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Claiming the Center: Organized Squatters Movement and Urban Citizenship in Brazil

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Claiming the Center:

Organized Squatters Movement and Urban

Citizenship in Brazil

A thesis submitted in partial satisfaction of the

requirements for the degree Master of Urban and

Regional Planning

by

Maria Clara Maciel Silva Bois

2018

ABSTRACT OF THE THESIS

Claiming the Center:

Organized Squatters Movement and Urban

Citizenship in Brazil

by

Maria Clara Maciel Silva Bois

Master of Urban and Regional Planning

University of California, Los Angeles, 2018

Professor Ananya Roy, Chair

In this thesis, I study how urban social movements' resistance to displacement generates new conceptions of citizenship, influencing state's policy and legislation. Specifically, I explore the case of the organized squatters' movements (OSMs) of the center of São Paulo, Brazil, a social movement that fights for housing opportunities in the city center by occupying long-time vacant properties in the area. I find that OSMs have furthered the agenda of low-income housing in downtown by engaging in a citizenship practice that defies and demands from the state. On the one hand, the state incentivizes displacement processes by allowing land speculation and excluding the voices of grassroots movements in the planning process. On the other, the state is the ally that can stop eviction processes by negotiating with property owners, halting urban interventions, creating laws and implementing policies that benefit OSM groups.

The thesis of Maria Clara Maciel Silva Bois is approved.

Kian Goh

Vinit Mukhija

Ananya Roy, Committee Chair

University of California, Los Angeles

2018

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LIST OF ACRONYMS

ASTC-SP	Association of Shelterless People of São Paulo
CMP	Central of the Popular Movements
DIS	Decree of social interest
FLM	Front of the Fight for Housing
FNA	National Federation of Architects
FNE	National Federation of Engineers
GDP	Gross domestic product
IAB	Institute of Architects of Brazil
IMF	International Monetary Fund
MDB	Brazilian Democratic Movement
MDF	Movement in Defense of the Residents of Favelas
MMLJ	Housing Movement in the Fight for Justice
MMRC	Movement of the Central Region
MMTRC	Housing Movement of the Shelterless Workers of the Central Region
MNRU	National Movement for the Urban Reform
MPSP	Prosecutor's Office of São Paulo
MSTC	Movement of Shelterless Workers of the Center
MW	Minimum wage
NGO	Non-governmental organization
OSM	Organized squatters' movement
PBA	With the Arms Open Program
PBNYC	Participatory Budgeting, New York City
PPB	Brazilian Progressist Party
PPP	Public-private partnership

PR	Redemption Program
PSDB	Party of the Brazilian Social Democracy
PSL	Social Liberal Party
PT	Worker's Party
SFP	Social function of property
SUO	Syndicated urban operation
ULC	Unification of the Fight of Cortiços
UMM	Housing Movements Union
USP	University of São Paulo
ZEIS	Zone of special social interest

ACKNOWLEDGEMENTS

PROLOGUE: THE BULLDOZER

The newswoman calls the reporter live from her studio.[1] "We have a huge problem in that area of Cracolândia" - she explains to a participant of the show on that afternoon. "Adriana, what did happen in there? What can you tell us?", she asks. In the studio, a screen shows the on-the-scene reporter positioning herself at the center of the camera. Then, a background noise of a helicopter arises from the broadcast. From behind the cameras, a male voice informs in a calm and serious tone that the building structure was compromised and that the journalists have to keep working from somewhere else. The reporter shakes her head in the voice's direction in a positive sign, making clear that she understood the message.

The broadcast continues with live images from the scene. The reporter stands on what seems to be a patio, and, in the background, firemen line up between two one-story masonry structures, indicating the way out. Dust and debris cover the cement floor. The journalists begin to walk towards the exit, but they soon stop in front of a tiny corridor full of debris. A few steps further, they halt again to show a bedroom's ruined ceiling. "There was a couple laying down here when the ceiling fell apart," the reporter explains, pointing to the roof sheets and bricks over the bed. The firemen rush the journalists out of the building, but a large piece of wall blocks their way. "Are we able to pass?", asks the reporter. "Everything happened a few minutes ago, Maria", she replies to the newswoman in the studio. "We will explain soon what happened" - she says while climbing her way out between two chunks of wall.

The camera keeps moving forward while looking for traces of the accident. A pile of debris in the wrecked bedroom, paramedics aiding an injured victim, a woman walking around in a nightgown, a man with a bath towel rolled around his neck. Meanwhile, the reporter tries to convey

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[1] I based this account on the broadcast of Beltrão and Perroni (2017) for a mainstream cable news channel in Brazil.

the facts. She cites the recent police interventions in the Cracolândia area, mentions the mayor's visit to the neighborhood that afternoon, talks about the presence of tractor machines outside the building, till finally concluding: a bulldozer hit the side wall of the property with people inside. She explains that there was a rooming house operating in the struck building and that, according to the residents, no one received any notification to evacuate the place. In fact, some were sleeping in their rooms when the accident happened.

The journalists finally reach the building's entrance. It is a clear day in downtown São Paulo. At the sidewalk, about five people gesticulate to a policeman in front of a firetruck. A loose red and yellow tape isolates the sidewalk area of the property. The journalists cross the tape and walk towards a group gathered a few yards away. They pass by the beaten graffiti-colored facades next to the rooming house and merge into a curious crowd standing in front of an empty lot. Some use their cellphones to take pictures, others just stare at the scene with their arms crossed. The camera zooms in on the two bulldozers parked on the backside of the lot. "So, it was exactly like the residents said," the reporter proceeds. The bulldozers were demolishing a property next to the rooming house and accidentally hit one of the building's side walls. Residents pointed out that the city administration was responsible for the demolition, but the information still needed to be checked.

The broadcast gets back to the studio where the newswoman starts to comment on the situation with a didactic tone. She calls the images strong and gives an overview of São Paulo's latest efforts to dismantle Cracolândia – the drug market that used to be located in front of the rooming house. She explains that, a couple days earlier, city and state governments mobilized 1,000 policemen to arrest drug dealers and disperse crack consumers who used to assemble in the area. About 300 people with substance use disorders were sent to shelters, but there were still "many drug addicts scattered around downtown."

She points out that the city administration's next action to "revitalize" the neighborhood is to tear down the crippling properties in the area. Although she referred to this plan as a natural step, she did seem flabbergasted by the news. "No one, apparently, checked out if there were people in there" – she says – "there was no concern about what was there on the other side of the wall, apparently." Bulldozing a house with people inside seemed off limits even for Cracolândia's standards of state intervention.

The broadcast continues from the street and the journalists walk back to the rooming house in search of residents to interview. From afar they recognize a tall, black woman and a skinny, white man standing at the entrance. The couple was holding hands and chatting with someone at the building's front door. "Were you in that bedroom whose ceiling fell apart?", asks the reporter while approaching the woman for an interview. "It was ourselves. I was outside, and my husband was sleeping when everything started to fall apart. When it came to our room, I started to scream. That's why he had time to get up or else he would be dead by now." "Did anyone warn you about the demolition work?" the reporter follows up. "No! No one said a thing! That's so that it came from the back to our side. Nobody said anything." "Were you very frightened?" asks the journalist, wrapping up the interview. "We were! I'm pregnant. I almost lost my husband, the few belongings that we have. Because to take the Cracolândia out is one thing, but we are residents. We aren't guilty."

