remains almost insurmountable, many thousands of buildings are standing empty without fulfilling their social function. This is contrary to the articles on urban reform set out in article 182 of the Constitution and the City Statute that regulates and provides directives for this article. As Anderson remarks, the primary purpose of occupations is 'to give visibility to this situation – to show that these buildings are abandoned'.[162] The UMM is therefore denouncing the private landlord who has failed to make use of his property, or, where it is a publicly owned building, the state's own abandonment of a public good. For Benjamin, occupation serves "to denounce, to society and the authorities, the incompetence of the state and municipal governments, in failing to makes these units viable [as social housing]."[163] Additionally, in the case of private landlords, there are often also considerable tax debts associated with the property. Indeed, the UMM chooses buildings which it knows to have the most 'problems'. As Leide notes, her movement undertook an occupation to denounce the case of a landlord who had built illegally on public land and then left the building abandoned for ten years.[164] Occupations can therefore serve to denounce the building owner's illegality. This function of occupations adds an extra dimension of third party illegality to what is already theoretically an illegal act. Further, by housing its members in these buildings, the movement is in a sense enforcing the law, by providing the

[162] Interview with Anderson 26.06.07
[163] Interview with Benjamin 05.06.07
[164] Interview with Leide, co-leader of a highly active regional movement, 26.06.07

buildings with a social function, generating a type of 'two wrongs make a right' situation.

The paradox of a housing deficit in a city with many thousands of empty buildings is articulated by representatives of all levels of the UMM, from minimally engaged members to its most senior leaders, and is used to justify the act of occupation. As Edna, who had been involved in the occupation of the Casarão Santos Dumont remarked,

> This is what it's like: personally, I don't think it's right to break someone's door and knock it down. But there's just one thing: if you walk about, looking around, you'll see there's so much that's closed up, buildings that are boarded up, that ought to be useful for someone, for people to live in.[165]

Movement representatives widely acknowledge that adverse possession is a crime according to the civil code, and that breaking down the door to enter is against the penal code. However, Nora's justification is typical of many movement representatives, as she refers to what is perceived as the government's illegality.

> It is a crime, yes, ok. But I have to tell you that for us as the movement, it's not a crime. Because the crime, if you think about it, is the government not giving people housing.[166]

This adds, again, to the layers of illegality bound up in a building occupation. The movement denounces the state's general failure to house its citizens, and conceptualizes this failure as the illegality of the state. This crime is then juxtaposed with the minor transgression involved in occupying a building.

Senior leaders will expand upon this type of justification with a more sophisticated argument that frames occupations within a rights discourse. The 'politics of rights' (Scheingold 2004) discussed in the chapter five, becomes an important component of

[165] Interview with Edna 09.10.07
[166] Interview with Nora 18.10.07

the justification of occupations, and a way of rendering occupations legitimate and even legal by giving them a basis in a higher moral order. This argument is glossed elegantly by Henrique Pacheco, a former student activist with the UMM who eventually entered politics supported by the movement.

> We broke through the limits of legality, because we superimposed the question of justice and rights on top of legality.[167]

Drawing on the language of rights, a number of UMM leaders argue that protest (and by consequence occupation) is permitted by the Constitution.[168] This assertion was made at movement meetings where local leaders were attempting to rally their members to participate in an occupation, and was clearly an attempt to convince a somewhat sceptical crowd of the legitimacy of the act they were being asked to undertake. Gaetano, in interview, went so far as to suggest that it is the *duty* of the movement to occupy abandoned buildings.[169] But the politics of rights is employed more subtly by Adana and other senior leaders who justify occupations by arguing that the right to housing, enshrined in the Constitution, not only trumps the civil and penal codes, but that it should also prevail over the right to property where that property is not fulfilling its social function.

> You have two laws in Brazil today that confront each other. [...] You have the right to property, which is a 'sacred right', a *cláusula pétrea* in our Constitution, something that can't be altered. [...] Then you also have the right to housing, which is in the Constitution. But now we have the City Statute which limits the right to property, [and says that] your property has to fulfil its social function, and if it's not doing that the authorities have the right to do a series of things, including charging more taxes, and, ultimately, expropriating. So this is how I understand it: we would never occupy land or a building that's in use. That would be an idiotic thing to do. We occupy when the property isn't fulfilling its social function, is abandoned, boarded up, and is only serving a speculative purpose. So that's why I don't think

[167] Interview with Henrique Pacheco, 08.07.07
[168] This argument is put forward by French social movements with reference to article 35 of the *Declaration des droits de l'Homme et du Citoyen* which prefaces the Constitution of 24 June 1793 (Hayes 2007:303). In the case of Brazil, the 'right to resistance' (a term more commonly used by Brazilian jurists than civil disobedience), is not explicitly permitted in the 1988 Constitution. However, legal scholars argue that the right to resist unjust laws is upheld by the Constitution, since this right is essential for the protection of other primary rights such as those to life, human dignity and well-being (Buzanello 2005; Farias n.d.; Sadek 2001).
[169] Interview with Gaetano 08.06.07

> occupation is a crime, because it is looking to fulfil a positive purpose, something that is set out in our laws, which is the social function of property.[170]

Adana, therefore, justifies occupations through reference to the Constitution and other federal legislation. These arguments are reflected in the legal position taken by lawyers working with the housing movement to prevent evictions from occupied buildings. Taking this argument one step further, in the specific case of the Prestes Maia occupation, the FNRU presented a letter to all three levels of the state defending the right of the occupants to remain in the building on the basis of international human rights legislation to which Brazil is a signatory, as well as the constitutional right to housing.[171] Here, it is argued, the human right to dignity and shelter again prevails over the right to property.

Defending occupations in this way, with reference to the right to housing and to human rights generally, takes the act of civil disobedience to another level, corresponding to a type of civil disobedience discussed by Turenne (2004), which has been labelled 'intra-legal'. She explores cases where it is not the fairness or justice of specific laws that is brought into question, but the interpretation of law that is at issue.

> These are cases in which, though the disobedient acts knowingly in violation of the law *as it has been traditionally interpreted*, he believes that he can argue that this traditional understanding is wrong *and that his act is already lawful.* We can call such cases of civil disobedience 'intra-legal' (Turenne 2004: 381 emphasis in the original).

She continues,

> The disobedient must be able to point to some principle or principles which, in his view, over-ride the law as currently applied and which open that law to more than one interpretation. These overriding principles will be based upon constitutional and/or human rights (Ibid: 382).

[170] Interview with Adana 06.07.07
[171] Source: Email reproduction of FNRU letter distributed to the Forum Centro Vivo web group, 22.02.07

Movement representatives' justifications of occupations outlined above acknowledge that these violate the civil and penal codes. But they also argue that occupations are legal when considered in the light of the Constitution and of human rights legislation. They are therefore, a clear case of 'intra-legal' civil disobedience.

These justifications have been made in a similar way by the MST with reference to its occupations of rural land that is not fulfilling its social function, as noted by Houtzager (2005). Examining cases where the legal interpretation of a land occupation has moved from the civil/penal code to the constitution, he labels this a change in 'judicial modality'. The argument used by a judge in a favourable decision on an MST occupation in the state of Rio Grande do Sul, detailed by Houtzager (2005), echoes arguments made by the UMM's lawyers to prevent evictions from occupied buildings, namely that the 'state has an obligation to 'guarantee fundamental goods as a social minimum', and that 'when there is a need to sacrifice the rights of one of the parties, the property rights should be sacrificed, guaranteeing fundamental rights' (RENAP Caderno Primavera 2001 quoted in Houtzager 2005: 8). In cases where the judge accepts this shift and finds in favour of the MST, the act of occupation of land is effectively rendered legal retroactively. As Rawls points out,

> In a constitutional regime, the courts may finally side with the dissenters and declare the law or policy objected to unconstitutional. It often happens, then, that there is some uncertainty as to whether the dissenters' action will be held illegal or not' (Rawls 1991: 321).

When acts of civil disobedience are legitimated in this way, their original status as civil disobedience is queried, since illegality is one of its key component. But despite employing shifts in legal modality from the civil code to the Constitution, the UMM's members respond ambiguously to questions surrounding the issue of *illegality*.

Arguments justifying occupations in terms of rights and wrongs enshrined in the Constitution – the right to housing and the illegality of property that fails to fulfil its

social function – are commonly employed by the UMM. However, despite this, the issue of whether or not occupations are legal or illegal remains unclear. Few members state outright that occupations are legal, while those who say they are illegal always provide some kind of qualification to justify them. When asked, 'are occupations illegal?' a number of interview respondents skirted the issue, without giving a clear answer. This ambiguity is reflected in Leon's response:

> I don't know if they are legal or illegal. I know it's illegal that people don't have their citizenship respected. That's illegal. [...] But I don't know about occupations. In fact, I don't even want to answer you in that way, because once a journalist asked me if occupations were legal or illegal, and I said I didn't care whether there were legal or not. What I cared about was that families couldn't carry on living under bridges, or in *cortiços* [...] That's illegal. But to you I'm going to say something different. I don't know if they're legal or illegal, but whatever the case, even if it is illegal to occupy, we going to carry on doing it. Because the greater illegality is people not having their dignity and citizenship ensured.[172]

It could be argued that the legal ambiguity of occupations is what gives them their strength. On the one hand, the argument that they are legal gives support to the movement's mobilization around the issue of housing as a right. On the other hand, they must maintain an element of illegality if they are to denounce the greater illegalities of the state and of private landlords, since without the shock factor of a high-profile illegal act, society will pay little attention to the claims of the movement. The ambiguity surrounding the legal status of occupations is also reflected in the state's response to these acts, as will be now be discussed.

Official responses to occupations

Although the initial incredulous response of the police to the occupation of the Casarão Santos Dumont was soon replaced with heightened vigilance, and, at times, forceful resistance against occupiers, the attitude of the municipal, state and federal governments towards occupations has generally been one of ambivalence. Representatives of non-PT governments have a tendency to refer to occupations and

[172] Interview with Leon 07.06.07

occupiers as 'invasions' and 'invaders'. These are terms strongly rejected by the movement because of their undertones of unwarranted aggression. Further, the governor of São Paulo state from 1995-2001, Mario Covas, whose administration was the target of much of the UMM's contentious activity during the late 1990s was reported to have declared that he did not 'negotiate with invaders'.[173] This was also the line taken by the director of COHAB, Walter Abrahão.[174] However, these strong position statements by representatives of São Paulo local governments are challenged by a history of negotiations with and settlements in favour of the housing movements.

The attitude of the Covas government towards occupied buildings appears to have been one of calculated neglect. It at first tacitly and then openly approved the occupation of a series of state-owned buildings during the late 1990s as a way of providing a pressure valve, or 'lung' for people who were being evicted from *cortiços* across the city. And yet it did very little to find permanent housing solutions for these families who were living in extremely insalubrious conditions, sometimes for many years. In the case of a building referred to as Abolição (after the street where it is located) Ivana remarked that the state government 'left people to live there any old how' anticipating that the organized nature of the occupation would crumble under such difficult circumstances.[175] A similar case involved a building known as Paulino Guimarães, also occupied by the Forum dos Cortiços. Lourdes, a member of the Forum during the late 1990s, remarked that the living conditions in it that she witnessed on visits there were 'humiliating'.[176] These negative evaluations of the state government's attitude towards occupations were backed up by Claudia Brandão, an architect who has been working in the CDHU since 1991. Referring to a third state-owned building used in this way, Ana Cintra, she described the decision by the state government to allow people to live in a

[173] Interview with superintendent of social housing, Bette França, 26.07.07
[174] The municipality of São Paulo does not have a large property portfolio in the city, and as such is not targeted directly by the occupation of empty buildings. However, the municipal government is drawn into negotiations when the movement occupies privately owned buildings in the municipality and demands their expropriation.
[175] Interview with Ivana 01.06.07
[176] Interview with Lourdes 30.06.07

building with 'no sanitary capacity' as 'criminal'.[177] A similar laissez-faire attitude was taken towards the UMM-affiliated MMC occupation of a building owned by the State Secretariat for Culture in the Rua do Ouvidor which lasted for nearly eight years. During this time, the state government was granted an eviction order by the judge considering the case, and yet the order was never executed. According to Fernanda Leão, a public prosecutor and keen supporter of the aims of the housing movement, this situation most probably came about as a result of the state government's lack of interest in using the building for any particular purpose and its reluctance to suffer the negative effects of a large eviction. (She also considered the failure to follow-up on the judge's decision a lack of respect for the judiciary.)[178] Eventually, residents in the Ouvidor building were provided with housing solutions elsewhere after another public prosecutor in the Ministério Público threatened to take the state government to court for failing to uphold the human rights of the residents. This was also the final outcome of the Abolição building, where the state government eventually took action, after five years, in response to the threat of legal action. In these cases the state government appears to choose to leave its citizens and its buildings in a state of legal limbo for as long as possible.

But the state government almost always eventually responds to long-term occupations: in the case of Pirineus, a building belonging to the state university occupied in 1997, it did so on the terms of the Forum dos Cortiços, who demanded that the existing buildings be demolished through *mutirão*, and the site used to house its members in new accommodation. In the case of Ana Cintra, the building was reformed and although movement members who had occupied it were not housed there, they were provided with housing in another newly built block in the central district of Pari. Abolição and Paulino Guimarães remain empty, but many of the Forum dos Cortiços members who had occupied these buildings were housed through 'cartas de crédito' – a subsidized credit scheme where families buy an apartment on the open market but with

[177] Interview with CDHU employee, Maria Cláudia Brandão 07.08.07.
[178] Interview with Fernanda Leão 12.10.07

a state government mortgage. That the state government has indeed responded to 'invaders' is implied by the Forum's claim to have housed 1200 families through this scheme.[179] Ivana further declared in interview that she had come to a personal agreement with Governor Covas that she would not carry out further occupations if he housed those who were already living in occupied buildings.[180] However, both Brandão (of the CDHU) and França (of the municipal housing secretariat) justified the state government's response in an intriguing way, declaring that all the movement individuals and families housed or given credit had been living in *cortiços* (and even that the occupation itself could be qualified as a type of *cortiço*). This meant that they qualified for government assistance under the terms of a specific project, the Programa de Atendimento de Cortiços (Response to Cortiços Programme). This glosses over the fact that these people had left their homes in *cortiços* in order to occupy an empty building. These public officials therefore claim that the state government is responding to poor housing conditions, rather than the collective action of the movement.

This gloss reflects evaluations of the recent agreement between all three levels of government to collaborate in the housing of the 468 families occupying the Prestes Maia building. Rather than responding to constitutional and human rights claims (made by the FNRU and cited above), the residents were designated as 'at risk', and as such deemed to qualify for emergency re-housing. This despite the fact that the level of risk had been aggravated by the movement itself. That the MSTC had acted purposively in this way was openly acknowledged by Nancy Cavallete da Silva, an architect and career civil servant who had worked in the municipal housing secretariat for twenty years. But it was aggressively denied by the financial and commercial director of COHAB, (a twenty-eight year old friend of the mayor and former television presenter) who refused to contemplate the idea that the movement had acted strategically to force a response from government. He further denied that the municipality, with the state

[179] Source: www.sp.unmp.org.br accessed 01.09.08
[180] Interview with Ivana 01.06.07

and federal government, had negotiated with occupiers on their own terms, arguing, that Prestes Maia was,

> A totally different case [from other occupations]. It was occupied under the previous administration, there had been a fire there, people had died, there was an eviction order where 1400 police were going to get the families out. It was going to be a catastrophe. People were going to die.[181]

Abrahão's version of events, that families were housed because of the high-risk status of the building, was echoed by França, the superintendent for social housing. Their attitude reflects a desire to be seen as efficient public servants who respond not to pressure from illegal acts, but from a rational assessment of risk. Their attitude was rejected by the chief of staff of the state housing secretariat, Sergio Mendonça, who was also involved in the negotiations. Whilst acknowledging the danger that the families were in, he also remarked that,

> The obligation to attend to these families did not just come about because of the risk situation. The authorities acted as they did as a result of the force of the movement and its actions. And this is not the only example.[182]

Mendonça's words give weight to the movement's claim, discussed in previous chapters, that governments do fear the fallout that can result from occupations, in particular the negative press that can harm a politician's image.[183]

Despite Abrahão's and França's denial that they had eventually given into the demands of 'invaders' by housing the residents of Prestes Maia, neither of them rejected the movement's strategy of occupation outright. Indeed, not one of the twenty-one current and former public office holders interviewed (both those in 'confidence posts' and career civil servants) categorically opposed building occupations. But it is particularly remarkable that political appointees at the municipal level (under a centre-right

[181] Interview with Walter Abrahão 15.06.07
[182] Interview with Sergio Mendonça 01.08.07
[183] Mendonça's candid account of the Prestes Maia negotiations was surprising. It should be noted however, that he is something of an outsider within the housing secretariat, as an academic in the field of law and public prosecutor invited personally by the state housing secretariat to work as his chief of staff.

political party) should take this line, and perhaps points to a general acceptance of the UMM's tactics. As Abrahão noted,

> Abrahão: I'm against empty buildings, but I'm also against occupations.
> Lucy: Do you think they are unjustifiable?
> A: No, they *are* justifiable. I just don't agree with them.
> L: Why do you think people occupy?
> A: To get things into focus. To get attention. It's legitimate, don't get me wrong. I'm not here to criticize or reprimand. But I wouldn't invade. I would do things differently.[184]

The lack of outright condemnation coupled with a suggestion that the movement should behave differently was also articulated by França who remarked that 'unorthodox methods' were more justifiable in a non-democratic regime, and that the movement did not have to occupy, these days, to get a meeting with her, or even the Housing Minister. Nevertheless, she did not regard occupations as a 'crime'. Similar responses were made by her counterparts in the state government's housing secretariat.

Not surprisingly, the public servants appointed to the Cities' Ministry by the PT government were those most supportive of the UMM's activities. But even during the more conservative presidential administrations of Fernando Henrique Cardoso (1995-2002) the UMM had managed to force concessions from federal bodies. In response to an MMC occupation of an abandoned building owned by the CEF in the centre of São Paulo, the bank modified one of its building credit schemes, the Programa de Arrendamento Residencial or PAR (Residential Leasing Programme) so as to be viable for a social movement.[185] The MMC's departure from the building was negotiated through the promise that the occupiers would be housed in another empty federal building that would be renovated through the federal PAR scheme. Other movements in the centre of the city have since negotiated the renovation of six other buildings for its members through PAR funding. In four of these cases the building was occupied until financing negotiations were concluded.

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[184] Interview with Walter Abrahão 15.06.07
[185] The programme had to be modified to allow 'popular associations' to apply for this type of funding – in its original formulation this credit scheme was designed for building contractors.