The reporter is about to conclude her participation in the broadcast, when a short, blonde woman asks to be interviewed. "This here is rented" she starts with an exasperated voice, pointing her finger to the ground. "I pay 4,200 in rent. I'm renovating. Yesterday, they came here, and I said this is housing. They entered in here. They never found a thing. Here, we're hostages of the people they sent out here."

The woman explains that the property used to be a garage, but she had to change business because the costumers were afraid of the area. She kept paying the rent with the hopes of benefiting from the revitalization. However, her plans were now ruined. She is especially frustrated at the

mayor – whom she blames for her business losses – and questions if she would be charged if something more tragic had happened. "He did not want to know if there were people, if there were children, if there were babies. What if was it crowded in here? Would I be responsible for this? Because I am responsible for this," she continues, while pointing her finger to the property. "And now, what will the mayor say? Will they remove everyone from here, will they close… I mean, what about the 4,200 I pay in rent? And the folks who live here and pay rent?"

The reporter asks the woman if they were informed about the demolition works in the area. She gives a short negative answer and continues her rant at the mayor. "No. No. What is he going to do with the people from here? What will he do to us? He should have taken out the folks from Cracolândia, users, not the workers. Because here, there are workers. What did the police find here? They never found anything. Quite the opposite. We were victims. We were victims of the state that took the folks from Cracolândia and threw them here, without asking us if we wanted or not. I arrive here… My staff in panic, the residents being aided… They almost killed them. Is this fair? And then he runs on the other direction. Where is him to give us an alternative?"

Brazil

Metropolitan Region
of São Paulo

250 0 250 mi

Metropolitan Region of São Paulo (RMSP)

São Paulo

Rio

10 0 10 mi

City of São Paulo: Regional Subdivision

Norte 2

Norte 1

Oeste

Centro

Leste 1

Leste 2

Sul 1

Sul 2

2.5 0 2.5 mi

Tietê River

Favela of Moinho

Park of Luz

Rooming House

Júlio Prestes Station

Luz Station

State Gallery

Tamanduateí River

Municipal Market

República
Plaza

Municipal Theater

City Hall

Pátio do Colégio

City Council

Cathedral of Sé

Court of Appeals

Museum of Art of São Paulo (MASP)

Trianon Park

Aclimação Park

Ibirapuera Park

Ibiranga Creek

Tamanduateí River

Legend

RMSP

City of São Paulo

RMSP City

Regional Subdivision

Old Center
(Districts of Sé and
República)

Green Space

Water

Train Station

Railroad

Subway Stop

Subway Line

Bus Terminal

Favela do Moinho

MSTC / MMLJ
Occupation

Rooming House

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- Author: MSTC and MMLJ
Occupations, Favela do Moinho,
and Rooming House. Fieldwork
conducted by the author in Aug.
2017.

Datum: SAD 1969 UTM Zone 23S

Map created by Clara Bois in Aug.
2018.

0.5 0 0.5 mi

Figure 1 - City of São Paulo: Central Area

1. INTRODUCTION

On May 23, 2017, a bulldozer tore down the sidewall of a tenanted rooming house in downtown São Paulo, injuring three people. The demolition work was part of a city plan to redevelop two blocks in the neighborhood of Campos Elíseos, an area popularly known as Cracolândia ("the land of crack"). The grotesque accident was the climax of contentious state interventions in the area. A couple days before the incident, state and city government set a warlike operation to dismantle Cracolândia's *flux* – a sort of open-street drug market that agglomerated hundreds of people in search of crack-cocaine. In the official discourse, the police intervention was the first step to recover a territory that had long been controlled by dealers and addicts. The following stage was to promote the "urban revitalization" by demolishing the properties that were allegedly used as meeting points for drug consumption and promoting infill development.

The bulldozer incident created a deadlock for the city administration since the official discourse could no longer reduce the complexity of the neighborhood's issues to words like crime, dealers, or addicts. In fact, the struck rooming house showed a symptom of a larger problem – the poverty and housing precarity that affects most families living in Campos Elíseos. The demolition of an inhabited building also underscored the oppression that guided the intervention. Arguing that the drug traffic in the area represented an imminent risk to public safety, the city rushed the demolition work without properly notifying residents and business owners. In addition, the administration disregarded São Paulo's 2014 Strategic Master Plan which determines that any redevelopment plan in those blocks must have the participation and approval of the local community through the election of a local management council.

The attention attracted by the accident provided the local community with some leverage to stop the redevelopment plan, even if temporarily. A day after the incident, the local court ordered the ceasing of compulsory demolitions and evictions, as well as prohibited the city administration

from removing residents without previously offering housing assistance. A week later, the Prosecutor's Office of São Paulo (MPSP) filed a preliminary injunction to stop the redevelopment project given the lack of public participation throughout the planning process. Meanwhile, local grassroots associations, as well as right-to-the-city and human rights organizations, mobilized residents against the violence and the lack of public participation in the redevelopment plan. For them, rather than improving the neighborhood's safety and overall environmental quality, the main goal of the redevelopment plan was to expel the current residents from a prime real estate location in the center of São Paulo.

In the face of the accident's repercussions, the city administration did not contest the MPSP injunction to halt the redevelopment plan and, after much debate, residents of the intervention area elected the management council on August 29. However, local community organizations along with right-to-the-city activists organized a parallel participation forum – Mundareu da Luz Open Forum – to debate the redevelopment plan with the community and collectively propose an alternative plan that would truly address the residents' needs. In early 2018, the Forum formally submitted their plan to the city administration.

The redevelopment project in Campos Elíseos is an example of the dispute for a specific place in the city of São Paulo – the city center – exemplifying broad aspects of the politics of displacement and resistance in Brazil. First, it evidences how the state often does not understand the poor as part of a vision of a "healthy" or "revitalized" center. Second, it demonstrates how local residents and organizations use the judicial power to claim their rights and resist brutal displacement. Finally, it shows how resistance to displacement happens inside and outside the state. It involves the occupation of arenas of participation – such as the court or the management council – as well as the invention of new ones, like the Mundareu da Luz Open Forum.

In this thesis, I study how poor people's movements organize to dispute their place in the city, generating new conceptions of citizenship as well as influencing the state's policy and

legislation. More specifically, I explore the case of the organized squatters' movements (OSMs) of the center of São Paulo, a social movement that fights for housing opportunities in the city center by occupying long-time vacant properties in the area. I draw from two main literatures to analyze OSMs' activism and resistance fights – the scholarship focused on bottom-up citizenship development, and the studies related to the impact of the judicial power on urban planning.

I show that downtown OSMs have expanded the concept of insurgent citizenship through reframing what Houston (2008) calls contributor rights. Rather than contributing to the city by constructing houses and neighborhoods, downtown OSMs are bringing life to the city by occupying vacant infrastructures. I also demonstrate that, although OSMs ground their demands in text-based rights, they do not solely rely on formal arenas (e.g. court, policy councils, public assemblies) to voice and negotiate their claims. OSMs have also "invented" spaces of participation and negotiation (Miraftab, 2004) to confront hegemonic power.

In addition, I identify the limitations of relying on the judicial power to implement social justice agendas. Over the past thirty years, Brazil has developed a unique urban-legal infrastructure to implement the urban reform – a social justice agenda that aims to include disenfranchised communities in the city through promoting equitable access to urban land, housing, infrastructure, public services, and healthy environments. One of the key points of this agenda is the use of private property for the promotion of the collective good, a principle known as social function of property (SFP). The SFP principle is ratified in the country's 1988 Constitution and further regulated by the 2001 City Statute.

I show that, although the urban-legal infrastructure has been important to curb violation of rights caused by the state, it has not changed the primacy of the private order in urban land conflicts. That is, in practice, the urban-legal order has not affected court decisions involving only private parties. In the case of OSM occupations, judges have solely relied on the 2002 Civil Code to decide upon eviction lawsuits filed by private property owners. By exclusively grounding their

rulings in Civil Code, judges have uncoupled private and public interest regulating property rights, enforcing the primacy of the former over the latter.

Lastly, I find that OSMs' resistance strategies involve confrontation and negotiation. I find that negotiation also involves creating alliances within the state. On the one hand the state is seen as one of the promotors of the displacement process by allowing land speculation, excluding the voices of grassroots movements in the planning process, using violence, and so on. On the other, the state is the ally that can stop the eviction process through negotiating with property owners, halting urban interventions, and creating laws and implementing policies that benefits OSM groups.

This study is relevant and timely to Brazil's current political and economic situation. During the 2000s, a period of strong economic expansion, Brazil experienced a process of social inclusion in which poverty was significantly reduced and extreme poverty was almost extinct. Arguably, the key drive forces behind these changes are the Worker's Party (PT) policies of cash transfers, such as the *Bolsa Família*, higher real minimum wages as regulated by the government, and several affirmative action policies targeting a socially disadvantaged population. For the first time in Brazil, the federal government prioritized and heavily invested in policies specifically designed to benefit disenfranchised communities.

Currently, Brazil is undergoing the most challenging political, social, and economic period of its recent democracy. Over the past four years, a severe economic recession coupled with a grave political crisis have jeopardized policies of reduction of poverty and inequality, as well as imposed threats to the consolidation of the democratic system. The explanation for such junction is complex and involves a variety of factors.[2] However, one of the most notable symptoms is the growing

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[2] On the economy side, for instance, the gross domestic product (GDP) decreased 7% from 2014 to 2017. In this period the economy lost about 3 million jobs and the unemployment rate achieved a peak of almost 14% (IMF, 2017). On the political side, the disputable impeachment process of President Dilma Rousseff (PT) in 2016, as well as the exposure of a network of bribery schemes involving the entire Brazilian political system – inclusively the current President Michel Temer (Brazilian Democratic Movement, MDB) – have created a deep crisis of representative legitimacy in the country.

resentment from middle and upper classes against the socially disadvantaged population who supports the PT and its social justice policies. The current federal government, for example, has taken advantage of this resentment to implement neo-liberal policies of economic austerity[3] and defund programs like *Bolsa Família*.

During São Paulo's 2016 mayoral election, the elected mayor, João Doria (Party of the Brazilian Social Democracy, PSDB), strongly explored the anti-PT resentment in his campaign. His administration has opposed most of the policies created by the former Mayor Fernando Haddad (PT). The current city administration, for example, is very reluctant about providing low-income housing in downtown – a policy that was strongly supported by Haddad's government. Thus, OSMs have negotiated with political leaders who oppose their demands and ideals by principle. Their activism and resistance have kept alive the low-income housing agenda in the downtown São Paulo.

To understand OSMs' engagement with the state, I study the eviction case of Maua, an OSM occupation organized by the Housing Movement in the Fight for Justice (MMLJ), the Housing Movement of the Central Region (MMRC) and the Association of Shelterless People of São Paulo (ASTC-SP). Maua's intricate judicial process makes it an interesting case for analysis. Its eviction ruling shows that the principle of social function of property is a loose argument. Nevertheless, going to court was an important resistance strategy for Maua occupants. Although claiming the SFP principle was not enough to avoid an eviction ruling, going to court provided Maua leadership with extra time to negotiate with public authorities and mobilize the public opinion in their favor.

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[3] In 2016, the Temer government amended the Constitution to create a spending cap on the federal expenses for 20 years. According to the government, this measure was necessary to contain the increase in the budget deficit, restore investors' confidence in the Brazilian economy, and overcome the economic crisis. In practice, the amendment halted the investment in areas such as education, health care and infrastructure since the total federal spending cannot exceed the budget of the previous year, adjusted for inflation. Interestingly, the constitutional amendment was proposed and approved shortly after the impeachment of President Rousseff and had the endorsement of mainstream economic agencies like the International Monetary Fund (IMF). For more on IMF's analysis about Brazil, see IMF (July 2017).

To conduct this research, I relied on the participant observation and archive research methods. Participant observation allowed me to understand OSMs' strategies and tactics, the politics around the center of São Paulo, and the everyday life of those who live and/or participate in an OSM occupation. Between July and August of 2017, I interned at the Institute @Brasil21, a Brazilian NGO based in São Paulo. At the time, the Institute had just set a partnership with the Movement of Shelterless Workers of the Center (MSTC) and hired me to carry out fieldwork research at the MSTC occupations. Besides conducting research, my role involved working at the organization of the Mission Center and participating in meetings, assemblies, and other events organized by the MSTC. Finally, I also participated in the events in support of the Maua Occupation. To complement my field observations, I researched newspapers archives to contextualize the local politics in São Paulo and the official discourse about the redevelopment of downtown. In addition, I also researched Maua's judicial rulings to understand the juridical reasoning used to justify the eviction decision.

This thesis is organized in four sections, including this introduction. In section two, I contextualize my study in the literature about cities and citizenship and explore the concept of insurgent citizenship in the Brazilian case. More specifically, I highlight the participation of urban social movements as key for the establishment of Brazil's current urban-legal framework. In section three, I delve into the case study, demonstrating how OSMs engage with the state to claim their right to live in the city center. In the fourth section, I conclude my study by thinking on the role of OSM occupations as a political statement for more democracy and social justice.

2. CLAIMING THE CITY: INSURGENT CITIZENSHIP, URBAN REFORM AND URBAN-LEGAL FRAMEWORK

The idea of citizenship as a political process rather than a normative concept is key to understand how organized squatters' movements (OSMs) make use of the constitutional text to claim the right to live in the center of São Paulo. To justify the legitimacy of their occupations, OSMs evoke the 1988 Constitution which establishes that all private properties must follow a social function, favoring the collective good of the city. For OSMs, private owners who leave their properties vacant to speculate on urban land are breaking the principle of the social function of property (SFP). Moreover, OSM members understand that, as lawful citizens, they have the right to housing which is also granted by Article 6th of the 1988 Constitution. Since the state has failed to guarantee such right, OSMs organize the occupation of vacant properties left to speculation in order to fulfill this basic necessity. OSM occupations have, therefore, a double goal; they are a way of accessing the right to housing, as well as a political act denouncing the state's failure to provide housing for the poor and enforce the SFP principle.

OSMs' struggle for low-income housing in the center illustrates how poor people's movements in Brazil use rights-claiming discourse to challenge entrenched inequalities and demand substantive rights. By positioning their members as right-bearing citizens who are aware of their citizenship rights, these movements generate new modes of politics and citizenship practices that can bring about deep political transformation. James Holston (2008) describes the process where disenfranchised citizens fight, learn, and claim their rights as insurgent citizenship. In Brazil, the development of the insurgent citizenship practice is connected to the return of the democratic rule in the country and the development of the urban reform agenda, a social justice agenda that aims to promote equitable access to the city. Ultimately, this new citizenship practice was key for the development of Brazil's unique urban-legal framework which was created to enable the right to the city in the country.

In the following sections, I discuss the concept of insurgent citizenship and provide an overview of the development of the urban reform agenda in Brazil and the urban-legal infrastructure designed to enable it, analyzing how such legislation influences OSMs' fight for low-income housing in downtown São Paulo.