Returning to the current PT administration at federal level and its Cities' Ministry, career civil servants tended, like their counterparts in the state and municipal housing departments, to evaluate occupations as unnecessary, citing the movement's involvement in the federal level participatory councils as sufficient channels to dialogue with government. But again, these civil servants did not condemn occupations as unjustifiable. Markedly different was the response from those appointed to 'confidence posts' who regarded occupations as a key characteristic of the housing movement, a crucial display of autonomy, and a way to speed up the processes of government. Indeed, Raquel Rolnik, former national secretary for urban programmes, asserted that occupations of federal buildings could help her own attempts to change federal government policy: for her, occupations could be positive despite the increased amount of work that they generated, because they would focus ministerial attention on the problem of empty buildings belonging to various federal bodies.[186] The idea that occupations can be a way of kick-starting a bureaucratic and recalcitrant state machinery was also put forward by Grazia de Grazia, of the urban programmes secretariat of the Cities' Ministry.

> The movement's actions are necessary so that policy really does get formulated and implemented. There needs to be a lot of pressure.[187]

But the issue of responding positively to a building occupation by providing occupiers with some kind of housing solution is problematic for civil servants at all levels of government, since it involves privileging groups who break the law above those, equally in need of housing, who do not engage in transgressive collective action. The UMM often stands accused, therefore, of attempting to 'jump the queue.' This is the principal reason given by representatives of the current state and municipal governments for their alleged refusal to negotiate with 'invaders'. At the same time, there is broad

[186] Interview with Raquel Rolnik 17.07.07
[187] Interview with Grazia de Grazia, 13.08.07. Her words echo those of Ricardo, interviewed 04.10.07 who was appointed to a 'confidence post' in COHAB during the Marta Suplicy era. He stated, frankly, that 'if the movement doesn't occupy, absolutely nothing will get done. You can have discussions about a particular building [...] for two years, and still they [the government] won't do anything.'

consensus amongst these officials that they have a 'duty' to receive movement representatives and discuss their demands when these are put forward in a non-confrontational manner. All the while, the people they are receiving are, of course, movement representatives who have organized occupations in the past and are very likely to do so again in the future. However, for former and current PT-affiliated officials, particularly those trained as architects, knowing who the client will be before building is critical for the good design of a housing project.[188] Others assert that it is easier to deal with 'organized groups' who already know each other and will collaborate better once they are living as neighbours in social housing blocks.[189] More radically, some officials argue that social movement members 'deserve' to be attended to, because they have proven a type of active citizenship through their involvement in the movement.[190] On this issue, representatives of the movement themselves are cautious about declaring openly that their members, because of their 'active struggle', have more of a right to housing than those who wait, passively, to be attended to. When queried on this issue, many gave a justification that echoed that put forward by José Eduardo Cardoso, a jurist and federal deputy for the PT who has a history of collaboration with housing movements.

- You can only jump the queue when there's a queue to jump. There aren't always queues involved in the distribution of public buildings in Brazil. And sometimes, the queues that exist are fictions – they are queues made up of those who are owed political favours or who are political allies. I would tell you with absolute certainty that the movements should not behave as they do if there were a transparent system in place in which distribution was carried out according to specific social and chronological criteria. But it is almost never like this. [...] If immoral criteria and political favours are used in detriment to other people, then we are not dealing with a queue, but a heap of people receiving special favours. So, in this case, it is entirely legitimate for the movement to make its demands for housing.[191]

Once more, then, the state's failure to abide by its own rules is perceived as justification for the movement both to break the law, and provides it with a moral justification for doing so.

[188] Interview with Nabil Bonduki 05.06.07
[189] Interview with Eduardo Trani 23.07.07
[190] Interview with Grazia de Grazia 13.08.07
[191] Interview with José Eduardo Cardoso 30.07.07

Figure 8: Police prevent the occupation of an abandoned federal building in the centre of São Paulo

The right to the centre

Across the federal, state and municipal governments, with their left-wing, centre and centre-right ruling parties respectively, there is general consensus that occupations are justifiable forms of protest. But beyond this, there is also widespread acceptance of one

of the key messages communicated by the movement through its act of civil disobedience. Not only does the UMM call for low-income housing provision in the centre of the city, but it posits this demand in terms of the urban poor's *right to the centre*. The idea of having a right to live in the centre has become an unquestioned element of the UMM's general struggle for housing in São Paulo, and it was fully endorsed by every single movement representative questioned on the issue.

This assertion appears to have developed out of the wording of the City Statute, federal legislation introduced in 2001 to regulate the articles on urban development in the 1988 Constitution. One of the principal purposes of the Statute is to promote and facilitate the right to the city, an idea first expressed by Henri Lefebvre (1996) and further interpreted by David Harvey (2003; 2008). As Fernandes (2007:208) notes,

> The 'right to the city' would basically consist of the right of all city dwellers to fully enjoy urban life with all of its services and advantages – the right to habitation – as well as taking direct part in the management of cities – the right to participation. In other words, Lefebvre stressed the need for the full recognition of use values in order to redress the historical imbalance resulting from the excessive emphasis on exchange values typical of the capitalist production of the urban space.

For Harvey (2003; 2008) the right to the city should be adopted as a political ideal, intimately linked to the goal of inclusive cities. It should further be understood as a collective right, that 'depends upon the exercise of a collective power to reshape the process of urbanization' (Harvey 2008: 23). Harvey's and Lefebvre's articulations of equal rights to full access and enjoyment of the city have been highly influential and adopted as a rallying cry by urban social movements and intellectuals across Latin America. Their influence on the academics within the FNRU who helped draw up the City Statute is clear (Fernandes 2007). The Statute seeks to operationalize the idea of the right to the city in law and has, according to Fernandes (2007: 212) provided 'consistent legal support to those municipalities committed to confronting the grave urban, social and environmental problems that have directly affected the daily living conditions of the urban population'.

But the enactment of the legislation has had other perhaps unforeseen consequences. The housing movements in São Paulo have made pragmatic use of the City Statute to support their claims to housing in the central areas of the city. Of particular importance is the wording of the second article of the Statute that sets out the purpose of urban policy as follows:

> To guarantee the right to sustainable cities, understood as the right to urban land, housing, environmental sanitation, urban infrastructure, transportation and public services, to work and leisure for current and future generations (Presidencia da Republica 2001).

Since the only areas of São Paulo where these conditions truly obtain are the central districts of the city, the movements have extrapolated from this the idea of the right to the centre.

The idea of the right to the city, and by extension the right to the centre is also current outside of the housing movement. In a letter to representatives of the executive at all three levels of the Brazilian state it was used as a defence against the impending eviction of the residents of Prestes Maia by the FNRU, the forced evictions group at UN-Habitat and the São Paulo research institute, Instituto Pólis.

> The elements that make up the right to adequate housing are, legal security of tenure, habitable conditions, reasonable cost, general accessibility, cultural appropriateness, access to infrastructure and basic services and good localization. In this case, this means the right of the low-income population to live in the centre of the city, since it is equipped with infrastructure and services and is close to opportunities for work, leisure, health and education.[192]

Further, the response from interview respondents outside the movement – politicians, academics, civil servants and members of the executive – to the question 'is housing in the centre a right?' varied from indignant affirmation to cautious evasion, through reference to the general right to housing within the city. Only one of these respondents,

[192] Source: Email reproduction of FNRU letter distributed to the Forum Centro Vivo web group, 22.02.07

Walter Abrahão of COHAB, emphatically refuted the notion, declaring that it was not a right but a 'preference' (*É gosto*). Of the three practising lawyers interviewed, only one responded directly that housing in the centre was not a right, although she qualified her answer with reference to the state's failure to plan adequately for the mixed usage of the city centre.[193] It should be emphasized here that the right to the centre is not specifically grounded in Brazilian legislation. As such, it could be dismissed as mere fantasy. However, as Freeden (1991) notes, people do assume that certain rights exist and behave accordingly. It therefore remains opportune to

> Devote analytical attention to the *fact* that the belief exists and discuss the impact of that fact on both theory and practice. Whether rights *exist*, or are figments of the human imagination, or are what lawyers call legal fictions, is thus analytically irrelevant (Freeden 1991:5 emphasis in the original).

In the case of the UMM, it could be argued that the creation of the right to the centre as the ultimate justification of an act of civil disobedience is the culmination of the movement's 'politics of rights' (Scheingold 2004). This significance of this phenomenon will be discussed in detail in the following chapter.

Summary

The UMM has developed building occupations as a particular form of civil disobedience that at once communicates its demands for low-income housing in the centre of the city through an illegal act, whilst denouncing the illegality of the state and of private landlords for having left their property empty and without social function. In a type of intra-legal civil disobedience, the movement justifies its action through reference to the constitution and to international human rights legislation. However, the legal status of occupations remains ambiguous, and this very ambiguity is important, since it serves to highlight the failure of the state to adhere to its own legislation. The response of the authorities to occupations is similarly ambiguous, with a general recognition of the legitimacy, if not the legality, of occupations. The actions of the movement and the

[193] Interview with Fernanda Leão 12.10.07

response of the state to them therefore appear to inhabit a 'grey zone' between legality and illegality. This legal ambiguity is further problematized by the movement's conceptualization of the right to the centre, which, although it is not a right, has come to be accepted as such by politicians, academics and policy-makers with different political affiliations. This issue will be discussed in the next (and final) chapter.

Chapter Eight

Transgressive citizenship: Drawing the line between state and society

Introduction

This chapter seeks to build upon the theoretical literature on citizenship and state-society relations introduced in the opening chapters of this thesis through reference to the fieldwork findings presented in chapters five, six and seven. It aims to achieve this by responding to the research questions set out at the end of chapter two: (1) what is the significance of the adoption of a citizenship discourse by a social movement that engages in formally illegal acts of civil disobedience as well as institutionalized participation? (2) How does the state respond to movement claims that are made in the language of social rights? (3) In what ways can social movement action alter the balance of state-society relations? In the course of responding to these questions, the chapter suggests a new way of characterizing the collective action of the urban poor as acts of 'transgressive citizenship'.

Insurgent citizens? The emancipatory potential of law and text-based rights

One of the most recent examinations of collective action and citizenship in São Paulo is Holston's (2008) *Insurgent citizenship: Disjunctions of democracy and modernity in Brazil.* This work puts forward the argument that Brazilian citizenship is distinctive because, unlike the French and American variants, it has always been 'universally inclusive in membership but massively inegalitarian in distribution' (Holston 2008:7). Although descendents of African slaves were granted citizenship from 1850, this did not eradicate the entrenched discrimination against these and other categories of individuals within society. He argues that these people were not discriminated against as non-citizens, but because they were particular kinds of citizens. Differences in education, occupation, race, gender and access to property were used to exclude certain groups from the political process, force them into 'segregated and often illegal

conditions of residence' and funnel them into labour 'as servile workers' (Holston 2008: 7). Entrenched forms of differentiated citizenship were also used to justify privileged treatment for other social groups. Holston argues that a number of perverse outcomes have resulted from this differentiation:

> The historical norm of citizenship fosters exclusion, inequality, illegality, violence, and the social logics of privilege and deference as the ground of national belonging (Holston 2008:6).

However, with the transition to democracy, 'insurgent citizens' on the self-built or 'autoconstructed' peripheries of Brazil's large cities have begun to challenge differentiated citizenship and assert their rights to the legal ownership of property and urban services. He argues, therefore, that the city is not just the context of citizenship struggles, but also the substance of these struggles (Ibid: 8).

This thesis supports Holston's general claim that ambiguity of legal status surrounding a person's place of residence (whether the *favela*, *cortiço*, or in Holston's case land and property that has been bought in good faith) causes insecurity and has been a mobilizing factor for organized popular action in the city. It also supports, up to a point, Holston's general argument about the increasing use of both the law and the concept of citizenship to press for rights amongst members of lower-income groups. However, since the bulk of Holston's work is historical in focus and seeks to show how understandings of differentiated citizenship persevere to this day and continue to be played out in Brazilian society, the book underplays the extent to which citizenship as a concept grounded in the social rights set out in the 1988 Constitution has become critical to the projects of groups of the organized urban poor. As chapters five, six and seven of this thesis show, it has become central to the discourse and mobilization of social movements in the city over the past twenty years. The methodological focus of my own research, on contemporary discourse and practice amongst São Paulo's housing movement, therefore builds on Holston's work.

Holston asserts that citizenship in São Paulo can be understood in three ways. Firstly, those involved in 'autoconstruction' on the peripheries have 'earned' their citizenship by contributing to the building of the city. Secondly, in a hangover from previous historical eras, including that of Vargas and his labour union reforms (see chapter three) certain categories of people are still considered more deserving than others of the benefits of citizenship, for instance those engaged in formal work. Although gradually being levelled out, social hierarchies and special treatment, especially for the rich, are still part of Brazilian social interaction. Thirdly, 'text-based' rights that draw on the Constitution are promoting a more egalitarian society. He argues that these three understandings of citizenship are in an 'unbalanced and corrosive entanglement that unsettles both state and society' (Ibid: 13) but that, nevertheless, populations on the peripheries have radically challenged traditional ideas of citizenship and are transforming the relation between state and citizen (Ibid: 235).

I would argue, however, that the focus of Holston's empirical work on subjects who he claims 'typify the peripheries' (Ibid:8), skews his understanding of citizenship in São Paulo more generally, and should not be extrapolated to encompass the majority of the urban poor. The UMM can be seen as a movement that is fairly representative of the lowest-income groups in São Paulo, since the majority of them have family incomes of up to three minimum wages and are mainly living in overcrowded rental accommodation or in *favelas*.[194] Whilst not all of the movement's members live on the peripheries in geographical terms, their low-incomes and residential insecurity render them marginal in social terms. By contrast, the groups of people researched by Holston and named as 'insurgent citizens' are members of lower-middle-class families who bought homes on the peripheries, or purchased land in order to build their homes themselves during the 1970s. They have since been involved in labyrinthine struggles to ensure legal tenure of their lots, fighting counter-claims of ownership by property developers and land-owning families. They have, nevertheless, achieved the 'dream' of

[194] The minimum salary currently stands at R$410 in São Paulo, equivalent to £110. Monthly rent of a *cortiço* room can be as high as R$300.

owning their own homes, and despite the threatening law-suits described by Holston, have achieved a considerable degree of security. Indeed, none of his research participants were ever evicted from their homes. Holston documents understandings of citizenship amongst these individuals as having considerable emphasis on the first two conceptualizations of citizenship set out above (as contributors to the city and honest workers deserving of rights) whilst underplaying the third (relating to the innate equality of all human beings). Yet I would argue that it is the third understanding of citizenship that is most critical in contemporary Brazil: it is the demand for equality, to be achieved through constitutional rights, and particularly social rights, that is driving mobilization amongst some of Brazil's poorest populations.

As has been shown in the preceding three chapters, the research participants observed and interviewed for this study place their faith in and focus on the social rights that are enshrined in the Constitution when they speak of their own citizenship, particularly with regard to the right to housing. The importance of the document for social movements is made explicit by Kelly:

> The question of laws has become really central, since for some time now, the movements have been able to cloak themselves with this power – of knowing what's possible and what isn't. [...] And we know how to spread this knowledge around. Because, before, the people who knew about laws were just lawyers, judges and prosecutors. Not any more. Any leader of a popular movement will know the principle articles from the federal Constitution, and will know the laws that are specific to these. Now anyone, from someone who lives in a *favela* or *cortiço* to a lawyer or a government official knows how to talk about these things and have a debate. And that's why the role of popular movements is crucial, because movements can do things that the media can't, and movements do that micro-level work which is spreading knowledge to people who don't have access to this type of learning.[195]

Whilst the following comment from Lourdes shows how the Constitution links the rights of an individual to the action of the collective:

> I think that everyone has a right to housing. It's in the *constituinte*, isn't it? There are some people who fight for it, and some who get lucky. But when we ask people

[195] Interview with Kelly 29.05.07.

> to join the movement, it's for us all to get our rights. Everyone has that right [to housing]. We're not getting involved in politics just for ourselves.[196]

Returning to Holston's three conceptions of citizenship, whilst there are echoes of contributor rights in the movement's discourse –leaders and members make claims to be improving the city by occupying empty buildings – this is limited in comparison to the rights they claim to be due to them as citizens by their very nature as human beings. Taking the articles of the Constitution that deal with social rights as a normative guide, representatives of the housing movement measure their own citizenship with reference to this text. Crucially, whilst many of them consider themselves to hold a 'limited' version of citizenship, they state a belief in their ability to become full citizens with all their rights respected and needs met at some point in the future. This contradicts Holston's somewhat deterministic interpretation of entrenched inegalitarian citizenship. Whilst he explicitly argues against the idea of limited citizenship in favour of his differentiated model, he is also forced to admit that the idea of inegalitarian distribution of citizenship has little place in post-1988 Brazil where the Constitution and its text-based rights are creating conditions for an conceptualization of citizenship as 'universally egalitarian rather than differentiated' (Ibid: 267). Further, despite considerable efforts to define *differentiated* citizenship as distinct from limited citizenship, Holston is, essentially, describing the disjuncture between formal and substantive citizenship. If full citizenship must include both formal elements as well as substantive ones – the full set of civil, political and social rights as discussed in chapter two – then the label of 'limited' citizenship can be applied to those whose thorough enjoyment of these rights is restricted in some way.

Holston does identify change in perceptions of citizenship after the transition to democracy, and his research participants also challenge the status quo. However, he argues that they continue to assert themselves not with universal criteria of citizenship but with reference to their consumption, construction and tax-paying in the city.

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[196] Interview with Lourdes 30.06.07

> Urbanization resulted in unprecedented access to primary education, mass media, market consumption, and above all property ownership, precisely for those poor Brazilians who had always been excluded from these fundamental means of achieving citizen standing. Such access [...] generated a new and explicit kind of argument for participation among these new urban citizens: they began to reason that, although poor, they had in fact established 'real stakes' in the nation-state as city builders, tax-payers, and modern consumers [...] on that unprecedented basis they demanded new kinds and qualities of political participation (Holston 2008: 108).

This is far from the UMM's assertion of citizenship linked to basic rights held by all human beings, and expressed through the idea of the dignity that will be achieved through the provision of social rights. Indeed, Holston writes that people on the peripheries did not 'primarily argue for rights on the basis of their needs as human beings or even their absolute worth as citizens' (Ibid:111). Instead, his research participants used historical documents and the law to try and assert their claims to land, rather than make a case based on necessity. Further, whilst Holston considers in detail the interaction between state and citizens through his exploration of legislation and the state's selective use of the law throughout Brazilian history up to the time of the military dictatorship, his examination of contemporary Brazil gives almost no consideration to state-society relations. Instead, the new, more egalitarian citizenship of post-1988 Brazil appears to be asserted by individuals in the context of their interactions with other people in society – his prime example is that of poorer citizens demanding that the rich take their place in a bank queue rather than seeking preferential treatment. His assertion that citizens are challenging the state has, therefore, little basis in the empirical evidence he presents. Rather than take on the state directly, the implication is that self-builders on the peripheries are changing the nature of state-society relations through their interactions with others. This reflects the general post-structural trend discussed with reference to the literature on citizenship and social movements in the opening chapters of this thesis.

This thesis has argued, and Holston would agree, that a citizenship discourse built on the text of the Constitution brings the law into play. This presents a challenge to the

way in which the use of the law has typically been viewed in the region. For example, as O'Donnell notes,

> Latin America has a long tradition of ignoring the law or, when acknowledging it, of twisting it in favour of the powerful and for the repression or containment of the vulnerable (O'Donnell 1999).

Scholars who discuss these issues specifically with respect to Brazil, frequently cite the Brazilian proverb, 'For my friends, everything. For my enemies, the law'[197] (DaMatta 1991; Fry 1999; Holston 2008; O' Donnell 1999). This has led Holston to assert that traditionally, the law represented 'disadvantage and humiliation' for non-elites (Holston 2008: 5). But although Holston's property-owning citizens, like the UMM, have made use of the law and therefore challenged its elitism, their engagement with the legal system is quite different. The former are involved in civil disputes over land ownership with other citizens; critically, they do not use the law to engage with the state. Further, they have learnt how to use the complexity of the law to hold-up court cases in the hope that a decisive settlement will never be found. This is a practice Holston claims to abhor elsewhere (Holston 1991). Despite this he argues that the experience of 'autoconstruction' on the peripheries,

> Fuelled the irruption of an insurgent citizenship that destabilized the differentiated at the very sites that had produced differentiation – political rights, landed property, residential illegality, misrule of law, and servility. Although these conditions continue to sustain the paradigm of differentiated citizenship, they also became the conditions of its transformation. In effect, under different circumstances in the peripheries, the sites of differentiation became those of insurgence, as the urban poor gained political rights, became property owners, made law an asset, and achieved a greater sense of personal competence through their urban practices. *Moreover, as residents formulated alternative projects of citizenship, they changed the development of the state and its relation with citizens.* Their insurgence has thus cracked open the principles of differentiation that for centuries legitimated a particularly inegalitarian formulation of citizenship. It turned the poor residents of the peripheries into new citizens and launched an urban citizenship that transformed Brazil' (Holston 2008:199 emphasis mine).

[197] The expression *Aos meus amigos, tudo. Aos meus inimigos, a lei* is attributed by O'Donnell (1999) to Getulio Vargas.

I would agree that the discovery of law as an asset is a new development amongst non-elites in Brazil, but the use of law to protect assets is simply an imitation of the way law is employed by conservative groups in society. The assertion that home owners on the periphery are radically altering the nature of Brazilian society therefore seems somewhat dubious: Holston himself admits that they are entrenching conservative attitudes towards property ownership and that they continue to promote inegalitarian citizenship based on a depiction of themselves as contributor citizens. But Holston's subjects are also replicating the pattern of spatial segregation within the city in which lower-income groups are confined to peripheral areas. As such, his labelling of these groups as 'insurgent' citizens – people rising in active revolt – seems to be something of an overstatement. By contrast, as the present research shows, the UMM uses the law to challenge spatial segregation in the city by promoting low-income housing in the centre. In this way, it is attempting to change patterns of distribution and to ensure housing provision for some of the city's most vulnerable inhabitants. Law is also used to contest the state negligence that led to the growth of illegal residences on the periphery in the first place and to demand the upholding of social rights by the state to correct these historic wrongs. It further aims to effect real change in the way that the state's resources are distributed through its efforts to influence legislation, most notably through the FNHIS at federal level. It is in this regard that the movement could be said to be attempting a democratization of the law.

Rather than conservative, the use of the law by the UMM can be seen as creative and emancipatory (Santos 1995). As was noted in chapter seven, the chief of staff of the state-level housing secretariat and public prosecutor, Sergio Mendonça, asserted that through the efforts of the housing movements and their allies in the Ministério Público, the question of housing had been removed from the sphere of the executive and placed in the hands of the judiciary – in his words, *judicializado*, 'judicialized'. This is a process that is happening elsewhere as countries in both the developed and the developing world undertake constitutional reforms and publish bills of rights (Hirschl

2003). Far from being designed as a progressive move, however, Hirschl argues that conservative elites in countries undergoing a political transition believe they will be better off handing over significant powers to the judiciary, who they think will remain loyal to conservative forces. His arguments fit with some of the more negative evaluations of the Constituent Assembly of 1987-88 in Brazil, noted in chapter four. But whatever the intentions of the conservative male individuals designing the Constitution in their 'room of mirrors', the document has become a key weapon in the hands of popular sectors, as outlined in chapters five, six and seven. They use it to support a discourse of the 'politics of rights' and a programme of intra-legal civil disobedience whilst also making use of its provisions for participatory engagement in policy making.

This use of the law for progressive ends finds resonance in Boaventura de Sousa Santos's work on the 'emancipatory' potential of law, much of which is covered in *Toward a new common sense: Law, science and politics in the paradigmatic transition* (1995). The volume brings together discrete pieces of research from the past thirty years, including two extended essays based on fieldwork in marginal urban communities in Rio de Janeiro in 1970 and Recife (the capital of Pernambuco state in the Northeast) in 1980. It includes a discussion of legal pluralism inspired by his experiences in the Rio *favela* that Santos named 'Pasargada', that posits a somewhat inward-looking and deterministic view of illegality in the urban context (examined in chapter three). The destructive power of illegality for marginal urban residents is displayed in the words of one resident cited in a separately published discussion of these issues. He declares: *nós sómos e éramos ilegais*, 'we were, and continue to be illegal' (Santos 1993:45). This comment refers to residents' unwillingness to make use of legal process in any areas of their lives, since they would suffer from the stigma attached to the *favela* and/or draw the attention of the authorities to illegally settled areas. Illegality of *favela* settlements has also been used by municipal authorities as a justification for not supplying the area with essential services. As a response, the residents of Pasargada resorted to a parallel system of 'Pasargada' law to resolve

disputes within the 'illegal' space of the *favela* (see chapter three). Santos's research participant was speaking in 1970, but his words have had a lengthy shelf-life. The quotation has been cited more recently by Maricato (1996) and Arantes (1998) and applied to post-1988 Brazil. For example, Arantes (1998:205) argues that,

> It is as though the illegal possession of a small clandestine subdivision in the segregated spaces of the country's large metropolitan regions has repercussions over all other social relations, even those that have nothing to do with housing, constituting itself at the epicentre of all exclusions, both inherited and future.

According to Maricato (1996) São Paulo state's water company was still refusing to supply certain *favelas* in the city that had been urbanized by the municipal housing company as late as the period 1988-1992. However, this is no longer a common occurrence, and whilst it may well have been correct to refer to the all pervading noxious influence of illegal tenure at the height of repression during the military dictatorship, I would contend that it is now incorrect to evaluate residential illegality in the urban context in this way. Indeed, Santos's later work on Recife shows precisely how, in a more open political context, social movements are able to use both illegality and the law to advance their demands in the context of an irregular urban settlement. He depicts residents of three *favelas* in the city of Recife in 1980 resisting occupations through the use of human rights legislation (Santos 1995) and engaging in acts of civil disobedience. This is an example of the way in which the urban poor and their supporters can make 'transformative' use of the law by politicizing disputes in their appeal to a higher legal sphere, and accusing the state of incivility in its failure to support minimal living conditions. Santos therefore shows a transition from the use of 'Pasargada' law, to international law by low-income urban residents. The UMM's practice can be posited as a third phase of this transition where national law is employed. This is also indicative of a transformation of the state from authoritarian to formally democratic, and of a corresponding shift in positioning by urban popular movements as they seek to engage with the state.

Both this thesis, and Holston (2008) support the view that with the growth in salience of constitutionally based legislation, illegality has assumed a mobilizational role in the quest for housing and legitimation of tenure. But beyond illegality as a mobilizing factor, my research has shown that illegality can be both a weapon with which to admonish the state (pointing out its own illegality and its failure to uphold the law) and also the medium for civil disobedience. That illegality, through civil disobedience, can be used to further claims to constitutional social rights and for a move out of illegality, is illustrated by Ivana's declaration *a gente tem que virar um fora de lei para ser atendida na lei*, which can be translated as 'we have to become outlaws, to get the law to respond to us'.[198] A similar expression was used by a resident of the long-standing occupation of the Rua do Ouvidor building in central São Paulo cited in A. Santos (2002: 91): *O que era antes fora da lei, virou dentro da lei* – 'what was once outside the law is now inside the law'. This is in stark contrast to the perceptions of legality voiced by residents of the dictatorship era Rio *favela* studied by B. Santos, and can be read as a continuation of the practices he depicts of organized *favela* residents in Recife during the transition to civilian rule. I would suggest therefore, that one of the most important contributions of the housing movements in post-1988 São Paulo is the use of the Constitution to alter evaluations of urban irregularity or illegality. They have illustrated the innovative use that can be made of the law.

One example of the movement's politics of rights and its use of law in an innovative way, is that of its 'creation' of the idea of the right to the centre mentioned at the end of the previous chapter. On first appraisal the right to the centre would appear to be, in Hohfeldian terms, a 'liberty right'[199], since it falls into the category of action that all people should be at liberty to undertake, there being no law specifically prohibiting it (Jones 2005). Consequently, movement members and leaders assert their right to live anywhere in the city. And yet the lack of adequate housing provision for lower income

[198] Interview with Ivana 01.06.07
[199] Hohfeld categorised rights as either claim rights or liberty rights. Each of these categories was further divided into positive and negative categories (Jones 2005).

groups in huge swathes of São Paulo allows them to argue that the state is denying them this freedom. On closer examination of the discourse of the movement and its supporters, it appears that the right to the centre is being asserted as a positive right, since it involves a demand for action from the state to provide adequate housing for the poor in these areas (Freeden 1991). In Hohfeldian terms this is a positive claim-right, defined as 'rights to specific goods and services [that] are so called because they call for a positive response from those who bear the corresponding duties' (Jones 2005). Whilst as Freeden (1991) notes rights do not have to be institutionalized in law to be claimed as such, rights-adherents often attempt to formalize their claims. As discussed in chapter seven, this can be seen in the way the FNRU and other national and international bodies concerned with urban segregation argued against the eviction of the Prestes Maia building. They used the definition of 'adequate housing' set out in the City Statute as a way of asserting a right to housing in central districts of the city, since these are the only areas where these conditions pertain. The assertion that the inhabitants of Prestes Maia had a right to the centre is of dubious legal merit. However, the fact that it has been so widely accepted is credit to the strength of the movement's politics of rights and an example of the creative use of an appeal to constitutional legislation.

Civil versus political society: Building on Chatterjee's Politics of the Governed

The sophisticated legal reasoning that the movement employs to back up its demands for centrally located housing as a right and also, as noted in the previous chapter, to justify acts of civil disobedience, sets the UMM apart from the breakaway FLM that often presents its members as destitute and dependent non-citizens. An example of this was the FLM's tendency to underline the vulnerability and potential destitution of its members living in occupations, and literally putting them at the mercy of the state by setting up *favelas* on the street outside the mayor's offices once eviction orders had been carried out. By contrast, the UMM posits its members as empowered individuals

involved in a collective struggle for full citizenship. It could be argued that these two ways of negotiating with the state over housing correspond to Chatterjee's (2004) conceptualization of the two different 'lines' between state and society, as discussed in chapter two. Based on the Indian context, one of these connections is described as *civil society* and is a channel of negotiation reserved for elite groups in society, 'founded on popular sovereignty and granting equal rights to citizens' (Chatterjee 2004: 37). The other 'line' is that of *political society*, through which the majority of the dispossessed Indian population engages with the state. It connects 'populations to governmental agencies pursuing multiple policies of security and welfare' (Ibid: 38). Due to their marginality, these subaltern peoples are not properly rights-bearing citizens; furthermore although they may organize themselves in associations, they often live and work outside the law, and as such they cannot be treated as members of civil society. But they cannot be ignored either: the state must look after and control them, since they are within the territorial jurisdiction of the nation. State agencies, therefore,

> Deal with these associations not as bodies of citizens but as convenient instruments for the administration of welfare to marginal and underprivileged population groups. [...] These groups on their part accept that their activities are often illegal and contrary to good civil behaviour, but they make a claim to a habitation and a livelihood as a matter of right. [...] The state agencies recognize that these population groups do have some claim on the welfare programs of the government, but those claims could not be regarded as justiciable rights since the state did not have the means to deliver those benefits to the entire population of the country. To treat those claims as rights would only invite further violation of public property and civic laws (Ibid: 40).

Chatterjee goes on to note that certain groups get their demands met for reasons of political expediency. The relevance of this passage as a whole for the Brazilian local state's response to occupations is very clear. As such, I would argue that this categorization of the relationships between state and society is a useful tool for conceptualizing both the way the housing movements present themselves to the state, and how the state responds to this presentation.

The FLM's appeal to the state is very much on the level of the definition of political society above – positing its members as a particular type of marginalized population that needs a welfare response from the state. Although the nature of civil society in Chatterjee's account and the elites who constitute it is left somewhat unspecified, they are posited as a 'small section of culturally equipped citizens' who 'inhabit the high ground of modernity' (Ibid: 41). It could be argued that the UMM's approach to its relationship with the state that involves a discourse of citizenship and recourse to legal arguments has more in common with Chatterjee's idea of civil society as an elite group that negotiates with the state on the basis of equality of citizenship. Obviously the UMM is not an elite group, but the way its leaders are training as lawyers (bearing in mind the deference to the profession discussed in the chapter five) and voicing their demands as citizenship rights is perhaps an attempt to gain entry into this elite world. Certainly, modern positivist law has been posited as a 'rationalizer of society' used for the 'scientificization of society' (Santos 1995:56).The movement may therefore also use the law to appear modern, rational and orderly. As Shamir (1996:233) notes, the law 'is embedded within the aspirations for a transparent, precise, planned, symmetrical and organized order.' By couching its demands for housing in the language of rights, and using Constitutional law to defend its acts of civil disobedience, the movement distances itself from the common perception of occupations as chaotic acts undertaken by semi-criminal *baderneiros* – people engaged in low-level vandalism or drunken brawling (see chapter seven). It is also a way of distancing itself from a discourse that paints movement members as needy, destitute individuals.

Implicit in Chatterjee's argument, however, is the idea that services and goods associated with the fulfilment of basic needs will be communicated through the political society channel. This once more serves to reduce social rights to the idea of welfare or benefits, and fails to grasp the link between goods of collective consumption, dignity and citizenship. I would argue that in its sophisticated legal argumentation and attempts to distance itself from welfare issues, the UMM is taking steps to dialogue

with the state over social rights through the elite channel of civil society. What seems clear from my empirical findings, however, is that the response of the state is conditioned by party politics. The strident arguments made by the UMM posit housing for its members in the centre of São Paulo as a manifestation of their rights as citizens: rights to housing, to the city and even to the centre itself. These rights are operationalized through building occupations. However, examples from the municipal government at the time of my fieldwork show the local state framing occupations in a very different way. Under a centre-right government, representatives of municipal housing departments put forward an understanding of occupations in terms of needs – of desperate measures taken by semi-destitute families. For example Walter Abrahão of COHAB emphatically denied that there might be some purposive movement strategy involved in filling up occupied buildings with as many families as possible.[200] As such the municipal and state governments justify their response to these situations by citing the risk to the personal security of people living in substandard conditions. The response to occupied buildings thus becomes the same as a response to other situations where housing conditions are considered severe enough for the state to take action: for example the worst of the *cortiços* (being audited by the present municipal government) or shacks built on stilts over the city's water reservoirs. Indeed, many of the UMM's members have been attended to through the state-level programme designed to take action on slum tenement housing, in which they are categorized as populations living in *cortiços*, not people who have purposefully left the *cortiço* to occupy an empty building and force the state to respond to their housing needs sooner than would otherwise have been the case. This is probably in large part because the local governments do not wish to stimulate further occupations. This may also lead members of the bureaucracy to deny that occupations have been successful or that they even negotiate with 'invaders'.

The response of left-wing governments to the movements' demands appears to be somewhat different. The PT government of Marta Suplicy (as detailed in chapter six)

[200] Interview with Walter Abrahão 15.06.07.

did take steps to promote housing in the centre of São Paulo as a political move, and not just as a policy motivated by economic or technical considerations. It was presented as a way of redressing the historical pattern of social housing provision on the outskirts of the city. As such policy makers and the executive in the PT government appeared to accept the movement's conceptualization of housing as put forward in its politics of rights. Ample evidence of support for social housing in the central districts is provided in the municipality's own publications (SEHAB 2004; Prefeitura Municipal de São Paulo 2004; EMURB 2004) and by Cymbalista and Santoro (2007). Although few of these plans came to fruition with Suplicy's failure to gain re-election, the political will to think differently about pro-poor housing in the centre of São Paulo did appear to be in evidence.

Responding to Chatterjee's framework, it would appear from my findings that low-income groups affected by limited citizenship can draw on the resources normally used by elite members of 'civil society', and attempt to communicate with the state through this channel. (The response, however, is highly dependent on party politics.) This would support Corbridge et al.'s (2005) assertion that the poor are not necessarily confined to the channels of political society in their dialogue with the state. They reject Chatterjee's rigid dualism and note that it is precisely within the ambit of political society that civil society can be made (Corbridge et al. 2005: 257). It is through interaction with local level bureaucrats and politicians in political society that poorer groups come to gain an understanding of the way the state works, and this interaction serves as an 'incubator' for a move towards interaction based upon people's awareness of their rights (Corbridge 2007). This thesis challenges the idea that goods of collective consumption and basic needs must necessarily be demanded as welfare; they can also be conceptualized as social rights that are constitutive of citizenship and presented by lower income groups in the language and terms generally employed by the elite. This analysis of events also chimes with Gupta's (2006) take on the distinctions between entitlement and empowerment. This can be read as an extension of the work of

Chatterjee, in which governments' attempts to focus on the goal of delivering entitlements are a way to 'remove all discussion of empowerment from the discursive horizon' (Gupta 2006: 231). Delivery of welfare to indigent populations responds to needs while rejecting assertions of citizenship rights.

This critique corresponds to the debate surrounding Marshall's privileging of social rights discussed in chapter two. His focus on social rights is criticized, and he stands accused of depoliticizing citizenship by advocating the creation of welfare dependent populations. Yet as Gupta notes government delivery of basic goods and services does not necessarily result in depoliticization, quite the contrary.

> Entitlement and empowerment [...] are not mutually exclusive. And it is here that seizing on the fissures and ruptures, the contradictions in the policies, programmes, institutions and discourses of 'the state' allows people to create possibilities for political action and activism (Ibid).

The UMM can be seen to be deriving empowerment from entitlement in the way that it identifies the disjuncture between the text of the Constitution and the reality of life for the poor in São Paulo. This fissure is then exploited to demand not welfare but social rights. This leads to the promotion of empowerment amongst movement members who are encouraged to perceive their inadequate access to basic goods and services as a political issue. The movement politicizes the question of entitlements by accusing the state of limiting the citizenship of its members through the failure to uphold social rights.