2.1 Cities, Citizenship, and Rights Claiming

Citizenship is a multidimensional concept. It includes the idea of membership in a territorial nation-state (*de jure* citizenship), but it also involves the sense of belonging to a certain place (*de facto* residency). While the first dimension relates to the types of rights and legal protections that residents are entitled to, the second refers to the subjects who live and participate in a particular community. Thus, the idea of citizenship is not constrained to definitions provided by the nation-state, but it is rather constructed through the interactions between individuals, social groups, and institutions in their communities (Staeheli, 2003). Consider New York City and its large noncitizen population, for instance. As city residents, these immigrants engage with the city's economy, institutions, and communities. They work and consume in the city, use its subway and park services, and participate in local civic or religious associations. More importantly, through their everyday interactions with the city, they appropriate the urban space and influence ideas about citizenship in the city.[4]

The scholarship on citizenship and migration has largely studied the disconnection between *de jure* citizenship and *de facto* residence of noncitizens in nation-states. Part of this debate has focused on rethinking the scales where the idea of citizenship is conceptualized, highlighting the importance of cities as "strategic arena[s] for the development of citizenship" (Appadurai & Holston 1996, p. 188). According to Varsanyi (2006), this literature can be loosely divided into three

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[4] For example, in 2015, about 10% of the voters in the city's participatory budgeting (PBNYC) were non-citizens. For more, see Community Development Project (2015).

different frameworks – normative, rescaling, and agency centered – that address distinct issues related to the conception of citizenship.

Studies within the normative framework are motivated by the changes in political identities associated with globalization and the flows of people within transnational networks of global cities. Thus, scholars within this approach are mainly concerned with normative models in which citizenship would be extended to members of these transnational networks. Investigations within the rescaling perspective are driven by the changes in citizenship conceptions due to nation-states' participation in transnational political and economic regions, such as the European Union. Authors within this framework explore the possibilities of developing a type of citizenship that would be legitimized at the scale of the city and that could counter undemocratic processes of neoliberal economic restructuring.

Studies within the agency-centered approach are different from the other two perspectives, approaching an understanding of citizenship as a political process rather than as a normative concept provided by the state. For authors within this framework, cities are the strategic spaces where disenfranchised residents constitute the meaning of citizenship due to their hardships with poverty, socioeconomic inequality, and racial discrimination. By dealing with these hardships, residents organize themselves to learn about their rights, as well as engage with the state to voice their demands for better living conditions. Through their struggles, they expand citizenship rights by generating new kinds of law, spaces of participation, and binding political decisions. (Appadurai & Holston, 1996; Holston, 1999)

For Miraftab & Willis (2005), this agency-centered approach emerges from the disjunctions of liberal democracy and its conception of citizenship rights. For the authors, the liberal model of citizenship – which assumes that all citizens have equal rights and obligations before the law – does not hold true in face of the poverty and inequality confronted by the urban poor. In fact, liberal citizenship does not address the disconnect between formal and substantial citizenship – that is, the

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socialeconomic hurdles that prevent part of the political community (formal citizens) from accessing the civil, political, and social rights available to them (substantive citizenship). As a result, the notion of citizenship has been reconceptualized by poor people movements, who have shifted its definition from the state to the people. Such a bottom-up definition articulates meanings, agencies, and practices of citizenship that involves claiming rights and defying the status quo.

This bottom-up approach to citizenship is key to understand the ways in which the urban poor in Brazil conceive citizenship rights in relation to their life experiences in the city. In his study about São Paulo's auto-constructed peripheries, James Holston (2008) argues that the combination of democratization and unequal urban growth led residents to perceive their basic needs in terms of inhabiting the city. Through their efforts to build their homes, improve their neighborhoods, and be recognized as active participants in the city's politics and history, residents of the urban peripheries conceived a type of citizenship that is embedded in their personal experiences in the city. Thus, issues related to the living conditions in their communities – such as housing tenure, access to transportation, day care, and urban infrastructure – were central to their perception of substantive citizenship. In this context, citizenship rights and the right to the city became connected concepts. Through organizing and mobilizing their communities to claim better living conditions, these residents engaged in what the author calls insurgent citizenship – i.e. the process in which disenfranchised urban poor learn about their rights and reconceptualize the meaning of citizenship by organizing and mobilizing their communities to demand substantive rights inclusion.

The development of insurgent citizenship challenges privilege in countries with entrenched regimes of citizenship inequality. In Brazil, differentiated citizenship – that is, different law treatment according to the individual's class, race, gender, and so on – has consistently protected the privilege of the wealthier strata of the population and produced citizenship inequality.[5] For

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[5] According to Holston, citizenship inequality in Brazil date to the early days of its nationhood. Brazil national citizenship was universally inclusive in membership but extremely inegalitarian in the distribution of rights and resources. The first

example, although Article 5th of the 1988 Constitution states that "all citizens are equal before the law without distinctions of any kind", convicts with college degrees have access to special prison cells thanks to a loophole in the Procedural Penal Code. About 85% of the Brazilian population does not have a college degree, and the proportion of whites with college degrees is about 2.5 times greater than the percentage of blacks and browns with the same level of education (IBGE, 2017). Not surprisingly, this loophole reinforces a structure of racial and class differentiation in the country by privileging a minority that is most likely white and can afford college education.[6]

Holston (2008) notes that citizenship inequality in Brazil affected the ways in which residents of auto-constructed peripheries conceived the relationship between citizenship status and rights. Although residents had no doubt about their national citizenship, they did not understand that such status conferred them with rights. For the author, insurgent citizenship development changed the perception about rights in those communities. Through analyzing an intricate case of land fraud, the author shows how the community learned to use the law to confront/negotiate with interested parties (land owners), resist eviction, and legitimate property claims. For Holston, insurgent citizenship – that is, the process of organizing, learning, claiming, and confronting/negotiating – led residents to develop a consciousness about their rights of having rights.

Holston frames residents' right-claims in two different categories – text-based rights and contributor rights. Text-based rights are right-claims based on the textual knowledge of the law.

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constitution (1824), for instance, determined that all freeborn people were considered national citizens, independently of race or social status. Nevertheless, citizenship did not imply equal rights. Consequently, although considered citizens, freeborn Brazilian black, freed slaves and free indigenous people did not have the same civil, political, and social rights as the white population. Another example is the constitution of the first republic (1891) which restricted the right to vote to literate male citizens and denied public education as a universal citizen right. As a result, the constitution consolidated a structure of privilege that excluded about 98% of the country's population from the political community, since it prevented all women and almost the entire nonwhite male population from participating in the elections. For an in-depth discussion about citizenship membership and rights in Brazil, see Holston (2008).

[6] About 65% of the prison population in Brazil is black and less than 1% has a college degree. For more demographic info on Brazilian prisons, see DEPEN (2017).

That is, through organizing and learning, residents become fluent in the text of law and capable of supporting their demands on the legal framework. For the author, text-based right claims became more popular amongst the residents of urban peripheries especially after the approval of the 1988 Constitution, because of the wide popular participation in the drafting of text.[7]

Contributor rights claims are structured around three main identities – homeownership, tax payment, and mass consumption. Residents believe that they have a right to the city because of their contributions to improve their neighborhood by building their homes, paying property taxes, and participating in the city's economy through work and consumption. Holston emphasizes the centrality of homeownership over other identities in the elaboration of these right-claims. Although there were renters and squatters living in the peripheries at the time of Holston's research, 70% to 90% of the households were homeowners. Thus, the author focuses on a particular type of city resident to elaborate his concept of insurgent citizenship – working-class homeowners who self-constructed their homes in the peripheries of the city.

Identities like race or ancestral connection to the land are also key to citizenship subjectivities, though. Keisha-Khan Perry (2013), for instance, shows that black women's resistance against land grabs in the city of Salvador, Brazil, was structured around their identity as black people and their ancestral connection to the land. In her study, Perry explores state-sponsored urban projects that targeted black communities located in prime real-estate neighborhoods and caused massive relocation of blacks to the peripheries of the city. She shows that state-sponsored interventions in this context were based in racism and violence. Displacement from original communities meant the expulsion from land where black people had lived for more than a century, as well as the loss of communities' livelihoods since location was crucial to most job activities. More

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[7] Throughout the constituent process, popular classes submitted 122 amendments to the Constitutional Assembly (1986-1988), gathering around 12 million signatures.

importantly, displacement meant to succumb under a power structure that preconizes that black people cannot live in the center. Hence, homeownership in the periphery did not confer a sense of citizenship rights for displaced communities in this context. Quite the opposite. By organizing against land grabs, communities mainly led by black women became aware of the racist structures embedded in urban intervention. Such consciousness reinforced their identities as black citizens fighting against racism through their struggles in the city. Thus, not only did the confrontation against the *status quo* generate an awareness about rights, but it also created an understanding of inequalities that are mainly related race, gender, and class.

Lucy Earle (2012) suggests that Holston's focus on a specific kind of city resident may have excluded other citizenship subjectivities from the concept of insurgent citizenship. For Earle, Holston pays more attention to claims based on contributor rights than on text-based rights. Consequently, the insurgent citizens described are less identified with the more universalist citizenship rights criteria established by the 1988 Constitution than with their identities as homeowners, consumers, and tax payers. For Earle, interactions between subjects and the state became crucial to citizenship-practices after 1988 because of the expansion of citizenship rights in the new constitution. However, because most of Holston's fieldwork preceded the enactment of the 1988 Constitution, he could not further observe how insurgent citizens reframed their claims based on text-based rights. Therefore, Holston gives more emphasis to the democratization of social relations and the disjunctions it generates than to the effects of the expansion of citizenship rights on state-society relations. Lastly, Earle argues that homeowners from self-constructed peripheries have conservative attitudes towards homeownership and replicate patterns of spatial segregation in the city. Thus, the concept of insurgent citizenship does not encompass citizenship practices that challenge the right to private property or state-sponsored interventions that replicate patterns of spatial segregation in the cities.

Earle draws her critique from her study about citizenship practices of the Housing

Movements Union (UMM), an organized squatters' movement active in downtown São Paulo. For

the author, the concept of insurgent citizenship does not fully comprehend the citizenship practices

and subjectivities of UMM members. Compared to the homeowners of the self-constructed

peripheries, UMM grounded most of their claims on text-based rights. Although Earle considers

some echoes of claims based on contributor rights – such as the occupations are returning life to

emptied areas of the center – she points out that UMM members measured their citizenship

accordingly to the normative conceptions of the 1988 Constitution. Hence, their perception of

citizenship had a more universalist human rights approach in which dignity can be achieved

through the provision of substantive rights. As a result, UMM appropriated of the text of the law to

directly engage with the state. For example, based on the constitutional principle of the social

function of property, UMM occupied vacant properties at the city center, forcing the state to pay

attention to the lack of low-income housing in the city. For Earle, citizenship practices in Brazil

evolved after the approval of the 1988 Constitution. Thus, she proposes a further iteration of

citizenship practice, moving it from insurgency to transgression.

Earle's observation that citizenship practices of OSMs from downtown are distinct from the

ones in the peripheries is pertinent. OSMs are claiming the right to live in a particular place – the

city center – where the urban poor has been traditionally excluded from. However, insurgent

citizenship is rather a process of citizenship development than a static concept. That is, it changes

accordingly with the ways in which disenfranchised communities perceive their struggle in the city.

Therefore, there is no contradiction in finding that insurgent citizenship subjectivities of residents

of self-constructed peripheries is different from OSM activists from downtown.

Moreover, I find that OSMs' claims on contributor rights are not as marginal as Earle points

out. Although text-based rights are crucial to OSM members, they do highlight the material progress

that occupation residents can achieve. Organizers of the Movement of Shelterless Workers of the

Center (MSTC), for example, stress that living in a downtown occupation provides very-low income families with the opportunity to participate in and contribute to the city's economy. Residents of MSTC occupations save time and money by living in downtown and many of them use these extra resources to invest in education. Eventually, these residents can access better paying jobs and move out of the occupation, opening space for other very low-income families.

In addition, residents of the self-constructed peripheries did appropriate text-based rights to interact with the state after 1988. Urban social movements formed by these residents largely contributed to the drafting of the 1988 Constitution. And they kept participating in the public life after the enactment of the constitution through various channels of participation, such as participatory budgeting, public policy councils, and public assemblies. More importantly, their participation was grounded in the constitutional right to participate in city government. Lastly, conservative views towards homeownership are not exclusive of homeowners. Indeed, since the 1930s, homeownership has been the main policy approach to the housing question in Brazil (Bonduki, 1998). Thus, participating in an organized squatter movement does not preclude subjects from being influenced by the homeownership ideology.

The development of insurgent citizenship in Brazil is the result of the combination of democratization and unequal urban growth. In the next section, I examine how this mixture was key for the creation of an urban-legal infrastructure to address the right-to-the-city agenda. I also discuss how insurgent citizens have appropriated this legislation to curb violations of rights.

2.2 Urban Reform, Urban-Legal Infrastructure and Insurgent Citizenship

The urbanization process in Brazil was dramatically fast and socioeconomically unequal. In less than 40 years, the population changed from mostly rural to a majority urban. In 1980, 69% of the population lived in cities, compared to 26% in 1940. Just during the 1970s, the number of new city residents, most of them immigrants from rural areas, increased by 30 million people. In 1960,

only the cities of Rio de Janeiro and São Paulo had total population greater than one million people. By 1980, other eight cities had reached the one million mark. (Maricato, 1996)

This rapid urban growth reproduced the patterns of socio-economic inequality and exclusion in the city that still prevails in the country.[8] Brazilian cities became characterized by socio-spatial segregation and informal occupation. The housing alternatives of the majority of the urban population – mostly low-income – were limited to *favelas* (slums) or isolated peripheries that were far from work and education opportunities. In addition, the quality of the built environment and public services in these neighborhoods was extremely poor. Besides being often located close to environmentally fragile areas - like steep hillsides and flood areas – they also had low coverage of urban infrastructure (power, water, sanitation) and services (public transportation, schools, health care centers). Lastly, most housing was self-constructed by their residents, increasing the hardship of these low-income workers since they had to spend their scarce time and resources building their homes. (Camargo, 1976; Bonduki & Rolnik 1979; Kowarick, 1980; Maricato, 1996; Caldeira, 2000; Torres, Ferreira & Bitar, 2003; Ferro & Arantes, 2006; Oliveira, 2006)

City sprawl, poverty concentration, housing deficit, environmental degradation, and unequal access to public services and urban infrastructure became common features of all major cities in the country. Thus, upon the weakening of the military regime in the mid-1970s, social movements mainly formed in the urban peripheries and favelas started to push the state to improve the living conditions of impoverished communities.[9] Although these movements were

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[8] Income inequality in Brazil is extremely high. Between 2006 and 2012, the richest 1% of the population received more than a quarter of all income generated in the country. In the same period, the richest 5% appropriated of almost a half of the country's total income. For more on the stability of income inequality in Brazil, see Medeiros, Souza and Castro (2015).