The problem for the UMM, however, is that even when a ruling government appears to share its conceptualization of rights and housing, this does not necessarily translate into real gains in terms of long-lasting policy changes or significant increased investment in low-income housing provision. The PT administration of São Paulo municipality under Marta Suplicy, for all its talk of centrally located pro-poor housing, was widely evaluated as 'disappointing' by members of the UMM. The inauguration of

Suplicy as mayor in 2001 coincided with a change in movement strategy involving the decisions to participate in new 'invited' spaces and a sharp reduction in building occupations and other types of antagonistic collective action. The movement also sanctioned the decision by two movement leaders to take up office within the housing department. That these changes occurred finds resonance with political process approaches to social movement theory, that contend that movement action is based upon threats and opportunities in the external political environment. But the era of the Suplicy administration also illustrated how the boundaries between movement, state and government can be blurred. That this blurring was not particularly beneficial to the movement may have led to the increased entrenchment of an antagonistic stance towards the state. This can be understood through the idea of 'transgressive' citizenship.

Drawing the line: Transgressive citizenship

The following section builds on key contributions to the literature on the anthropology of the state. Recalling discussions from chapter two, this section draws on the work of Abrams (2006) that separates out the 'state system' from the 'state-idea'. Abrams argues that the state system is 'a palpable nexus of practice and institutional structure centred in government' whilst the state idea 'starts its life as an implicit construct' which is then reified 'and acquires an overt symbolic identity progressively divorced from practice as an illusory account of practice' (Abrams 2006: 125-6). Chapters five, six and seven showed that whilst leaders and members of the movement were very aware of the different levels of the state and the institutions within it, disaggregating their own practice according to the power structures at play at any one time in national and sub-national governments, the movement's discourse has a tendency to refer to the 'state' in unitary terms and most often as the enemy. Goldstone (2003) cautions against buying into social movements' own assertions of an oppositional status towards the state, arguing that interactions with political parties and the political system are so

frequent that there should be no distinction between institutionalized and non-institutionalized politics. He warns,

> Social scientists should not treat these strategic or tactical positionings by movement actors as if they represented *inherent* characteristics of movement activity (Goldstone 2003:6 emphasis in the original).

However, the question to be answered here is *why* the movement should take up this stance and what benefits it gains as a result. As Gupta (2006:231) notes, 'one's theory of 'the state' does greatly matter in formulating strategies for political action'. The final part of this chapter argues that this reification of the state serves an important purpose in the movement's politics of rights, and can also be read as a response to the problematic porosity of relations between state, government and society.

Much work in the anthropology of the state literature has challenged the reification of the state and stressed the need 'to recognize the blurred and moving boundaries between states and societies; and to view states and societies as mutually transforming' (Migdal et al. 2004:3). But while this work has broken down the myth of the 'state-idea' and accentuated the fluidity of relations between state and society, as Mitchell (1991; 2006) points out there is still an 'apparent boundary' marking the state-society divide. According to Mitchell (1991), that this boundary does not mark a real exterior contributes to its elusive and unstable appearance. However, 'this does not mean the line is illusory. On the contrary [...] producing and maintaining the distinction between state and society is itself a mechanism that generates resources of power' (Mitchell 2006: 175). For Mitchell, rather than rejecting the idea of the state altogether, the crucial object of analysis should be this very boundary and how it is put in place, and how an account of reality has been produced where the state comes across as an autonomous entity standing apart from the social world (Mitchell 1991).

Mitchell's work on the illusory line provides a useful starting point from which to examine the practice of the UMM and its relations with the state. The current political

configuration in Brazil, with a political party in power at the federal level that arose out of a social movement, complicates attempts to make a clear distinction between state and society. Indeed, that the line between state and society is porous has been amply shown in the empirical chapters of this thesis. In the example of the political scene in São Paulo, figures from academia, popular social movements and the more middle class NGO sector (such as those that make up the FNRU) cross over into the realm of government by standing for election and taking up positions within the state bureaucracy at municipal and federal level. Most important for the discussion here is the case of Anderson, the leading figure of the UMM who took up a position within SEHAB, the municipal housing secretariat, during the PT administration of Marta Suplicy, working closely with the housing secretary, Paulo Teixeira. As spokesperson and public face of the UMM, it would have been difficult for both career civil servants and other political appointees to disassociate him from the context of popular movements. Indeed, permanent staff within the bureaucracy of SEHAB and COHAB would have had regular contact with him and his movement colleagues in the course of the preceding decade as they fronted up to the two previous Partido Progressista municipal administrations. The potential for confusion over the role of social movement leaders working in government was voiced by Ricardo, an architect working in COHAB and by Cristiano, the other UMM member who took up a position alongside Anderson in the housing secretariat (cited in chapter six). Cristiano confessed that he himself was confused as to his status within the housing department. Further, as political appointees within the municipal bureaucracy, Anderson and Cristiano straddle the line between social movement and government, but also that between government and state.

Referring back to Mitchell and the boundary between state and society, with Anderson and Cristiano's appointments, the precise location of this line becomes somewhat hard to pin down. This can be evaluated positively for the movement in a number of ways. Anderson is able to move between the bureaucracy and the movement, putting forward

the aims of the movement whilst bringing understanding of the internal workings of the municipality back to the UMM's other leaders and members. But a more sceptical evaluation would see the boundary between state and society not being passively erased, but actively manipulated by a government that wishes to reduce potential conflict between itself and mobilized sectors of the urban poor. This can be seen by the movement's decision not to undertake building occupations targeted at the municipal government during Suplicy's time in office.

The realization, after the end of the Suplicy administration, that the movement perhaps gained more in terms of housing for its members and status as a representative of the urban poor when in opposition, as well as having a better sense of its own identity, has led to a search for greater clarity between movement and state on the part of the UMM. But a more practical example of this search for clarity can be seen in the way in which the UMM has taken steps to formalize its relations with the municipal and state housing bureaucracies. This is done by promoting the institutionalization of negotiations with public servants, calling for regular monthly meetings and submitting agendas to be *protocolado* in advance of these. This formality is in marked contrast to the casual use made of computers and office space by movement members in the Cities' Ministry under a PT minister, as described by Rolnik in chapter six. It would suggest that the movement sees the utility of pinning down the slippery concept of 'the state'.

Further, the movement can also be seen to be laying down a clear line, in a sense a 'battle-line', between itself and the state, when it uses the law for litigation purposes. An example of this is the case taken up by Fernanda Leão and the Grupo de Inclusão Social (Social Inclusion Group) of the Ministério Público, against the municipal government after it failed to maintain rent payments to families that had been evicted from housing considered unsafe. By taking the state to court, the movement clearly places itself and the state into adversarial camps. This accentuates the 'us versus them'

perception of state-society relations, upon which the movement's antagonistic discourse is based, in its politics of rights.

But I would argue that the way that the movement draws the line between itself and the state is by putting itself on the wrong side of the law, through its acts of civil disobedience, asserting a type of 'transgressive citizenship' in the process. This concept encompasses a number of key issues surrounding certain aspects of the relationship between the urban poor and the state in São Paulo as will now be shown. To transgress is to go beyond the limits of what is morally, socially or legally acceptable; thus breaking the law is a transgression. São Paulo was, literally, built upon transgressions. The city was founded on illegal and irregular occupation of land; a situation exacerbated during the twentieth century by the state's purposeful neglect of its duty of care towards its poorest citizens. Thus negotiations over housing between the UMM and the various levels of the Brazilian state already take place within a context of fundamental legal ambiguity, if not outright illegality. When the movement undertakes a building occupation, it is, in essence, re-enacting an illegal practice that has been passively legitimated by the state for centuries. But while this might mitigate the extent to which occupations might be perceived as unjustifiable, it is still a transgression of social, moral and legal codes to take over possession of another's property. A building occupation is not, however, an active attempt to undermine the state or the rule of law, nor are occupations undertaken with criminal intent. The movement's representatives spend much of their time involved in institutionalized negotiations with the state. That is, until they take a calculated decision to break the law, in the knowledge that a daring, high-profile, formally illegal act will draw the attention of society, and, most importantly, force the state to engage with the movement on its own terms. As such, the transgressive act of an occupation is part of a project of citizenship, located in an ambiguous terrain between the legal and the illegal.

The act of occupation is undertaken so as to engage with the state and impress upon it the need for a change in attitude towards the urban poor. It is also a way of pressurizing the state to respect the law and ensure that the constitutional right to housing and the social function of property is upheld. Thus occupations are a way of establishing a new type of relationship between the state and society, one in which the state is held as the law-breaker and transgressor, while by contrast, social movements of the urban poor are implementing the law, by giving social function to property and implementing the right to housing. They are not just making demands on the state, but proposing a response to the housing crisis. Finally, beyond the breaking of boundaries, the term 'transgression' indicates a crossing of the limits of expected or accepted behaviour. In the arts, transgression is associated with experimentation and unconventionality; as a way of contesting orthodox codes of practice and suggesting new ways of interpreting reality. The act of building occupations are transgressive in this sense, since they propose a new way of conceptualizing social justice in the city. They contest the underlying social codes whereby the space of the peripheries is reserved for and identified with the poor in *favelas* and irregular settlements, or in poorly served low-quality social housing on the very edge of the city's limits. Through building occupations the movement also asserts the right to the centre, a creative and unconventional reading of the law, that commands a re-evaluation of the use value of São Paulo's centre. Thus, in Cornwall's (2002:21) terms, acts of transgressive citizenship become 'sites of radical possibility' as the movement acts on the state from without, rather than engaging in the state's 'invited' spaces.

Through occupations of abandoned buildings in highly valued areas of the city, the movement makes a clear distinction between itself and the state. It achieves this by setting itself up, in theory at least, as an object of state opprobrium, liable for state sanction through the breaking of civil and penal codes, and at risk of repression by the law enforcement agencies of the state. This is therefore another way of placing itself in the opposite camp to the state in the law courts, although this time as the accused

rather than the accuser. As noted in chapter seven, civil disobedience is also a way of voicing criticism of the state. Occupations express the movement's condemnation of the state's failure to respond to housing needs and the expulsion of the poor to the peripheries. Further, occupations are a way of asserting the movement's autonomy from political parties, specifically the PT. The UMM was criticized for not undertaking building occupations in São Paulo during the Workers' Party municipal administration under Marta Suplicy, and for having crossed the line that should separate party and movement by allowing its leaders to take up positions within the machinery of government.[201] The accusations that, at best, the movement's ability to advance its aims was weakened and at worst that it ended up being co-opted by the housing secretary have had an impact on the strategic planning of the movement. The movement is now keen to point out that it has recently been carrying out occupations of buildings in São Paulo that belong to federal organs, notably the CEF (the federal savings bank) and the INSS (national social security institute). This has increased pressure on the Lula government to expropriate abandoned buildings belonging to these institutions for their renovation as social housing. At the same time as these occupations, on April 11th 2007, several busloads of movement leaders and members made the journey to Brasilia, setting up camp overnight, land occupation-style, outside the Cities' Ministry to reinforce their demands on the federal government. Relating at a UMM internal meeting a recent exchange he had had with Walter Abrahão at COHAB, Diogo remarked, 'He asked about our relationship with the PT and whether or not we were partisan. I replied that the proof that we're not party political is the way we've been demanding that the federal government make good on its promises'.[202]

Whilst the 'state-idea' may be a fiction, as Abrams (2006) points out, it is a useful one. Taking the state to court or acting illegally serves as a way of reifying the state, and rendering it other to the movement. Not only does this play in the movement's favour

[201] During the Suplicy era, the UMM 'crossed the line' but did not 'transgress' and was therefore in danger of being incorporated into the municipal government machinery.
[202] Diogo speaking at a UMM a monthly plenary meeting 11.03.07.

for mobilizational purposes by constructing a neatly bound and identifiable 'enemy', it also helps to create a separate identity for the movement, setting out state and movement as two distinct, discrete and opposing entities. As Gupta (2006) notes,

> The very same processes that enable one to construct the state also help one to imagine these other social groupings – citizens, communities, social groups, coalitions [...]. (Gupta 2006: 230).

But beyond the adversarial stance that this positioning allows, the movement also puts forward a rhetoric of compulsion and duty to act as the government's antagonist. While the movement may take advantage of opportunities for engagement with the state, so as to fulfil its aims to house its members and be able to call itself democratic, movement members are reluctant to renounce the 'weapon' of occupations and maintain a discourse of constant opposition. This can be seen in Tristana's declaration that, 'You have to take a firm position, and my position is on the side of the movement, always. I'm against the government, when it comes to housing policy.' Clarifying this statement she declared that this opposition was necessary since even when a government signs an agreement to build housing the movement must still fight every step of the way to ensure that it gets built.[203] For both Diogo and Ivana the movement's relationship to the state is *a contramão*, literally 'going the wrong way down a one-way street'. This eternal fronting up to the state is perceived as a necessity since 'there will always be difficulties' (Diogo) and 'no government will ever solve our problems' (Gaetano).[204] However, these statements gloss over the fact that the movement has not always fronted up to the state – the example of the Marta Suplicy era is proof of this. The poor returns from this more collaborative era were implicit in Ivana's frequent call for the movement to recapture the attitude that it displayed during the 'golden age' of occupations of the late 1990s.[205] It was during this period that the UMM achieved a number of successes in the city, notably the reformulation of a federal housing programme (see chapter seven).

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[203] Interview with Tristana 26.03.07
[204] Interviews with Ivana 01.06.07, Diogo 12.06.07 and Gaetano 08.06.07
[205] UMM meeting 05.07.07.

Learning from its experiences at the municipal level, the movement asserts the need for a change of attitude towards the PT at the federal level. The need for antagonism between movement and the state is emphasized through assertions that the movement must show its force and strength, and that its actions are designed to generate fear and anxiety for politicians and bureaucrats. Anderson gives depth to this idea of constant opposition:

> The government, in its own analysis, is always going to evaluate itself as doing the best job possible. And the role of social movements is always to be saying that what it is doing isn't enough. If ever a movement thinks that what the government is doing is sufficient, that movement has sold itself to the government. So, it's important to analyse the UMM from that point of view. Looking at the UMM's documents, its agenda, has it given itself over to the government's agenda? Does it applaud and think that what the government has done is enough? If it has, then we've reached the end. We will have stopped being a movement to have become an extension cable of the government. [...] So, our agenda and our strategy should never be totally identical to that of the government. We can even say that we think the government has done something well, but we must say 'there's still a bit more to be done. This and that are missing, and this as well'. That must always be said. And sometimes the government will get angry with us and will think, 'bloody hell, nothing we do is good enough', and we will say 'that's right. Nothing that you do is good enough.' If we have this understanding of everyone's place and role then it is possible for us to build, with some skill, a degree of autonomy in this interaction and relationship with the state. [206]

I would argue that this assertion of constant opposition further emphasizes the movement's commitment to acts of 'transgressive citizenship'. It suggests that the movement must always be prepared to confront and oppose the state through a transgressive act of some kind. By critiquing current limited levels of citizenship through illegal action, the movement manages to redirect the finger of blame and apportion criminality on the state. At the same time, in a twist on the traditional idea of civil disobedience, it asserts the legality of its own practice, by representing occupations as an operationalization of the articles of the Constitution that defend the right to housing and the social function of property. By asserting the illegality of the state through civil disobedience, and challenging its wilful neglect of the urban poor, the movement creates a new relationship between state and society, based on 'transgressive

[206] Interview with Anderson 26.06.07

citizenship' located in the ambiguous ground between legality and illegality. It uses this space to promote unconventional readings of the law such as the right to the centre, confront entrenched perceptions of the peripheries as the place of the poor in the city, and to challenge the state to live up to its stated commitment to social justice. These findings would suggest that it is not just the state that can generate 'resources of power' (Mitchell 2006:125) from defining the boundary between itself and society, but that social movements are also able to define the state and their relationship to it through acts of transgression.

The final question that must be considered here is whether the movement's acts of transgressive citizenship and its advocation of constant opposition points to an overriding failure on its part to make the transition to democracy. On the one hand, it could be argued that the movement's stance and behaviour illustrates an unwillingness to accept that in a democracy all settlements must be negotiated in some way, and acceptable to more than one group in society. In this view, the movement resorts to occupations when it does not get its own way, and is therefore refusing to engage in democratic compromise. However, evaluations of the movement's actions must be made in the context of Brazil's problematic transition to formal democracy, in which levels of inequality, discrimination and social segregation remain extremely elevated. Indeed, they are so high as to deny much of the population their basic rights. Representing thousands of people whose citizenship is effectively limited, social movements have an important role to play as agitators of government. Through their acts of transgressive citizenship, the leaders and members of the União de Movimentos de Moradia of São Paulo force debate on low-income, well-located housing onto the government agenda at municipal, state and federal level and demand that the agencies of the state reflect on their own relationship with the law, the Constitution and its citizens. Although the movement's relationship with democracy is problematic, its voice is a counterweight to centuries of domination of the political field by conservative moneyed elites.

Summary

This chapter set out to build on the theoretical literature on citizenship and the anthropology of the state that has guided the methodological and epistemological approaches of this thesis. Firstly it set out to update James Holston's conceptualization of urban citizenship in São Paulo. Although I would agree that there has been an 'insurgence' of citizenship on the peripheries of the city, this argument is not supported by the empirical focus of his work. Holston does note the importance of text-based ideas of citizenship based on the Constitution, but he fails to give them the weight they are due in post-1988 Brazil. He continues to emphasize a model of 'differentiated citizenship' which does not correspond to the normative value placed on social rights amongst marginalized individuals for the potential to become full citizens. This chapter also argued that his demonstration of the use of the law is deeply conservative, and does not adequately recognize the way in which law can be used as an asset not against other groups in society, but against the state. Moving on from Holston, the chapter builds on the work of Partha Chatterjee by suggesting that limited citizens are not restricted to interaction with the state through political society, but that through the use of the elite language of law, are attempting to dialogue with the state through more privileged channels. Noting that the state does not always respond in kind, the chapter discussed, following Mitchell, the way in which the boundary between state and society is both porous and moveable. Through acts of acts of 'transgressive citizenship' founded on civil disobedience and a rhetoric of constant opposition, the UMM draws a clear line between itself and the state forcing the latter to reflect on its own practice and to take the movement's demands for social housing into account.

Conclusion

Methodological underpinnings of the study

This study set out to examine the engagement between the state and the urban poor in Brazil through a case study of a social movement that organizes around social rights. As such it is grounded in and builds upon theoretical literature on social movements, citizenship and the anthropology of the state. The work is based on the premise that social movement theory in the resource mobilization and political process approaches has failed to examine in detail the interaction with the state that results from collective action, tending instead to examine the internal workings of social movement organizations, or the political opportunities that promote, sustain or constrain mobilization. Furthermore, it was argued that a post-structural turn has affected research into social movements particularly in the Latin American context. This has led to a tendency to study 'new' social movements that centre around issues of identity rather than those that focus on 'old' issues of collective consumption. As a result, there is a marked emphasis on collective action as a vehicle for culture and identity and the impact of movement activity on society itself. This takes examination of collective action away from material politics. A similar shift can be seen in discussions of the notion of citizenship that privileges examination of relations within society and amongst citizens, rather than between citizens and the state.