[9] The universe of stakeholders and organizations in these movements was quite diverse. It included low-income residents organized in local neighborhood associations, unions, pastoral chapters organized by the Catholic Church, professional organizations like the Institute of Architects of Brazil, housing activists, academics and students partnering with local community organizations, newly created political parties and so on. For more on Brazilian urban social movements, see Sader (1988), Cardoso (2011) and Baiocchi (2017).

focused on specific fights (*lutas*),[10] their claims ended up structuring a national social justice agenda known as the urban reform.

The urban reform is a redistributive agenda that bases the concept of right to the city in Brazil (de Souza, 2001; Lefebvre, 2008). It aims to include disenfranchised communities in the city through promoting equitable access to urban land, housing, infrastructure, public services and healthy environment. It also seeks to make city government more democratic through increasing public participation in decision-making.

During the drafting of the 1988 Constitution, social movements and other organizations that were previously mobilizing around specific urban issues created the National Movement for Urban Reform (MNRU) – a broad coalition that advocated for the inclusion of the urban reform agenda in the constitutional text.[11] Since the internal charter of the Constitutional Assembly allowed the proposal of popular amendments that had the support of at least 30,000 registered voters, MNRU proposed a popular amendment on the urban reform. The movement was able to gather about 160,000 signatures in favor of the amendment, resulting in the inclusion of a chapter on urban policy (Articles 182 and 183) in the 1988 Constitution. (Cardoso, 1987; Vigevani, 1989; Silva, 1991; Maricato, 1994; Fernandes, 2011)

Articles 5th and 182 of the 1988 Constitution set a new legal foundation over property rights and the urban policy, establishing the initial urban-legal infrastructure for urban reform in Brazil. Article 5th, Items XXII-XXIII, confers the right to property to all Brazilians and foreign residents, determining that all properties must comply with their social function. Article 182 of the

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[10] For example, movements specifically focused on increasing the number of kindergarten schools ("*luta por creches*"), improving the public transit service ("*luta por transportes*") or accessing water and sewage piping service ("*luta por saneamento*").

[11] According to Maricato (1994), six nationwide organizations and dozens of regional and local grassroots organizations signed the proposal handed to the Constitutional Assembly. The nationwide organizations that mobilized around the approval of the amendment were the National Federation of Engineers (FNE), the National Federation of Architects (FNA), the Institute of Architects of Brazil (IAB), the National Coalition of the Urban Land, the National Coordination of the Mortgagees, and the Movement in Defense of the Residents of Favelas (MDF).

constitutional chapter on urban policy establishes that the municipal government is responsible for implementing the urban development policy whose main goals are to enable the full development of the social function of the city and grant the welfare of city residents. Paragraph 1st of the same article determines that the municipal master plan is the urban-legal instrument that guides the urban development policy, and the second paragraph establishes that the urban properties accomplish their social function when they abide by the city's master plan.

The 1988 Constitution, thus, conditions the private use of the property to the municipal policy of urban development through the compliance with the city's master plan. It also determines that the policy of urban development must ultimately promote the full development of the social functions of the city and the welfare of its residents. Hence, the use of private property must favor the collective good of the city, adding to the full development of its social functions, the safety and welfare of its residents, and the balance of its natural environment. The inclusion of the principle of the social function of property (SFP) in the 1988 Constitution, therefore, created a new legal paradigm over property rights in Brazil because it shifted the approach to property rights from the individualistic perspective established by the Civil Code to a collective one based on the social function of the property and the city.

Since the enactment of the 1988 Constitution, Brazil has implemented a series of urban-legal changes to enable the urban reform and the full development of the social function of the cities.[12] The main piece of legislation approved with this intent is the 2001 City Statute (Federal Law 10,257) which further regulates the constitutional chapter on urban policy, formally recognizing the right to the city as one of its goals.[13] The statute specifies the guidelines for the

[12] Besides the approval of new legislation, such reforms included the creation of new administrative structures, like the Ministry of the Cities and the National Council of the Cities. For an in-depth discussion, see Fernandes (2011).

[13] The City Statute defines right to the city as: "the right to urban land, housing, environmental sanitation, urban infrastructure, transportation and public services, work, and leisure, for the present and future generations". (City Statute of 2001, Federal Law 10,257 § 1)

implementation of the SFP principle by city governments, as well as establishes urban-legal

instruments to promote low-income housing opportunities and regulate local real estate markets.

For example, to further the access to adequate low-income housing, city governments can

use a specific zoning instrument – the zone of special social interest (ZEIS) – to delimitate areas in

the city where there is public interest in incentivizing low-income housing development or slum

upgrading. To curb the speculative retention of urban real estate, city governments can implement

the progressive taxation instrument and gradually increase the property tax of long-time vacant or

underutilized properties. Or, to promote structural improvements in disinvested urban areas, cities

can adopt the syndicated urban operation (SUO) instrument to create public-private partnership

(PPP) arrangements in which developers can benefit from special development incentives in

exchange of investments in urban infrastructure.[14]

The statute also regulates the democratic management of the city (“*gestão democrática da*

cidade”), that is, the public participation in the city government. It requires mandatory public

participation in the formulation, implementation and monitoring of plans, programs, and projects

of urban development. As a result, master plans, urban development programs, and redevelopment

projects that do not fulfill such participation requirements are subject to litigation.

So far, the city statute has not been revolutionary in terms of shifting city governments'

priority towards the urban reform agenda. However, it has granted urban-reform advocates a seat

at the negotiation table (Rolnik, 2011). As Edésio Fernandes (2011) and Raquel Rolnik (2013) have

pointed out, the statute's participation requirement has been an important tool to curb the violation

of rights, like in the case of the redevelopment project in Campos Elíseos described in the previous

chapter.

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[14] There is a large body of literature in Brazil criticizing the use of the SUO instrument. Overall, SUOs have caused massive displacement of low-income communities in the cities, and eventual collective benefits have been marginal compared to the advantages offered to real estate development sector. For an in-depth discussion, see Fix (2001; 2007) and Rolnik and Morado (2018).

Teresa Caldeira and James Holston (2015) observe, nevertheless, that despite conditioning urban planning to the process of public participation, decision making in the participatory planning process is not binding. That is, the changes discussed and agreed upon throughout the public participation phase may not be incorporated in the plan's final version. This is the case because public participation is just one of the steps of the participatory planning process. Plans that need the sanctioning of the legislative power, such as municipal master plans, can be altered by city council members after the public discussion phase. Thus, representatives of economic sectors with strong lobbying power in the city council have more leverage to move forward their particular agendas. For the authors, non-binding decision making can turn the participatory planning requirement irrelevant because of the influence of economic sectors during the legislative approval process.

Caldeira and Holston also highlight that the lack of clarity in the procedural rules of the participatory planning process provided the judicial power with a new role, since judges have to decide on the sufficiency of the public participation throughout the planning process. Although the judicialization of planning has become a means to push the urban reform agenda, there is no guarantee that social justice will be the outcome of such process. Furthermore, the judicialization of planning can also strip the efficiency of participatory planning by paralyzing policy-making in judicial entanglements.