This study acknowledged the importance of identity as a mobilization tool for social movements. Indeed, the case study movement on which this thesis is based, the União de Movimentos de Moradia, puts great emphasis on the identity of its members as citizens, and structures its discourse around claims for full citizenship. However, for this movement of the urban poor, identity as a citizen is grounded in social rights and in concrete goods: particularly housing and urban services. This research project therefore sought to break down boundaries between 'old' and 'new' social movement theory by rejecting any strict dichotomy between different types of collective action and

acknowledging the overlap between identity as a citizen and the goods of collective consumption claimed as social rights. It also aimed to generate further investigation into the significance of social rights, that have been reduced in much literature to socioeconomic or welfare rights.

This thesis therefore aimed to reintroduce the state to an examination of social movements and citizenship. It does so through reference to the work within the anthropology of the state canon, that advocates both the recognition of a 'state idea' and a disaggregation of the many facets that make up the state as institution. In particular, it took up the challenge of Mitchell (1991; 2006) to investigate the porous boundaries between state and society and to analyse the way in which an invisible line is effectively drawn between the two. It seeks to build on analysis of state-society relations through the lens of citizenship and by developing Chatterjee's work on 'political society' that highlights the different channels used by the state to communicate with different types of populations.

Drawing on these bodies of literature, the study sought to (i) document the micro-negotiations between state and social movements so as to examine the impacts of collective action on spaces for engagement, (ii) generate greater understanding of the meanings of citizenship, and particularly of social rights, for low-income urban populations in São Paulo (iii) investigate how these understandings affect the way in which the movement views the state and (iv) illustrate how the use of a discourse of citizenship impacts upon movement action and the policy responses of the state. Over the course of a year's fieldwork, findings emerged that highlighted the salience of the issues of law and illegality. The way in which the movement negotiated the legal terrain through litigation, involvement in legislative processes and engaging in formally illegal acts to advance its claims, are key to answering the questions posed by this thesis on understandings of citizenship and the relationship between social movements and the state. The intersection of the issues of law and legality with those of state-society

relations are discussed in the concluding chapter. Examining the way in which the boundary between state and society can be manipulated, this thesis has suggested that the relationship between the São Paulo housing movement and the state is often characterized by 'transgressive citizenship'.

Critical findings of the thesis

This research project is situated in the context of a highly inegalitarian and socially segregated city. The processes by which São Paulo grew in such an unequal manner are presented in chapter three. This discussion makes it clear that housing for low-income populations in the city has almost always been based upon illegality, whether in overcrowded *cortiços* in the central districts, or in peripheral *favelas* and irregular settlements. This displays a calculated negligence on the part of the local state that passively encouraged self-building in under-serviced areas of the municipality's 'rural zone' so that demands for housing were met without state intervention, labour costs were reduced and investment could be channelled towards industry. The extent to which São Paulo's residential accommodation was built outside of the law has led a number of scholars writing on the city to draw a strict division between the legal and the illegal city; also characterizing undocumented parts of the peripheries as the 'non-city' as opposed to the 'real' or 'official' city that exists in legislation. However, chapter three shows that these stark divisions paint those living in irregular or illegal housing with a deterministic brush and further tend to grant greater power to the formal letter of the law than is warranted.

Firstly, the categorization of the peripheries as 'illegal' fails to acknowledge the fact that the state does still engage with these areas, managing them as part of the city despite irregularities in the way that they are built. Secondly, it does not acknowledge important work in the area of legal pluralism that illustrates how 'local law', sanctioned by the state, can evolve in *favelas* and other irregularly built areas as a way of responding to specific needs of residents, that have in part arisen as a result of

irregularity. Finally, and most importantly for this thesis, the spaces between the law on paper and the reality of urban existence can be exploited by organized low-income groups for mobilization purposes and can then be used to support claim-making. This is illustrated by the activities of popular movements and associations on the peripheries of São Paulo since the late 1970s. It is therefore no longer correct to assume that poorer urban populations are always to be defined by the illegality of their residences.

The power of the law that is being harnessed by social movements in São Paulo, and particularly by the UMM, is rooted in the Constitution promulgated in 1988 that marked the end of the dictatorship. Chapter four documents the recent political history of Brazil and shows how despite repression, poorer sectors of society, particularly those on the peripheries of São Paulo, began to organize in response to the harsh conditions of daily existence. Supported by progressive elements within the Catholic Church and inspired by the new unions in the city's industrial areas, inwardly-oriented neighbourhood associations became more openly critical of the state as the military began to liberalize in the late 1970s. This marked a turning point for union organization, the focus of which shifted from an emphasis on pay and working conditions for members, to the basic needs of whole communities where workers were living. This occurred at a time of economic slow-down, and thus bucks a trend which generally sees union activity at its most belligerent in times of full employment and economic growth. The trajectory of movements at this time shows a link between industrial action and mobilization around collective consumption. But the gradual assumption of a discourse of rights around basic goods needed for human flourishing that occurred during the transition adds a political dimension to this type of collective action, suggesting an overlap between these different types of mobilization. The role played by newly formed social movements in directing the path of the transition to civilian rule is also discussed in this chapter. Much of the literature on Brazil suggests that these movements had their high point in the campaign for direct elections, but that the failure to secure these led to their demobilization, as did the eventual transition to

democracy. This resonates with more general theories of social movements that suggest that political activation will be channelled towards the realm of formal politics in a democracy. However, this chapter maintains that social movement activity was sustained throughout the 1980s in São Paulo, much of which was directed towards the participatory process by which the Constitution was drawn up, through the Constituent Assembly or *Assembléia Constituinte*. The late 1980s also saw the founding of the UMM that was set up to bring together a number of movements in different areas of the city campaigning for similar issues.

The involvement of social movements in the drafting of the Constitution has had a lasting effect on these popular actors, who, along with progressive lawyers, have come to use the document to guide and give legal weight to their claims and activities. Chapter five examines the way in which movement members and leaders 'see the state', preparing the way for an examination of how these perspectives on the relationship between the state and the poor are played out in practice. After providing an introduction to the movement's leaders and members, the chapter examines the way in which housing is linked to citizenship. This is based not only on the right to housing enshrined in the Constitution, but also on the connections made by the movement's members between dignity, having a place in society and adequate housing. Housing is also posited as the means by which low-income families will achieve other human development goals, notably health, education and employment. That housing is discussed in these terms contributes to the movement's 'politics of rights'. Following Scheingold (2004) this involves an appeal to a general belief within society in the 'myth of rights' – the idea that legislation will necessarily lead to the implementation of laws and to real social change. By pointing out the gap between law and reality, a politics of rights can achieve through political means what has not been achieved through legal means. The chapter noted the applicability of the idea of the myth of rights to Brazil: although the justice system and the rule of law in Brazil are problematic areas, there is a generalized pride in and commitment to the goals of the 'social' Constitution within

Brazilian society. However, the movement's politics of rights, in which it points out how the state is failing its poorer citizens by not upholding the right to housing leads to an antagonistic stance on the part of the movement, expressed through 'fighting talk'. Despite this, the movement is fundamentally reliant on the state for the provision of housing.

Having detailed the way in which the movement speaks of the state. Chapters six and seven examine in detail its actual interaction with the three levels of government through formal, institutional channels and through the direct action of occupations. Chapter six is framed by Gaventa's (2004) and Cornwall's (2002) work on 'spaces' for citizen participation in government, which can be both 'invited' or 'created' (Gaventa 2004). They also note the existence of 'closed' spaces, where policy decisions are made without the scrutiny of groups and individuals outside of the government. The chapter traces the activities of the movement at each level of the state, noting how the movement's own strategies are carefully worked out according to the play of political forces. Findings from fieldwork with the movement reveal significant differences in interaction according to the nature of the political party in power. The movement's connections with the Workers' Party, which is its historical ally, provided opportunities for more informal interaction with representatives of the housing secretariats at municipal and federal level during the administrations of the PT mayor Marta Suplicy and president Lula. These can be understood as 'created' spaces. During these periods key movement leaders took up paid positions within the bureaucracy, thereby getting the chance to operate within the closed spaces of government.

However, when its allies are not in power, the movement must rely on formal invited spaces for participation in housing councils. The UMM was also seen to be attempting to institutionalize its meetings with representatives of the municipal and state level housing companies and secretariats. In a twist on Gaventa and Cornwall's work, these can be seen as 'created invited' spaces. This chapter also examined the problematic

functioning of the municipal housing council in light of much of the very positive literature on this type of participatory experiment. Finally, although the movement does clearly attempt to make use of different types of space for engagement with the state, it is difficult to separate out these negotiations or collaborations from the radical collective action for which the movement is well-known. The threat of occupations is always present in the UMM's dealings with the state. This therefore challenges a traditional distinction in social movement literature often made between tactics of 'moderation' and 'disruption' and, by consequence, in making a clear divide between an 'invited' and a 'claimed' space in which to negotiate with government. Whilst the movement must maintain negotiations with the state so as to be perceived as a 'democratic' actor and to support its politics of rights, recent disappointments with PT governments where it has relaxed its antagonistic stance has led to a reinforcement of belief in the power of occupations.

Chapter seven, the final empirical chapter, looks at the issue of occupations in more detail. These are shown to be borrowed from the 'repertoire' of contention established by the landless workers movement, the MST, that occupies unproductive land in rural areas of the country. The UMM had undertaken numerous occupations of urban peripheral land in the 1980s, but the transposition of the tactic to empty buildings in the centre of São Paulo in 1997 marked a turning point for the movement. It served to draw attention to the fact that inequality of land ownership is an urban issue, not just a rural one. It also highlighted the paradox of having huge numbers of buildings left empty and abandoned in central areas of a city with a serious housing deficit. Finally, it critiqued the pattern of social segregation in the city in which poorer residents are forced to live in far-flung and under-serviced peripheries miles from their places of work. Occupation of buildings, in theory, breaks both the civil and penal codes in Brazil. Whilst this tactic might seem to be in contradiction to the movement's institutional engagement detailed in chapter six, and its use of the law through its involvement in legislation, litigation and appeals to the Constitution, this chapter

argues that occupations are an extension of the movement's politics of rights. The movement's discourse points out the gap between the law on paper and the real situation in the city for its poorest residents. Through an interpretation of occupations as acts of civil disobedience, they become an extension of this discourse of the disjuncture between law and reality. Building occupations can be categorized as acts of civil disobedience according to classical definitions in that they break the law, but at the same time show fidelity to law, as they are intended not to overthrow the political status quo, but to improve it. They achieve this by highlighting the injustice of housing poorer people on the peripheries when they could be housed in more central areas. They also flag up the illegal behaviour of the state in failing to uphold the right to housing and the social function of property. But occupations are also a particular form of civil disobedience, referred to as 'intra-legal', in that they are justified by the movement as *legal* through appeal to a higher form of law. This is because the Constitutional right to housing trumps the civil and penal codes. Further, landlords are contravening the terms of the Constitution by failing to ensure that their property fulfils a social function. In this way, the movement can be seen to be implementing these laws. The legal status of the occupation is thus cast in an ambiguous way. On the one hand, it must be illegal if it is to count as civil disobedience and to point the finger of blame at the state's own illegal behaviour. On the other hand, the movement can justify its actions as legal since they are operationalizing the Constitution.

The final chapter provides more detailed analysis of the theoretical literature discussed in chapter two in light of the empirical content of the thesis. Firstly it presents a critique of a recent work on citizenship in São Paulo, Holston's *Insurgent citizens*, arguing that his focus on the legal wrangles of lower-middle-class property owners in the city's peripheries cannot provide a conceptualization of citizenship relevant to the city's poorer residents. Privileging the issue of civil rights, the empirical focus of his study leads him to discuss citizenship as a relationship between citizens, rather than between citizens and the state, despite his claims to the contrary. The findings of the

present study highlight the importance of social rights discourse for the poor, and the use by social movements of the Constitution to put forward their claims on the state. The findings also revealed the creative use of the law by social movements, which is employed not to defend property rights within the city as it stands, but as a way to promote a different vision of the way in which different social groups inhabit urban space.

Building on the work of Chatterjee (2004), the creative use of the law by the UMM also suggests that the movement is attempting to engage with the state through channels traditionally used by the elite, rather than through the channel of welfare and benefits. However, empirical findings showed how sections of the Brazilian state respond to sophisticated demands for the right to housing as at-risk populations rather than empowered citizens. Finally the chapter addressed the issue of the way in which the movement attempts to alter the balance of power between state and society. While the movement engages in the state's 'invited' spaces, and leaders have taken up positions within the state bureaucracy, this can lead to an unhelpful blurring of the boundary between the movement and the state when the PT is in power. This has led to allegations of cooptation, and is seen to have hindered the UMM's advancement of its goals, as it withdrew from its programme of building occupations during a recent PT administration of the municipality. As a result of this, the UMM is now taking a more antagonistic position vis-à-vis the PT government at federal level. In conclusion, the chapter argues that the housing movement attempts to redraw the line between itself and the state by undertaking acts of 'transgressive citizenship'. By carrying out a building occupation, the movement makes a calculated decision to cross moral, social and legal boundaries, and enters an ambiguous zone between legality and illegality. From here it asserts its autonomy vis-à-vis the state, whilst simultaneously accusing the state itself of transgression, for failing to uphold the Constitution. Rather than attempting to undermine the state, the act of transgressive citizenship is an attempt to interact with it, and force it to engage with the movement's own agenda. Occupations

also become the 'site of radical possibility' within which the movement can put forward its alternative vision of low-income housing, promoting the 'right to the centre' and forcing both state and society to rethink the place of the poor in the city.

Areas for future research

There are a number of areas for further research with the União de Movimentos de Moradia that were not covered by this research project and that are of potential broader relevance to the study of social movements, citizenship and the state. One area for future research involves the question of the movement's relationship to the Workers' Party, or PT, particularly the fraught issue of movement leaders' employment within the political offices of elected politicians. I did take steps to investigate this relationship during the fieldwork year, through a series of interviews with PT politicians and by raising this (extremely sensitive) issue with leaders who had worked or were working as *assessores de gabinete*. However, responses to interview questions provided generic answers on the benefits of this type of interaction and elicited the repetition of the mantra 'movement is movement, party is party' by movement leaders. As such, a period of participant observation within the political office of a PT politician who was employing movement members could provide an important insight into the nature of this relationship. Specifically, it could lead to greater understanding of the extent to which movement leaders make substantive contributions to the preparation of legislation on programmatic issues related to housing and the city, and the commitment of the politician to the goals of the movement. Participant observation with a movement leader and *assessor* during an election campaign would potentially be extremely enlightening, given that it could reveal whether party political campaigning infiltrates rights awareness work at the grassroots level. This more micro-level investigation into the relationship between the movement and the PT has the potential to illuminate broader questions of the UMM's overall engagement with the party, and the extent to which it is prepared to engage in acts of transgressive citizenship targeted at PT governments.

Another possibly profitable area of study is the connection between housing, class and citizenship. Although it is a large and problematic subject to tackle, the issue of class mobility is clearly one of relevance in the study of a social movement that is, at heart, oriented towards the acquisition of property for its members. Although movement leaders were careful to assert the right to housing rather than the right to property ownership in public discourse, the almost complete absence of social rental housing in the city meant that, by default, the UMM was demanding the right to subsidized credit for its members to purchase a home. Acquisition of property has an impact on perceptions of social status, and a number of interview respondents made references to the way in which their self-perceptions had altered as a result of gaining a house through the movement. More in-depth life history interviewing could shed greater light on this issue. Whether or not the question of property ownership significantly undermines the movement's use of a discourse of social rights, or indeed, is highly compatible with it in a city without social rental options and where housing gives security to vulnerable families, is a matter for further study.

Finally, this piece of research has the potential to contribute to broader comparative understanding of urban social movements and the nature of their relationships to national and local states. While it has focused on a single case and as such its findings cannot be generalized, the implications of this study are relevant beyond Brazil. This thesis has shown that there is still much to be learned from 'old' social movements that are mobilized around collective consumption and social rights: in particular their representatives' understandings of citizenship and of the nature of their relationship with the state, as well as their engagement with national-level law. Countries across the developed and developing world are undertaking constitutional reforms and updating their bills of rights with implications for state-society relations and the collective action of marginalised groups in very different contexts. Here lessons from the Brazilian experience could be salutary. In this regard, the idea of 'transgressive citizenship' could

be usefully employed as a lens through which to examine the activities and political positioning of social movements in other parts of the world that interact with the state through formal institutional mechanisms and that engage in transgressive acts of civil disobedience.

Methodological Appendix

Sampling

The bulk of the empirical material upon which this thesis is based comes from 68 interviews undertaken during the second half of the fieldwork year. I carried out a total of 34 formal interviews with movement leaders and members and a further 32 interviews with politicians, academics and NGO workers associated with the housing movement, as well as government representatives in the housing secretariats at municipal, state and federal levels. Interviews with movement leaders lasted between 60 and 90 minutes. Those with politicians and civil servants were shorter, lasting between 30 and 60 minutes, due to constraints of their work schedules. I also undertook a series of brief interviews of up to 30 minutes with individuals who had been involved in occupations of empty buildings organized by the movements. These informants were generally less forthcoming than regular attendees at movement meetings - they had limited contact with the housing movements, were unaccustomed to being interviewed and were perhaps intimidated by the presence of a foreigner.

The choices of who to interview were made after placing potential respondents into two broad categories: 'movement' and 'non-movement'. I divided the movement category into five sub-categories according to its own internal hierarchy, from members with no leadership responsibilities up to leaders involved in national level organization. I then chose roughly equal numbers of people to interview from each sub-category. Sampling was purposive, in that I chose to interview the people who I considered able to provide me with the most relevant information. The 'non-movement' category was divided up into sub-categories of politicians, current and former employees of housing departments and NGO workers/other 'observers' who had close links to the movement. The categories of politicians and government employees were further classified along municipal, state-level and federal lines. Sampling of the non-movement category was

generally based on convenience, as it was often extremely difficult to get responses to requests for interviews with those involved in the business of government.

All of the interviews were recorded, apart from three of the shorter interviews undertaken with residents of an occupied building. Here use of recording equipment was inappropriate because of high levels of background noise or the apparent unease of respondents. Before undertaking interviews I would explain who I was and what my research interests were. I asked permission to record the interview, with the proviso that the recording would not be played to anyone else and that no real names would be used in the final write-up of the study. Public officials, however, generally declared that they would be speaking on the record.

Movement leader interview guideline

1. Tell me about the local/regional movement that you lead – what special characteristics does it have?
2. What is the main aim of your movement?
3. And of the UMM generally?
4. What do you think is the main achievement of the UMM since it was founded?
5. What role do you think social movements have in Brazilian politics and society?

6. What is it that unites the grassroots of the movement?
7. How does joining a movement impact upon individuals?
8. What kind of impact does living in an occupation have on people and their families?
9. Do you think movement members are different from their neighbours in the *favelas* and *cortiços* who aren't in a movement?

10. How do you choose which buildings to occupy?
11. At what point do you decide to occupy?
12. What's the point of occupations?
13. Does it make any difference if the building is public or private?
14. How does government react to occupations?

15. Which level of government do you think the UMM should be focusing its activities on at the moment?
16. How does the relationship between government and UMM change when there is a friendly political party in power?
17. How did things change when Marta Suplicy became mayor?
18. What do you think of the decision of some UMM leaders to work for politicians? Does it help the movement?

19. Does your local/regional movement have regular contact with politicians?
20. Do you think it is worthwhile for UMM members to run for seats on the Municipal Housing Council?
21. Did the election of Lula have an impact on the movement's activities?
22. Has anything changed in the relationship between the UMM and the federal government now that the second mandate has started?

23. What does the term 'citizenship' mean for you?
24. [If not mentioned] What are the responsibilities of being a citizen?
25. Do you consider yourself a citizen?
26. How does the UMM contribute to citizenship?

27. Is housing in the centre a right?
28. Do people who 'fight' for the movement have more right to housing than those who don't?
29. If the UMM didn't exist, what would São Paulo be like?

Movement member interview guideline

1. How did you first hear about the housing movement?
2. What did you think about housing movements before you joined?
3. How did you become a member?
4. Why did you become a member?
5. What type of activities did you get involved in?

6. How many occupations have you taken part in?
7. Can you tell me how the leaders described occupations to you?
8. What did you think of the idea of occupations?
9. Was it a difficult decision to go along to an occupation?
10. Tell me about the occupation that you have been most involved with. Where was the building, how did you get in, how long did you stay? etc.
11. Where were you living before you occupied?
12. Did you move out of your home to go and live in the occupied building?
13. How would you rate living in an occupation? Did/do you enjoy it? Are there dangers, problems?
14. When you tell friends and people you work with you live in an occupied building, how do they react?
15. When you got involved in the occupation, how long did you think it would last?
16. What were/are your long-term expectations of the occupation?

17. Why do you think the movement organizes occupations?
18. Do you think it's illegal?
19. If you were offered a place in a social rental building, would you take it?

Public servant questionnaire

1. Could you explain what your position in this government department is?
2. How often do you meet with housing movement representatives?
3. Why do you agree to meet with them? Does your department have a policy of receiving movement members or is it a personal decision?
4. What do you hope to achieve through these meetings?
5. What is the overall aim of the UMM, as far as you're aware?
6. Can you differentiate between the different regional movements that make up the UMM?
7. Would you agree that the UMM is a recognized interlocutor of the housing departments at all three levels of the state? If so, how do you think it achieved this status?
8. In your opinion, what type of person gets involved in a social movement?
9. Do social movements have a role to play in Brazilian politics and society?
10. Have the housing movements had any impact on housing policy at municipal/state/federal level over the past two decades?

11. What is your reaction when the movements occupy buildings?
12. Is it illegal?
13. Does it make a difference if the building is public or private?
14. Do you attend to people who have been involved in an occupation?
15. How do you justify the fact that people who have been involved in occupations have been housed sooner than those who are not organized?

16. What is your department's current policy for the centre of São Paulo?
17. Is it possible to house low-income groups in the centre?
18. Is housing in the centre a right?
19. Is there any link between housing and citizenship?

Politician questionnaire

1. From what I understand of the formation of the PT, social movements played a big role at this time. Has this linked between social movements and the PT been maintained?
2. What challenges is this relationship facing?
3. How does the relationship with the grassroots change when the PT wins a municipal election?
4. What role do social movements play in Brazilian politics and society today?
5. It seems that the UMM manages to be an interlocutor with governments in São Paulo over housing issues, even when they are not run by the PT. How do you think the UMM achieved this status?
6. I understand that you've employed UMM leaders to work in your office, can you explain this relationship?
7. What benefit do the leaders gain from these periods of employment, apart from a regular salary?
8. What do you gain from this relationship?
9. What does your mandate have in common with the aims of the UMM?
10. I've heard UMM leaders say of their work as cabinet assistants that 'politics is a machine, and you have to know how to use it'. What do you think of that statement?
11. Do you think that movement leaders who work for politicians lose credibility when they come to negotiate with representatives of non-PT governments?
12. Have you ever taken part in a building occupation?
13. How do you evaluate occupations as a strategy:?
14. Are they illegal?
15. Is housing in the centre a right?

Name	Date of interview	Details
Movement Leaders and Members		
Adana	06.07.07	Adviser to UMM and national level movement UNMP
Ana	19.06.07	Provides support to leaders of a regional movement.
Anderson	26.06.07	Member of the executive of national UNMP, principal founder and effectively the director of the UMM but not named as such.
Arturo	05.07.07	General coordinator of the FLM
Benjamin	05.06.07	Leader of regional movement, UMM treasurer, principal mediator between the movement and the municipal and state housing secretariats.
Cristiano	09.08.07	Leader of small local association in the centre. Employed by housing secretary during Marta Suplicy municipal administration.
Daiana	28.06.07	Leader of high-profile FLM affiliated movement that organizes frequent occupations
Diogo	12.06.07	Leader of a large centrally based movement
Edna	09.10.07	Formerly active movement member involved in occupations in 1997
Ernesto	14.03.07	Leader of a centrally-based movement affiliated to the FLM. At the time of fieldwork he was in charge of an occupation of an abandoned hotel in a central area.
Felipe	14.07.07	Movement member living in an occupied building
Francisca	24.07.07	Movement member living in an occupied building
Gaetano	08.06.07	Leader of a regional movement, member of national level UNMP executive
Ivana	01.06.07	High profile leader of a historically important centre-based movement
Joana	09.10.07	Movement member living in a building renovated after occupation
Joanadarc	23.04.07	Leader of a small association representing families living in an occupied building in the centre
Kelly	29.05.07	Member of UMM executive, represents the movement in international forums, particularly on women's issues.
Leide	26.06.07	Co-leader of a regional movement
Leon	07.06.07	UMM spokesperson and politically active leader of centre-based movement that undertook a long-term, high-profile building occupation 1997-2005

Lourdes	30.06.07	Leader of a small centrally based association
Luciene	09.10.07	Movement member living in a building renovated after occupation
Macareno	05.07.07	Director of an urban issues NGO that provides support for the FLM, and generally considered to be the leader of the FLM, although not named as such.
Marcia	24.07.07	Movement member living in an occupied building
Maria	28.03.07	Co-leader of a centre-based movement
Nina	09.10.07	Member of a local movement affiliated to the UMM, living in social housing renovated after an occupation
Nora	08.10.07	Leader of a small association based in the centre
Pedro	18.09.07	Leader of a regional movement, member of UMM executive
Placida	24.07.07	Member of a FLM affiliated movement, living in an occupied building
Rebeca	05.06.07	Leader of a small centre-based association
Renata	24.07.07	Movement member living in an occupied building
Renato	09.10.07	Movement member living in an occupied building
Suraya	09.10.07	Former movement member living in a building renovated after occupation
Tristana	26.03.07	Leader of a regional movement, member of UMM executive
Wanda	24.07.07	Movement member living in an occupation

Politicians, civil servants and observers

Alonso Lopes	26.07.07	Head of cortiços programme in COHAB
Bette Franca	26.07.07	Superintendent of social interest housing in SEHAB
Chico Macena	09.08.07	PT city councillor in São Paulo
Cid Blanco Jr	17.07.07	Chief of staff to the national housing secretary
Eduardo Trani	23.07.07	Head of planning in CDHU
Fernanda Leão	12.10.07	Public prosecutor involved in the Social Inclusion group within the Ministério Público
Francisco Chagas	21.06.07	PT city councillor in São Paulo
Grazia de Grazia	13.08.07	Senior manager in Secretariat for Urban Programmes in the Cities' Ministry
Guilherme	08.09.07	Swiss volunteer within the UMM

José Carlos de Freitas	09.08.07	Public prosecutor involved in housing and urban environment within the Ministério Público
José Eduardo Cardoso	30.07.07	PT Federal Deputy. Renowned jurist.
Lair Krahenbuhl	08.08.07	São Paulo state housing secretary
Luciana Bedesci	09.10.07	Lawyer working for urban issues NGO
Luiz Kohara	27.03.07	Activist working for urban issues NGO
Maria Cláudia Brandão	07.08.07	Head of cortiços programme in CDHU
Maria Tereza Silveira	08.08.07	Senior manager in CDHU
Mário Reali	18.07.07	PT state deputy, São Paulo
Marta Garske	16.08.07	Cities' Ministry employee working on housing credit programmes
Mirna da Silva	14.08.07	Career civil servant employed in Cities' Ministry
Nabil Bonduki	05.06.07	Architecture professor, former PT city councillor, long-term collaborator with UMM
Nancy da Silva	07.08.07	Senior manager in social interest housing department, COHAB
Paulo Teixeira	08.08.07	Federal PT deputy and former municipal secretary for housing in São Paulo
Raquel	03.10.07	Architect, employed to work on low-income areas in the centre during Marta Suplicy administration
Raquel Rolnik	17.07.07	Former national secretary for urban programmes in Cities' Ministry and member of the FNRU
Renato Balbim	15.08.07	Cities' Ministry employee
Renato Simão	29.06.07	Former PT state deputy, São Paulo
Rogério	09.10.07	CEF employee
Rosemary	18.09.07	Swiss volunteer within the UMM
Sérgio Mendonça	01.08.07	State housing secretary's chief of staff
Simão Pedro	23.07.07	PT state deputy in São Paulo
Wagner	04.10.07	Architect employed at COHAB during Marta Suplicy administration
Walter Abrahão	15.06.07	Commercial and social director of COHAB

Bibliography

Abers, R (1988) 'Learning democratic practice: Distributing government resources through popular participation in Porto Alegre, Brazil'. In *Planning and the rise of civil society in a global age*. J. Friedmann and M. Douglass (eds.) Chichester, John Wiley and Sons.

Abramo, L. W. (1994). 'Metalworkers' strike in São Bernardo: Dignity at the workplace'. In *Social struggles and the city: The case of São Paulo*. L. Kowarick (ed.) New York, Monthly Review Press.

Abrams, P. (2006) 'Notes on the difficulty of studying the state'. In *The Anthropology of the state: A reader*. A. Sharma and A. Gupta (eds.) Oxford, Blackwell.

Agar, M. (1996). *The professional stranger: An informal introduction to ethnography*. San Diego, Academic press.

Alvarez, S. (1990). *Engendering democracy in Brazil: Women's movements in transition politics*. Princeton, Princeton University Press.

Alvarez, S., E. Dagnino and A. Escobar (eds.) (1998). *Cultures of politics, politics of culture: Re-visioning Latin American social movements*. Boulder, Westview.

Amaral, A. (2002). *Habitação na cidade de São Paulo*. São Paulo, Instituto Pólis.

Anderson, B. (2006). *Imagined Communities: Reflections on the origins and spread of nationalism*. London, Verso.

Andrade, J. (2001). *Da cultura da intervenção à intervenção da cultura: Consenso e gentrificação nas novas estrategias de revalorização do centro histórico de São Paulo*. Geography department. São Paulo, Universidade de São Paulo. Undergraduate thesis.

Appadurai, A. (2001). 'Deep democracy: Urban governmentality and the horizon of politics.' *Environment and Urbanization* **13**(2): 23-43.

Arantes, O. (1998). *Urbanismo em fim de linha e outros estudos sobre colapso da modernização arquitetônica*. São Paulo, Edusp.
Arantes, P. (2004). 'Reinventing the building site'. In *Brazil's modern architecture*. E. Andreoli and A. Forty (eds.) London, Phaidon.

Armato, M. and N. Caren (2002). 'Mobilizing the single-case study: Doug McAdam's political process and the development of black insurgency 1930-1970.' *Qualitative sociology* **25**(1): 93-103.

Avritzer, L. (2002). *Democracy and the public space in Latin America.* Princeton, Princeton University Press.

Baierle, S. (1998). 'The explosion of experience: The emergence of a new ethical-political principle in popular movements in Porto Alegre, Brazil'. In *Cultures of politics, politics of culture: Re-visioning Latin American social movements.* S. Alvarez, E. Dagnino and A. Escobar (eds.) Boulder, Westview.

Baiocchi, G. (2004). 'Porto Alegre: The dynamism of the unorganized.' In *The left in the city: Participatory local governments in Latin America.* D. Chavez and B. Goldfrank (eds.) London, Latin America Bureau.

Barbalet, J. (1988). *Citizenship.* Milton Keynes, Open University Press.

Baumann, T. and J. Bolnick (2001). 'Out of the frying pan into the fire: The limits of loan finance in a capital subsidy context.' *Environment and Urbanization* **13**(2): 103-115.

Bava, S. C. (1994). 'Neighbourhood movements and the trade unions: The São Bernardo experience.' In *Social struggles and the city: The case of São Paulo.* L. Kowarick (ed.) New York, Monthly Review Press.

Bebbington, A., J. Bury, D. Humphreys Bebbington, J. Lingan, J.P. Muñoz and M. Scurrah (2008) *Mining and social movements: struggles over livelihood and rural territorial development in the Andes.* Manchester, Brooks World Poverty Institute. Working paper no. 33.

Bedau, H., Ed. (1991). *Civil disobedience in focus.* London, Routledge.

Berry, J. (2002). 'Validity and reliability issues in elite interviewing'. *Political science and politics* **35**(4): 679-682.

Bonduki, N. (1998). *Origens da habitação social no Brasil. Arquitetura moderna, lei do inquilinato e difusão da casa própria.* São Paulo, Estação Liberdade.

Bonduki, N. (2000). *Habitar São Paulo. Reflexões sobre a gestão urbana.* São Paulo, Estação Liberdade.

Boonyabancha, S. (2001). 'Savings and loans: Drawing lessons from some experiences in Asia.' *Environment and Urbanization* **13**(2): 9-21.

Brandford, S. and Rocha, J. (2002) *Cutting the wire: The story of the landless movement in Brazil.* London: Latin America Bureau.

Brandt, V. C. (1983). 'Da resistência aos movimentos sociais: A emergência das classes populares em São Paulo.' In *São Paulo: O povo em movimento.* P. Singer and V. C. Brandt

(eds.) Petrópolis, Editora Vozes.

Brodie, J. (2000). 'Imagining democratic urban citizenship'. In *Democracy, citizenship and the global city*. E. Isin (ed.) London, Routledge.

Brownlee, K. 'Civil disobedience' in *The Stanford Encyclopedia of Philosophy*. Stanford, Metaphysics research lab. http://plato.stanford.edu/entries/civil-disobedience accessed 20.08.08

Bryman, A. (2004). *Social research methods*. New York, Oxford University Press.

Budds, J. and P. Teixeira (2005). 'Ensuring the right to the city: Pro-poor housing, urban development and tenure legalization in São Paulo, Brazil.' *Environment and Urbanization* **17**(1): 89-114.

Buzanello, J. C. (2005). 'Em torno da constituição do direito de resistência.' *Revista da Informação Legislativa* **42**(168): 19-27.

Caldeira, T. and J. Holston (1999). 'Democracy and violence in Brazil.' *Comparative studies in society and history* **41**(4): 691-729.

Caldeira, T. (2000). *City of Walls: Crime, segregation and citizenship in São Paulo*. Berkeley, University of California Press.

Calderon, F., A. Piscitelli and Reyna, J.L. (1992). 'Social movements: Actors, theories, expectations'. In *The making of social movements in Latin America: Identity, strategy and democracy*. A. Escobar and S. Alvarez (eds.) Boulder, Westview.

Canel, E. (1992). 'Democratization and the decline of urban social movements in Uruguay: a political-institutional account'. In *The making of social movements in Latin America: Identity, strategy and democracy*. A. Escobar and S. Alvarez (eds.) Boulder, Westview.

Campbell, S. and S. Fainstein (1996). 'The structure and debates of planning theory.' In*Readings in planning theory*. S. Campbell and S. Fainstein (eds.) Oxford, Blackwell.

Cardoso, F. H. (1986). 'Entrepreneurs and the transition process: The Brazilian case'. In *Transitions from authoritarian rule. Part III: Comparative perspectives* G. O'Donnell, P. Schmitter and L. Whitehead (eds.) Baltimore, Johns Hopkins University Press.

Cardoso, R. (1992). 'Popular movements in the context of the consolidation of democracy in Brazil'. In *The making of social movements in Latin America: Identity, strategy and democracy*. A. Escobar and S. Alvarez (eds.) Boulder, Westview.

Caricari, A. M. and L. Kohara, (eds.) (2006). *Cortiços em São Paulo. Soluções viáveis para habitação social no centro da cidade e legislação de proteção à moradia*. São Paulo,

Centro Gaspar Garcia/Mídia Alternativa.

Carothers, T. (2002). 'The end of the transition paradigm.' *Journal of Democracy* **13**(1):5-21.

Castells, M. (1975). 'Immigrant workers and class struggles in advanced capitalism: The Western European experience.' *Politics and society* **5**(1): 33-66.

Castells, M. (1978). *City, class and power.* London, Macmillan.

Castells, M. (1983). *The city and the grassroots: A cross-cultural theory of urban social movements.* Berkeley and Los Angeles, University of California Press.

Cavalcanti, G. V. (2006). *Uma Concessão ao Passado: Trajetórias da União dos Movimentos de Moradia de São Paulo.* Departamento de Sociologia. São Paulo, Universidade de São Paulo. Masters Thesis.

Chandhoke, N. (1995). *State and civil society: Explorations in political theory.* New Delhi, Sage.

Chaskalson, A. (2002). 'Human dignity as a constitutional value.' In *The concept of human dignity in human rights discourse.* D. Kretzmer and E. Klein (eds.) The Hague, Kluwer Law International.

Chatterjee, P. (2004). *The politics of the governed: Reflections on popular politics in most of the world.* New York, Columbia University Press.

Coelho, V. (2007). 'Brazilian Health Councils: Including the excluded?' In *Spaces for change? The politics of citizen participation in new democratic arenas.* A. Cornwall and V. Coelho (eds.) London: Zed Books

Cohen, J. and A. Arato (1994). *Civil society and political theory.* Cambridge, MA, MIT Press.

Corbridge, S., G. Williams, M. Srivastava and R. Veron (2005). *Seeing the state: Governance and governmentality in India.* Cambridge, Cambridge University Press.

Corbridge, S. (2007) 'The (im)possibility of development studies'. *Economy and society.* **36**(2):179-211.

Cornwall, A. (2002). *Making spaces, changing places: Situating participation in development.* IDS Working Paper 170. Brighton, Institute of Development Studies.