In the aforementioned case of Campos Elíseos, for example, the judicial power had to decide on the eligibility criteria to participate in the planning process. São Paulo's 2014 Strategic Master Plan requires that any urban planning intervention located in a Zone of Special Social Interest 3 (ZEIS-3) must go through the approval of a management council formed by local residents, civil society organizations, and the executive power. Since the two blocks demarcated for redevelopment were within a ZEIS-3 area, the city administration had to organize the election of the management council in order to follow up with the redevelopment plan. (Fig. 2)
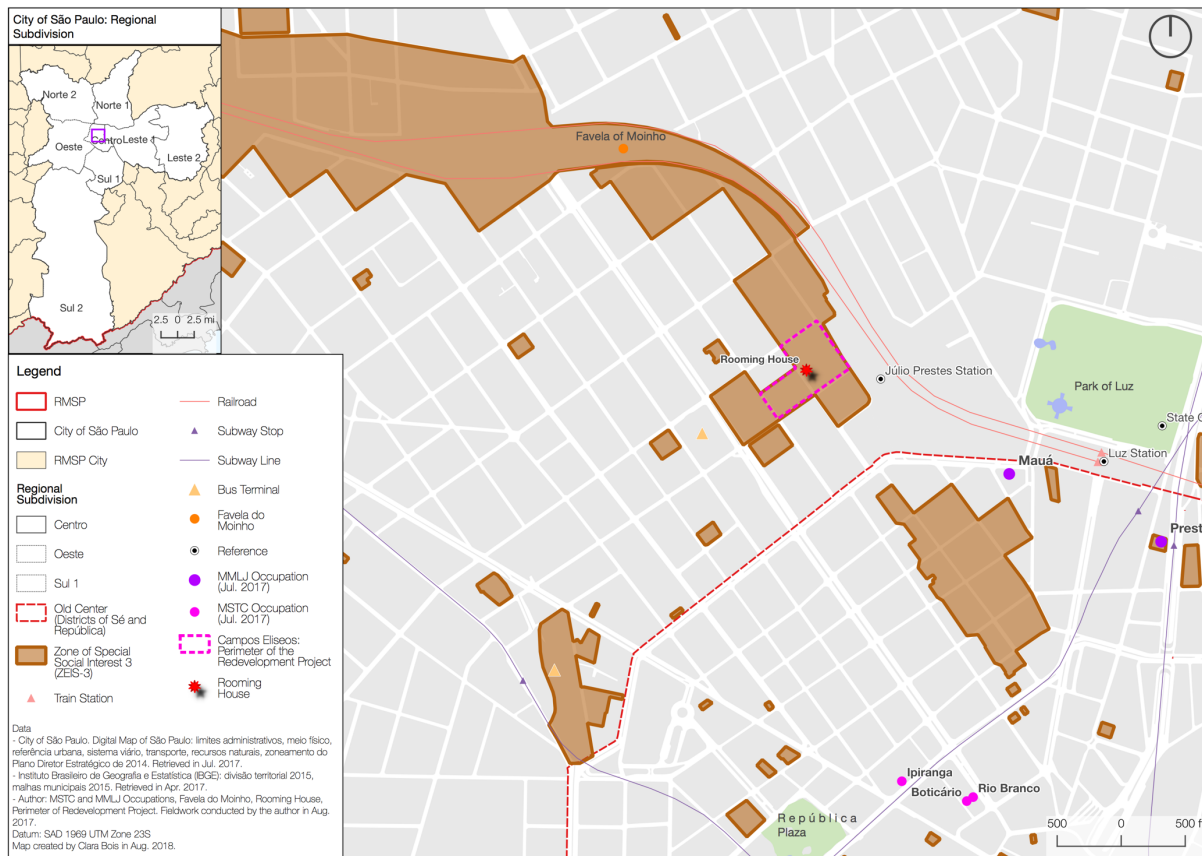
Figure 2 - Downtown São Paulo: Zone of Special Social Interest-3, 2014 Strategic Master Plan

For the city administration, only residents living within the perimeter of intervention would be eligible to participate in the election of the management council. However, residents of neighboring blocks contested the administration's participation criteria by pointing out that the intervention area was part of a continuous ZEIS-3 that included another eight blocks. For them, the participatory process should cover? the entire perimeter of the ZEIS-3 since the intervention would affect all low-income residents in the area. Thus, residents supported by local organizations[15] petitioned the Prosecutor's Office of São Paulo (MPSP) to request the suspension of the management council's election. The local judge, nevertheless, rejected the MPSP's preliminary injunction, considering the city administration's participation criteria correct.

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[15] Amongst the organizations supporting the petition were the Gaspar Garcia Center of Human Rights, the Popular Movements' Central (CMP), the Polis Institute, and the LabHab and LabCidade of the University of São Paulo (USP).

The case of the management council of Campos Elíseos illustrates one of the contradictions of the statute's participatory planning requirement. The lack of clarity in the procedural rule of the implementation of the management council rules gave residents the opportunity to use the court to demand more participation. The judicial ruling, however, frustrated the expectation that such requirement would expand the inclusion of low-income residents. Faranak Miraftab (2009) observes that sanctioned participatory spaces, like the ZEIS-3 management council, have become a sort of double-edged sword in the context of neoliberal governments. If they provide disenfranchised communities with the opportunity to voice counterhegemonic agendas, they also use the idea of popular participation to produce consent and the perception of inclusion.

The demand for more participation also demonstrates how text-based claims have influenced the struggle for the right to the city in downtown. However, if insurgent citizens base their demand for participation on a text-based right, they do not solely rely on formal participatory arenas (e.g. court, policy councils, public assemblies) – or "invited" spaces of participation (Miraftab, 2004) – to voice and negotiate their claims. As Miraftab (2009, p. 37) points out, to resist oppression, insurgent citizens also have to "invent" spaces of participation that confront hegemonic power, using "formal channels when they are advantageous, and defy[ing] them when they prove unjust and limiting".

In Campos Elíseos, a collective of social justice organizations created a parallel participation forum – the Mundareu da Luz Open Forum – in reaction to the brutality of the state-led interventions in the area.[16] The Forum mobilized resident and business owners all over the neighborhood to develop an alternative planning proposal that could actually express the community's wants and needs. A key point of the plan, for example, is the non-displacement of

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[16] The Mundareu da Luz Open Forum is organized by more than 25 organizations, including the housing movement, human rights and right-to-the-city organizations, social services and mental health organizations, art collectives, universities, and the Office of Public Defenders. For more details, see Fórum Aberto Mundaréu da Luz (April 2018).

current residents and business owners. The Forum shows that, by using the vacant and under-utilized properties in the area, it is possible to develop more than 3,500 housing and commercial units without displacing current residents nor demolishing landmark properties (Fórum Aberto Mundaréu da Luz, April 2018). In early 2018, the Forum formally submitted the plan to the city administration.

Downtown organized squatters' movements (OSMs) also illustrate this relationship between the "invited" and "invented" as a way to fight for low-income housing in the center of São Paulo. OSMs use invited participatory spaces, such as the court, to battle for the legitimacy of their occupations. Their struggle has shown, nevertheless, that the urban legislation created to democratize the right to the city has had little influence on rulings over property rights. That is, although the City Statute and the city's master plan have become the standard legal order regulating the development of urban land, they have had little effect on court decisions over the use of private property. My analysis of the Maua Occupation's writ of eviction case suggests that the Civil Code, rather than the 1988 Constitution, the City Statute, or São Paulo's Strategic Master Plan, is the standard legal order guiding rulings over the use of property. As a result, right-claims based on right to housing and the social function of property are ineffective in court. This finding leads to a question about the limits of relying on the creation of urban-legal infrastructure to implement the agenda of urban reform in the country.

In the next section, I present the case study of the Maua Occupation, showing how downtown OSMs have engaged with the state to claim their right to live in the city center. OSMs have been reframing participatory citizenship in São Paulo by appropriating invited and invented spaces of participation. OSMs have shown that to implement social justice agendas, such as the urban reform, it is necessary to engage in an insurgent citizenship practice that defies and demands from the *status quo*.