Cornwall, A. (2007) 'Democratizing the governance of health services: The case of Cabo de

Santo Agostinho, Brazil.' In *Spaces for change? The politics of citizen participation in new democratic arenas*. A. Cornwall and V. Coelho (eds.) London, Zed Books.

Cornwall, A. and Coelho (2007) 'Spaces for change? The politics of participation in new democratic arenas.' In *Spaces for change? The politics of citizen participation in new democratic arenas*. A. Cornwall and V. Coelho (eds.) London, Zed Books.

Craske, N. and M. Molyneux (2002). 'The local, the regional and the global: Transforming the politics of rights.' In *Gender and the politics of rights and democracy in Latin America*. N. Craske and M. Molyneux (eds.) Basingstoke, Palgrave.

Cymbalista, R. and P. Santoro (2007). *Habitação: Avaliação da política municipal 2005-2006*. São Paulo, Instituto Pólis.

Dagger, R. (2000). 'Metropolis, memory and citizenship'. In *Democracy, citizenship and the global city*. E. Isin (ed.) London, Routledge.

Dagnino, E. (1998). 'Culture, citizenship and democracy: Changing discourse and practices of the Latin American left'. In *Cultures of politics, politics of culture: Re-visioning Latin American social movements*. S. Alvarez, E. Dagnino and A. Escobar (eds.) Boulder, Westview.

Dagnino, E. (2005). *Meanings of citizenship in Latin America*. Brighton, IDS Working Paper 258.

Dagnino, E. (2007). 'Citizenship: A perverse confluence'. *Development in Practice* 17(4-5): 549-556.

Dahl, R. (1963) *A preface to democratic theory*. Chicago: University of Chicago Press

DaMatta, R. (1991). *Carnivals, rogues and heroes: An interpretation of the Brazilian dilemma*. Notre Dame, University of Notre Dame Press.

Davis, M. (2006) *Planet of slums*. London, Verso.

D'Cruz, C. and D. Mitlin (2007). 'Shack/Slum Dwellers International: One experience of the contribution of membership organisations to pro-poor urban development.' In *Membership-based organizations of the poor*. M. Chen, R. Jhabvala, R. Kanbur and C. Richards (eds.) Abingdon, Routledge.

D'Entreves, M. (1994). *The political philosophy of Hannah Arendt*. New York, Routledge.

D'Entreves, M. (1992). 'Hannah Arendt and the idea of citizenship.' In *Dimensions of radical democracy: Pluralism, citizenship, community*. C. Mouffe (ed.) London, Verso.

Diani, M. (2003). 'Social movements, contentious actions, and social networks: 'From metaphor to substance'?' In *Social movements and networks: Relational approaches to collective action*. M. Diani and D. McAdam (eds.) Oxford, Oxford University Press.

Díaz-Barriga, M. (1992). 'Beyond the domestic and the public: *Colonas* participation in urban movements in Mexico City'. In *Cultures of politics, politics of culture: Re-visioning Latin American social movements*. S. Alvarez, E. Dagnino and A. Escobar (eds.) Boulder, Westview.

Dicke, K. (2002). 'The founding function of human dignity in the Universal Declaration of Human Rights.' In *The concept of human dignity in human rights discourse*. D. Kretzmer and E. Klein (eds.) The Hague, Kluwer Law International.

Diederichsen, F. B. (2003). *Limites à produção da moradia social no centro de São Paulo*. Faculdade de Arquitetura e Urbanismo. São Paulo, Universidade de São Paulo. Undergraduate thesis.

Duquette, M. (2005). 'Social movements and radicalism: The Brazilian context.' In *Collective action and radicalism in Brazil: Women, urban housing, and rural movements*. M. Duquette (ed.) Toronto, University of Toronto Press.

EMURB (2004). *Caminhos para o centro: Estratégias de desenvolvimento para a região central de São Paulo*. São Paulo, Empresa Municipal de Urbanização.

Escobar, A. (1992). 'Culture, economics and politics in Latin American social movements theory and research'. In *The making of social movements in Latin America: Identity, strategy and democracy*. A. Escobar and S. Alvarez (eds.) Boulder, Westview.

Escobar, A. and S. Alvarez, (eds). (1992). The making of social movements in Latin America: Identity, strategy and democracy. Boulder, Westview Press.

Farias, J. (n.d) *Direito de resistência: Uma ação social organizada para efetivação dos direitos fundamentais*. http://www.uj.com.br/publicacoes/doutrinas/default.asp?action=doutrina&coddou=704 Accessed 01.11.08.

Ferguson, J. (1999). *Expectations of modernity: Myths and meanings of urban life on the Zambian copperbelt*. Berkeley, University of California Press.

Fernandes, E. (2007) 'Constructing the 'right to the city' in Brazil'. *Social and legal studies* **16**(2):201-219.

Fishman, R. (1996). 'Urban utopias: Ebenezer Howard and Le Corbusier.' In *Readings in planning theory*. S. Campbell and S. Fainstein (eds.) Oxford, Blackwell.

Foweraker, J. (1995). *Theorizing social movements*. London, Pluto Press.

Foweraker, J. (2001). *Grassroots movements, political activism and social development in Latin America: A comparison of Chile and Brazil.* Geneva, UNRISD.

Foweraker, J. and T. Landman (1997). *Citizenship and social movements: A comparative and statistical analysis.* Oxford, Oxford University Press.

Freeden, M. (1991). *Rights.* Milton Keynes, Open University Press.

Frugoli, H. (2000). *Centralidade em São Paulo: Trajetórias, conflitos e negociações na metrópole.* São Paulo, EDUSP.

Fry. P. (1999) 'Colour and the rule of law in Brazil.' In *The (un)rule of law and the underprivileged in Latin America.* J. Mendez, G. O'Donnell and S. Pinheiro (eds.) Notre Dame, University of Notre Dame Press.

Fung, A and E. Wright (2003) *Deepening democracy: Institutional innovations in empowered participatory governance.* London: Verso.

Galdino, M. (2005). 'The return of radicalism to the countryside: The Landless Movement.' In *Collective action and radicalism in Brazil: Women, urban housing and rural movements.* M. Duquette (ed.) Toronto, University of Toronto Press.

Gamson, W. (1975). *The strategy of social protest.* Homewood, Ill, Dorsey Press.

Gaventa, J. (2004). Towards participatory governance: assessing the transformative possibilities. In *Participation: From tyranny to transformation? Exploring new approaches to participation in development.* S. Hickey and G. Mohan (eds.) London, Zed Books.

Giddens, A. (1982). *Profiles and critiques in social theory.* London, Macmillan.

Giffen, J. and L. Earle (2005). *The development of civil society in Central Asia.* Oxford, INTRAC.

Giugni, M. (1999). 'How social movements matter: Past research, present problems, future developments'. In *How social movements matter.* M. Giugni, D. McAdam and C. Tilly (eds.) Minneapolis, University of Minnesota Press.

Gohn, M. d. G. (1991). *Movimentos sociais e lutas pela moradia.* São Paulo, Edições Loyola.

Goldfrank, B. (2007) 'The politics of deepening local democracy: Decentralisation, party institutionalisation and participation' in *Comparative politics* **39**(2): 147-168.

Goldsmith, W. (1994). 'São Paulo as a world city: Industry, misery and resistance'. In *Social struggles and the city: The case of São Paulo.* L. Kowarick (ed.) New York, Monthly Review Press.

Goldstone, J. (2003). 'Bridging institutionalized and noninstitutionalized politics.' In *States, parties and social movements.* J. Goldstone (ed.) Cambridge, Cambridge University Press.

Gomm, R., M. Hammersley and P. Foster (eds.) (2000). *Case study method: Key issues, key texts.* London, Sage.

Grostein, M. (1987). *A cidade clandestina: Os ritos e os mitos. O papel da 'irregularidade' na estruturação do espaço urbano no município de São Paulo.1900-1987.* Faculdade de Arquitetura e Urbanismo. São Paulo, Universidade de São Paulo. PhD thesis.

Gupta, A. (2006). 'The discourse of corruption, the culture of politics and the imagined state.' In *The anthropology of the state.* A. Sharma and A. Gupta (eds.) Oxford, Blackwell.

Hagopian, F. (1994) 'Traditional politics and the state in Brazil.' In *State power and social forces: Domination and transformation in the Third World.* J. Migdal, A. Kohli and V. Shue (eds.) Cambridge: Cambridge University Press.

Hagopian, F. (1996). *Traditional politics and regime change in Brazil.* New York, Cambridge University Press.

Hall, S. (1984). 'The state in question'. In *The idea of the modern state.* G. McLennan, D. Held and S. Hall (eds.) Milton Keynes, Open University Press.

Hamel, J. (1993). *Case study methods.* London, Sage.

Hammond, J. (1999) 'Law and disorder: The Brazilian Landless Farmworkers' Movement.' *Bulletin of Latin American Research* **18**(4):469-89

Handler, J. (1978) *Social movements and the legal system: A theory of law reform and social change.* New York, Academic Press.

Harrison, P., A. Todes, and V. Watson (2008). *Planning and transformation: Learning from the post-apartheid experience.* Abingdon, Routledge.

Harriss, J., K. Stokke and O. Tornquist (eds.) (2004). *Politicising democracy: The new local politics and democratisation.* Basingstoke, Palgrave.

Harvey, D. (1985). *The urbanization of capital.* Baltimore, Johns Hopkins University

Press.

Harvey, D. (1988). *Social justice and the city*. Oxford, Blackwell.

Harvey, D. (1996). *Justice, nature and the geography of difference*. Oxford, Blackwell.\

Harvey, D. (2003). 'The right to the city'. *International journal of urban and regional research* **27**(4):939-41.

Harvey, D. (2008) 'The right to the city'. *New Left Review* **53**:23-39.

Hayes, G. (2007). 'Collective action and civil disobedience: The anti-GMO campaign of the *Faucheurs Volontaires*.' *French Politics* **5**: 293-314.

Held, D. (1989). *Political theory and the modern state: Essays on state, power and democracy*. Cambridge, Polity Press.

Heller, P. (2001). 'Moving the state: The politics of democratic decentralisation in Kerala, South Africa and Porto Alegre.' *Politics and society* **29**(1): 131-163.

Hellman, J. (1992). 'The study of new social movements in Latin America and the question of autonomy'. In *The making of social movements in Latin America: Identity, strategy and democracy*. S. Alvarez, E. Dagnino and A. Escobar (eds.) Boulder, Westview.

Hellmann, M. (1995). 'Democratizaçao e movimentos sociais no Brasil.' In *Movimentos sociais e democracia no Brasil: "Sem a gente não tem jeito"*. M. Hellmann (ed.) São Paulo, Marco Zero.

Hirschl, R. (2003) 'The political origins of judicial empowerment through constitutionalization: Lessons from four constitutional revolutions'. In *The democracy sourcebook*. R. Dahl, I. Shapiro and J.A. Cheibub (eds.) Cambridge, MA, MIT Press

Hobsbawm, E. J. (1959). *Primitive rebels: Studies in archaic forms of social movement in the 19th and 20th centuries*. Manchester, Manchester University Press.

Hochstetler, K. (2000). 'Democratising pressures from below? Social movements in the new Brazilian democracy'. In *Democratic Brazil: Actors, institutions and processes*. P. Kingstone and T. Power (eds.) Pennsylvania, University of Pittsburgh Press.

Holanda, S. B. d. (1969 [1936]). *Raizes do Brasil*. Rio de Janeiro, Jose Olympio Editora.

Holston, J. (1991) 'The misrule of law: Land and usurpation in Brazil.' *Comparative studies in society and history* **33** (4):695-725.

Holson, J. (1989) *The modernist city: An anthropological critique of Brasilia.* Chicago: University of Chicago Press.

Holston, J. (2008). *Insurgent citizenship: Disjunctions of democracy and modernity in Brazil.* Princeton, Princeton university press.

Holston, J. and A. Appadurai (1993). 'Cities and citizenship'. In *Cities and citizenship.* J. Holston (ed.) Durham, Duke University Press.

Holston, J. and T. Caldeira (1998). 'Democracy, law and violence: Disjunctions of Brazilian citizenship'. In *Fault lines of democracy in post-transition Latin America.* F. Aguero and J. Stark (eds.) Boulder, Lynne Rienner.

Houtzager, P. (2005). *The Movement of the Landless (MST) and the juridical field in Brazil.* IDS Working Paper 248. Brighton, Institute of Development Studies.

Houtzager, P., A. Lavalle and A. Acharya (2003). *Who participates? Civil society and the new democratic politics in São Paulo, Brazil.* Working Paper. Brighton, Institute of Development Studies.

Howell, J. and J. Pearce (2001). *Civil society and development: A critical exploration.* Boulder, Lynne Reiner.

Isin, E. (2000). 'Democracy , citizenship and the city'. In *Democracy, citizenship and the global city.* E. Isin (ed.) London, Routledge.

Isin, E. and B. Turner (2002). 'Citizenship studies: An introduction'. In *Handbook of citizenship studies.* E. Isin and B. Turner (eds.) London, Sage.

Jacobi, P. (1987). 'Movimentos sociais urbanos numa época de transição: Limites e possibilidades.' In *Movimentos sociais na transição democrática.* E. Sader (ed.) São Paulo, Cortez Editora.

John, P. (2006). 'Research methods and the study of urban politics'. *Urban news* **20**(1): 5-8.

Jones, P. (2004). 'Law and disobedience.' *Res Publica* **10**: 319-336.

Jones, P. (2005). *Rights.* Basingstoke, Palgrave.

Kabeer, N. (2005). The search for inclusive citizenship: Meanings and expressions in an interconnected world. In *Inclusive citizenship: Meanings and expressions.* N. Kabeer. London, Zed Books.

Katznelson, I. (1988) 'Forward' *to Social justice and the city*, by D. Harvey. Oxford, Blackwell.

Keck, M. (1992) *The workers' party and democratization in Brazil.* New Haven: Yale University Press

Khan, M. (1995). 'State failures in weak states. A critique of new institutionalist explanations.' In *The new institutional economics and third world development.* J. Harriss, J. Hunter and C. Lewis (eds.) London, Routledge.

King, G., R. Keohane and S. Verba (1994). *Designing social inquiry: Scientific inference in qualitative research.* Princeton, Princeton university press.

Kingstone, P. and T. Power (2000). 'Still standing or standing still? The Brazilian democratic regime since 1985.' In *Democratic Brazil: Actors, institutions and processes.* P. Kingstone and T. Power (eds.) Pennsylvania, Pittsburg Press.

Kohara, L. (1999). *Rendimentos obtidos na locação e sublocação de cortiços. Estudo de casos na área central da cidade de São Paulo.* Escola politécnica São Paulo, Universidade de São Paulo. MA thesis.

Koonings, K. (2004). 'Strengthening citizenship in Brazil's democracy: Local participatory governance in Porto Alegre.' *Bulletin of Latin American Research* **23**(1): 79-99.

Kowarick, L. (1979). *A espoliação urbana.* São Paulo, Paz e terra.

Kowarick, L. (1994). 'Introduction'. In *Social struggles and the city: The case of São Paulo.* L. Kowarick (ed.) New York, Monthly Review Press.

Kowarick, L. (ed.) (2004). 'Debate - A pesquisa sobre segregação: Conceitos, métodos e medições.' *Espaço e debates. Revista de estudos regionais e urbanos* **24**(45): 87-109.

Leach, M. and I. Scoones (2007). *Mobilising citizens: Social movements and the politics of knowledge.* Brighton, IDS Working Paper 276.

Lefebvre, H. (1996). *Writings on cities.* Oxford: Blackwell.

Leitzel, J. (2002) *The political economy of rule evasion and policy reform.* London: Routledge.

Levy, C. (2005). 'The housing movement in the city of São Paulo: Crisis and revival.' In *Collective action and radicalism in Brazil: Women, urban housing and rural movements.* M. Duquette (ed.) Toronto, University of Toronto Press.

Lewis, D. (2001). *Civil society in non-Western contexts: Reflections on the 'usefulness' of a concept.* London School of Economics, Civil Society Working Paper 13.

Lind, A. (1992) 'Power, gender and development: Popular women's organizations and the politics of needs in Ecuador'. In *The making of social movements in Latin America: Identity, strategy and democracy.* A. Escobar and S. Alvarez (eds.) Boulder, Westview.

Linz, J. (1973). 'The future of an authoritarian situation or the institutionalization of an authoritarian regime: The case of Brazil.' In *Authoritarian Brazil: Origins, policies, and future.* A. Stepan (ed.) New Haven, Yale University Press.

Lister, R. (1997). *Citizenship: Feminist perspectives* Basingstoke, Macmillan.

Lowi, T. (1971). *The politics of disorder.* New York, Basic Books.

McAdam, D. (2003). 'Beyond structural analysis: Towards a more dynamic understanding of social movements.' In *Social movements and networks: Relational approaches to collective action.* M. Diani and D. McAdam (eds.) Oxford Oxford University Press.

McAdam, D., J. McCarthy and M. Zald (1988). 'Social movements'. In *Handbook of sociology.* N. Smelser (ed.) London, Sage.

McCann, M. (ed.) (2006). *Law and social movements.* London, Ashgate.

McCarthy, J. and M. Zald (2005). 'Social movement organizations'. *The social movements reader. Cases and concepts.* J. Goodwin and J. Jasper (eds.) Oxford, Blackwell.

Macaulay, F. (2002). 'Taking the law into their own hands: Women, legal reform and legal literacy in Brazil.' In *Gender and the politics of rights and democracy in Latin America.* N. Craske and M. Molyneux (eds.) Basingstoke, Palgrave.

Mainwearing, S. (1987). 'Urban popular movements, identity and democratization in Brazil.' *Comparative political studies* **20**(2): 131-159.

Mainwaring, S. (1989). 'Grassroots popular movements and the struggle for democracy.' In *Democratizing Brazil: Problems of transition and consolidation.* A. Stepan (ed.) New York, Oxford University Press.

Maricato, E. (1996). *Metrópole na periferia do capitalismo: Ilegalidade, desigualdade e violência.* São Paulo, Hucitec.

Maricato, E. (2000). 'As idéais fora do lugar e o lugar fora das idéias'. In *A cidade do pensamento único: Desmanchando consensos.* O. Arantes, C. Vainer and E. Maricato

(eds.) São Paulo, Editora Vozes.

Marques, E. and H. Torres (2005). *São Paulo: Segregação, pobreza e desigualdades sociais*. São Paulo, SENAC.

Marshall, T. H. (1964). *Class, citizenship and social development*. New York, Doubleday.

Martins, L. (1986). 'The 'liberalization' of authoritarian rule in Brazil.' In *Transitions from Authoritarian Rule: Prospects for democracy. Part II Latin America*. G. O'Donnell, P. Schmitter and L. Whitehead (eds.) Baltimore, Johns Hopkins University Press.

Melo, M. (1996). 'Juiz aplica constituição para proteger invasores.' *Caderno de Jurisprudência* **2**(19).

Melucci, A. (1996). *Challenging codes: Collective action in the information age*. Cambridge, Cambridge University Press.

Melucci, A. (1998). 'Third world or planetary conflicts?' In *Cultures of politics, politics of culture: Re-visioning Latin American social movements*. S. Alvarez, E. Dagnino and A. Escobar (eds.) Boulder, Westview.

Meszaros, G. (2000). 'Taking the land into their hands: The Landless Workers' Movement and the Brazilian state.' *Journal of law and society* **27**(4): 517-41.

Mídia Independente (2007) 'Polícia Militar visita a ocupação Prestes Maia.' 08.02.07

Migdal, J. (1991). *State in society. Studying how states and societies transform and constitute one another*. New York, Cambridge University Press.

Migdal, J. (1994). 'The state in society: An approach to struggles for domination.' In *State power and social forces: Domination and transformation in the Third World*. J. Migdal, A. Kohli and V. Shue (eds.) Cambridge, Cambridge University Press.

Migdal, J., A. Kohli and V. Shue (1994). 'Developing a state-in-society perspective.' In *State power and social forces: Domination and transformation in the Third World*. J. Migdal, A. Kohli and V. Shue. (eds.) Cambridge, Cambridge University Press.

Miliband, R. (1973) *The state in capitalist society*. London: Quartet

Miller, B. (2006). 'Castells' The City and the Grassroots: 1983 and today.' *International journal of urban and regional research* **30**(1): 207-11.

Miller, C. (1997). 'The theory and practice of social movements.' *Community Development Journal* **32**(3).

Millstein, M., S. Oldfield, and K. Stokke (2003). 'uTshani BuyaKhuluma - the grass speaks: The political space and capacity of the South African Homeless People's Federation.' *Geoforum* **34**: 457-468.

Mitchell, T. (1991). 'The limits of the state: Beyond statist approaches and their critics.' In *The American Political Science Review* **85**(1): 77-96.

Mitchell, T. (2006) 'Society, economy and the state effect.' In *The anthropology of the state: A reader*. A. Sharma and A. Gupta Oxford: Blackwell.

Molyneux, M. (2002). 'Gender and the silences of social capital: Lessons from Latin America.' *Development and Change* **33**(2): 167-188.

Montero, A. (2000). 'Devolving Democracy? Political decentralisation and the new Brazilian federalism'. In *Democratic Brazil: Actors, institutions and processes*. P. Kingstone and T. Power (eds.) Pennsylvania, University of Pittsburgh Press

Morreall, J. (1991). 'The justifiability of civil disobedience.' In *Civil disobedience in focus*. H. Bedau (ed.) London, Routledge.

Mouffe, C. (1992). 'Democratic citizenship and the political community'. In *Dimensions of radical democracy*. C. Mouffe (ed.) London, Verso.

Mouffe, C. (2000). *The democratic paradox*. London, Verso.

Nettl, J. P. (1967). *Political mobilization: A sociological analysis of methods and concepts*. London, Faber and Faber.

Neves, Â. V. (2007). 'Espaços públicos e práticas políticas: Os riscos de despolitização da sociedade civil.' Presented at Conference *Movimentos sociais, participação e democracia*, in Florianópolis, Brazil, 25th-27th April.

Nielsen, L. (2004). 'The work of rights and the work rights do: A critical empirical approach.' In *The Blackwell companion to law and society*. A. Sarat (ed.) Oxford, Blackwell.

Nylen, W. 'The making of a loyal opposition: The Workers' Party (PT) and the consolidation of democracy in Brazil.' In *Democratic Brazil: Actors, institutions and processes*. P. Kingstone and T. Power (eds.) Pennsylvania, University of Pittsburgh Press.

O'Donnell, G. (1992). 'Transitions, continuities and paradoxes'. In *Issues in democratic consolidation: The new South American democracies in comparative perspective*. S. Mainwearing, G. O'Donnell and J. S. Valenzuela (eds.) Indiana, University of Notre Dame Press.

O'Donnell , G. (1999) 'Polyarchies and the (un)rule of law in Latin America: A partial conclusion.' In *The (un)rule of law and the underprivileged in Latin America.* J. Mendez, G. O'Donnell, and S. Pinheiro (eds.) Notre Dame, University of Notre Dame Press.

Oliveira, F. d. (1982). 'O estado e o urbano no Brasil.' *Espaço e debates. Revista de estudos regionais e urbanos* **6**: 36-54.

Oliveira, F. d. (2003). *O ornitorrinco.* São Paulo, Boitempo.

Oliveira, L. (1987). 'O movimento operário em São Paulo.' In *Movimentos sociais na transição democrática.* E. Sader. São Paulo, Cortez Editora.

Paoli, M. and V. Telles (1998). 'Social rights: Conflicts and negotiations in contemporary Brazil.' In *Cultures of politics/Politics of cultures: Revisioning Latin American social movements.* S. Alvarez, E. Dagnino and A. Escobar (eds.) Boulder, Westview.

Passos, E. (2002) 'Doing legal research in Brazil.' http://www.llrx.com/features/brazil2002.htm Accessed 15.09.08

Passy, F. (2003). 'Social networks matter. But how?' In *Social movements and networks: Relational approaches to collective action.* M. Diani and D. McAdam (eds.) Oxford, Oxford University Press.

Pereira, A. (2000). 'An ugly democracy? State violence and the rule of law in postauthoritarian Brazil.' In *Democratic Brazil: Actors, institutions and processes* P. Kingstone and T. Power (eds.) Pennsylvania, Pittsburg Press.

Perlman, J. (1976) *The Myth of Marginality. Urban poverty and politics in Rio de Janeiro.* Berkeley, University of California Press.

Petras, J. and H. Veltmeyer (2003) *Whither Brazil?* www.rebellion.org/petrasenglish.htm

Pinheiro, S. (1999) 'The rule of law and the underprivileged in Latin America'. In *The (un)rule of law and the underprivileged in Latin America.* J. Mendez, G. O'Donnell and S. Pinheiro (eds.) Notre Dame, University of Notre Dame Press.

Piven, F. F. and R. Cloward (1977). *Poor people's movements: Why they succeed, how they fail.* New York, Pantheon.

Portes, A. and J. Walton (1976). *Urban Latin America: The political condition from above and below.* Austin, University of Texas.

Power, T. and J. T. Roberts (2000). 'A new Brazil? The changing sociodemographic context of Brazilian democracy.' In *Democratic Brazil: Actors, institutions and processes.* P. Kingstone and T. Power (eds.) Pennsylvania, University of Pittsburgh Press.

Prefeitura Municipal de São Paulo (2004). *Programa Morar no Centro.* São Paulo, Secretaria de Habitação e Desenvolvimento Urbano.

Presidência da República, Casa Civil (1988) *Constituicação da Presidência da República Federativa do Brasil.* www.planalto.gov.br

Presidencia da Republica (2001) Lei N. 10.257, de 10 de julho de 2001. Brasilia, Casa Civil – Subchefia para assuntos juridicos. www.cidades.gov.br accessed 22.09.08

Putnam, R. (1993). *Making Democracy Work: Civic traditions in modern Italy.* Princeton, Princeton University Press.

Rawls, J. (1991) *A theory of justice.* Oxford, Oxford University Press.

Rizek, C. (2003). 'Os sentidos da cidade brasileira: Figurações da ordem e de seus avessos.' *Espaço e debates. Revista de estudos regionais e urbanos* **23**(43-44): 79-91.

Rizek, C., J. Barros and M. Bergamim (2003). 'A política de produção habitacional por mutirões autogeridos.' *Revista brasileira de estudos urbanos e regionais* **5**(1).

Robson, C. (2002). *Real world research.* Oxford, Blackwell.

Roche, M. (1987). 'Citizenship, social theory and social change.' *Theory and society* **16**: 363-399.

Roche, M. (2002). 'Social citizenship: Grounds of social change.' In *Handbook of citizenship studies.* E. Isin and B. Turner (eds.) London, Sage.

Rodgers, D. (2007). 'Subverting the spaces of invitation? Local politics and participatory budgeting in post-crisis Buenos Aires. In *Spaces for change? The politics of citizen participation in new democratic arenas.* In A. Cornwall and V. Coelho (eds.) London: Zed Books.

Rolnik, R. (1995). *The city and the law: Legislation, urban policy and territories in the city of São Paulo (1886-1936)* History Department. New York, New York University. PhD thesis

Rolnik, R., L. Kowarick and N. Somekh (1991) *São Paulo: Crise e Mudança.* São Paulo: Brasiliense.

Rose, G. (1997). 'Situating knowledges: Positionality, reflexivities and other tactics.' *Progress in human geography* **21**(3): 305-320.

Rose, N. (2000). 'Governing cities, governing citizens.' In *Democracy, citizenship and the global city*. E. Isin (ed.) London, Routledge.

Sader, E. (1988). *Quando novos personagens entraram em cena: Experiências, falas e lutas dos trabalhadores da Grande São Paulo (1970-1980)*. São Paulo, Paz e Terra.

Sadek, M. T. (2001). 'The public prosecutor's office and legal change in Brazil.' *IDS Bulletin* **32**(1): 65-75.

Sagoff, M. (1999). 'The view from Quincy library: Civic engagement in environmental problem solving'. In *Civil society, democracy and civic renewal*. R. Fullinwider (ed.) Lanham, Rowman and Littlefield.

Sales, T. (1994). 'Raízes da desigualdade social na cultura brasileira.' *Revista brasileira de ciências sociais* **25**.

Souto, A. and Kayano, J. (1996) *A cidade e o seu governo: o olhar do cidadão*. São Paulo, Instituto Polis. Revista no. 26.

Samuels, D. (2000). Reinventing local government? Municipalities and intergovernmental relations in Brazil. In *Democratic Brazil: Actors, institutions and processes*. P. Kingstone and T. Power (eds.) Pennsylvania, University of Pittsburgh Press.

Santos, A. Ed. (2002). *Laboratório de projeto integrado e participativo para requalificação de cortiço*. São Paulo, FAUUSP.

Santos, B. d. S. (1995). *Toward a new common sense: Law, science and politics in the paradigmatic transition*. London, Routledge.

Santos, B. d. S. (1993) 'Notas sobre a história jurídico-social de Pasárgada'. In J.G. Souza Jr. (ed.) *Introdução crítica ao direito*. Brasilia, Universidade de Brasília.

Santos, M. (1996) 'São Paulo: A growth process full of contradictions'. In *The mega-city in Latin America*. A. Gilbert (ed.) Tokyo, United Nations University Press.

Scheingold, S. (2004). *The politics of rights: Lawyers, public policy and political change*. New Haven, Yale University Press.

Schonleitner, G. (2004). 'Can public deliberation democratise state action? Municipal health councils and local democracy in Brazil.' In *Politicising democracy: The new local politics and democratisation*. J. Harris, K. Stokke and O. Tornquist (eds.) Basingstoke, Palgrave

Schumaker, P. (1975). 'Policy responsiveness to protest-group demands.' *Journal of Politics* **37**(2): 488-521.

Scott, J. C. (1998). *Seeing like a state. How certain schemes to improve the human condition have failed.* New Haven, Yale University Press.

Scott, J. C. (1985). *Weapons of the weak: Everyday forms of peasant resistance..* New Haven, Yale University Press.

SEHAB (2004). *Balanço qualitativo de gestão 2001-2004.* São Paulo, Secretaria de Habitação e Desenvolvimento Urbano do Município de São Paulo.

Sen, A (1999) *Development as freedom.* New York, Knopf.

Shamir, R. (1996). 'Suspended in space: Bedouins under the law of Israel.' *Law and society review* **30**(2): 231-257.

Shatkin, G. (2007). *Collective action and urban poverty alleviation: Community organizations and the struggle for shelter in Manila.* Aldershot, Ashgate.

Shklar, J. (1986 [1964]). *Legalism: Law, morals and political trials.* Cambridge, MA, Harvard University Press.

Shofield, J. (2000). 'Increasing the generalizability of qualitative research.' In *Case study method: Key issues, key texts.* R. Gomm, M. Hammersley and P. Foster (eds.) London, Sage.

Silva, A. (1991). *Reforma urbana e o direito à cidade.* São Paulo, Instituto Pólis.

Simoes Jr, J. (1994). *Revitalização de Centros Urbanos.* São Paulo, Instituto Pólis.

Simoes Jr, J. (1991). *Cortiços em São Paulo: O problema e alternativas.* São Paulo, Instituto Pólis.

Singer, P. (1982) 'Neighbourhood movements in São Paulo'. In *Towards a political economy of urbanization in third world countries.* H. Safa (ed.) Oxford, Oxford University Press.

Skidmore, T. (1989). 'Brazil's slow road to democratization: 1974-1985.' In *Democratizing Brazil: Problems of transition and consolidation.* A. Stepan (ed.) New York, Oxford University Press.

Skinner, Q. (1992). 'On justice, the common good and the priority of liberty.' In *Dimensions of radical democracy: Pluralism, citizenship, community.* C. Mouffe (ed.) London, Verso.

Souto, A. S. and J. Kayano (1996). *A cidade e o seu governo: O olhar do cidadão.* São Paulo, Instituto Pólis.

Souza, C. (2001). 'Participatory Budgeting in Brazilian Cities: Limits and possibilities in building democratic institutions'. *Environment and Urbanization* **13** (1): 159-184.

Staeheli, L. and Lawson, V. (1995) 'Feminism, praxis and human geography.' *Geographical Analysis* **27**, 321-338.

Staggenborg, S. (2002). 'The 'meso' in social movement research.' In *Social movements: Identity, culture and the state.* D. Meyer, N. Whittier and B. Robnett (eds.) Oxford, Oxford University Press.

Stepan, A. (1989). 'Introduction.' In *Democratizing Brazil: Problems of transition and consolidation.* A. Stepan (ed.) New York, Oxford University Press.

Strauss, A. and J. Corbin (1998). *Basics of qualitative research: Techniques and procedures for developing grounded theory.* Thousand Oaks, CA, Sage.

Suber, P. (1999). 'Civil disobedience.' In *Philosophy of law: An encyclopedia.* C.Gray (ed.) New York, Garland.

Susser, I. (2002). Manuel Castells: Conceptualising the city in the information age. In *The Castells reader on cities and social theory.* I. Susser (ed.) Oxford, Blackwell.

Tarrow, S. (1994). *Power in movement: Social movements, collective action and politics.* Cambridge, Cambridge University Press.

Tarrow, S. (1995). 'Cycles of collective action: Between moments of madness and the repertoire of contention.' In *Repertoires and cycles of collective action.* M. Traugott (ed.) Durham and London, Duke University Press.

Tarrow, S. (1999) 'Introduction' in *How social movements matter.* M. Giugni, D. McAdam and C. Tilly (eds.) Minneapolis, University of Minnesota Press.

Tatagiba, L. and A. Teixeira (2007). *O papel do Conselho Municipal de Habitação na política de habitação em São Paulo.* São Paulo, Instituto Pólis.

Taylor, M. and Buranelli, V. (2007). 'Ending up in pizza. Accountability as a problem of institutional arrangement in Brazil.' *Latin American Politics and* Society **49** (1):59-97.

Taylor, V. and N. Van Dyke (2004). 'Get up, stand up": Tactical repertoires of social movements.' In *The Blackwell companion to social movements*. D. Snow, S. Soule and H. Kriesi (eds.) Oxford, Blackwell.

Teixeira, A., F. Comaru, R. Cymbalista and W. Sutti (2005). *Conflitos em torno do direito à moradia na região central de São Paulo*. Rio de Janeiro, Ibase/ActionAid/Ford Foundation.

Telles, V. (1993). 'Pobreza e cidadania. Dilemas do Brasil contemporâneo.' *Caderno Centro de Recursos Humanos* **19**.

Telles, V. (1994). 'The 1970s: Political experiences, practices and spaces.' In *Social struggles and the city: The case of São Paulo*. L. Kowarick (ed.) New York, Monthly Review Press.

Thompson, E. (1980). *The making of the English working class*. London, Victor Gollancz.

Tilly, C. (1995). 'Contentious repertoires in Great Britain, 1758-1834.' In *Repertoires and cycles of collective action*. M. Traugott (ed.) Durham and London, Duke University Press.

Tilly, C. (2003). *The politics of collective violence*. Cambridge, Cambridge university press.

Tilly, C. (2003b). 'Agendas for students of social movements'. In *States, parties and social movements*. J. Goldstone (ed.) Cambridge, Cambridge University Press.

Tilly, C. (2004). *Social movements, 1768-2004*. Boulder, Paradigm Publishers.

Tilly, C. and S. Tarrow (2007). *Contentious Politics*. Boulder, Paradigm.

Torres, H., H. Alves and M. Oliveira (2007). 'São Paulo peri-urban dynamics: Some social causes and environmental consequences.' *Environment and Urbanization* **19**(1): 207-223.

Touraine, A. (1988). *Return of the actor: Social theory in postindustrial society*. Minneapolis, University of Minnesota Press.

Turenne, S. (2004). 'Judicial responses to civil disobedience: A comparative approach.' *Res Publica* **10**: 379-399.

Turner, B. (1986). *Citizenship and capitalism: The debate over reformism*. London, Allen & Unwin.

Turner, B. (1992). 'Outline of a theory of citizenship'. In *Dimensions of radical democracy: Pluralism, citizenship, community*. C. Mouffe (ed.) London, Verso.

UNDP (2005). *Human Development Report. International cooperation at a crossroads: Aid, trade and security in an unequal world*. New York, UNDP.

UN Habitat (1996) *The Habitat Agenda*. www.unhabitat.org Accessed 15.08.08

Urquiza, G. (1996) 'Habitat II: From Discussions to actions?'. *Environment and Urbanization* **8** (2): 199-200.

Villaça, F. (2005). *As ilusões do plano diretor*. São Paulo, www.flaviovillaca.arq.br. Accessed 10.05.08

Wheeler, J. (2005). Rights without citizenship? Participation, family and community in Rio de Janeiro. *Inclusive citizenship: Meanings and expressions*. N. Kabeer. London, Zed Books.

Whittier, N. (2002) 'Meaning and structure in social movements'. In *Social movements: Identity, culture and the state*. D. Meyer, N. Whittier and B. Robnett (eds.). Oxford, Oxford University Press.

Wisnik, G., M. Fix, J. Leite, J. Andrade and P. Arnates (2000). 'Civilização na cracolândia: Notas sobre a Sala São Paulo.' *Revista Reportagem*: 40-45.

Wolf, E. (1969). *Peasant wars of the twentieth century*. New York, Harper and Row.

Wood, E. (2000) *Forging democracy from below: Insurgent transitions in South Africa and El Salvador*. Cambridge: Cambridge University Press.

Yin, R. (2003). *Case study research: Design and methods*. London, Sage.

Young, I. (1990). *Justice and the politics of difference*. Princeton, Princeton University Press.