3. CLAIMING THE CENTER, DEFYING THE STATUS QUO

The districts of Sé and República are two of the oldest areas of the city of São Paulo. They form the core of the city's central area, housing many of São Paulo's most symbolic civic, cultural, and religious institutions, like the metropolitan cathedral of Sé, the city hall, the city council, and the Municipal Theater. Sé and República also concentrate the majority of the city's vacant and underutilized buildings. In 2017, the city classified 500 structures as vacant or underutilized, an average of three vacant buildings per square mile or one vacant or underutilized building per block (PMSP, 2017). Not surprisingly, it is within the perimeter of Sé and República that the Movement of Shelterless Workers of the Center (MSTC) and the Housing Movement in the Fight for Justice (MMLJ) organize most of their occupations. (Fig. 3)

MMLJ organizes two occupations in the vicinity of the Luz Station – Mauá and Prestes Maia – both located a few blocks away from the redevelopment area in Campos Elíseos. The occupations are part of a complex context of poverty and housing vulnerability in which displacement threats come in different ways and forms: writ of evictions protecting property owners' right to speculate, mediatic discourse reinforcing the image of a neighborhood dominated by crime, and urban redevelopment plans promising to "revitalize" a neighborhood that may be impoverished but it is alive.

Maua organizers have fought in and outside state structures to resist displacement. In 2012, the Maua received a writ of eviction that got suspended after the court of appeals agreed to analyze the occupation's case. In 2013, the city administration opened negotiation with the property owners to purchase the building for social housing purposes. However, a year later, the court of appeals decided that the eviction ruling was valid. Since the property owners and the city were in a process of negotiation, the plaintiffs did not proceed with the eviction order. In 2015, the city deposited 60% of the appraised property value (roughly R$18 million) in a judicial account in order to purchase the building. Nonetheless, in 2017, a judicial appraiser did a second evaluation of the

property, appraising the building in R$26 million. This second evaluation paralyzed the negotiation process since the city administration refused to purchase the building for the second appraised value. As a result, in June 2017, the property owners moved forward with the eviction lawsuit against the occupation organizers. After much negotiation and resistance from Maua occupants, the city administration and property owners reached a purchase agreement in December 2017.

Maua's intricate judicial process makes it an interesting case for analysis because its eviction ruling shows that the right to housing and the principle of social function of property (SFP) are loose arguments in the court. Going to court was, nevertheless, an important resistance strategy for Maua occupants. Although claiming the SFP principle was not enough to avoid the eviction ruling, going to court provided Maua leadership with extra time to negotiate with public authorities and mobilize the public opinion in their favor. Maua's case also shows that political and financial support of the state are crucial for resistance. Besides appealing the writ of eviction in court, Maua organizer looked for allies within the city administration to mediate the conflict with the property owners, as well as to fund the purchase of the property.

This chapter is organized in four sections, including this introduction. In the following section I provide a context of the social-spatial relations in São Paulo, as well as a summary of the city housing needs. I then provide some historical background about the housing movements of the center and, lastly, I discuss the Maua case.
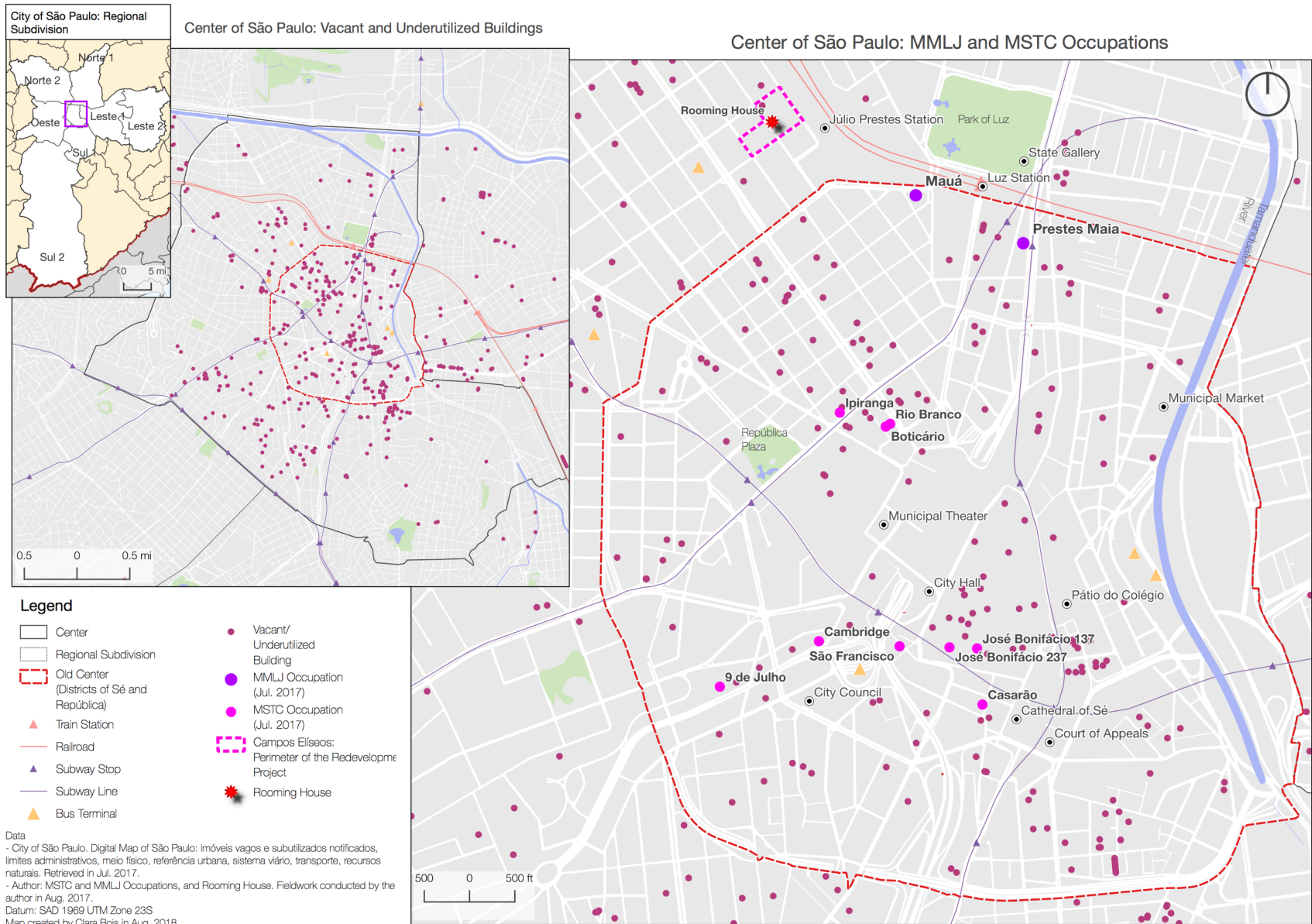
City of São Paulo: Regional Subdivision

Norte 1
Norte 2
Oeste
Leste 1
Leste 2
Sul
Sul 2

Center of São Paulo: Vacant and Underutilized Buildings

Center of São Paulo: MMLJ and MSTC Occupations

Rooming House
Júlio Prestes Station
Park of Luz
State Gallery
Mauá
Luz Station
Prestes Maia
Tamanduateí River
Ipiranga
Rio Branco
Boticário
Municipal Market
República Plaza
Municipal Theater
City Hall
Pátio do Colégio
Cambridge
São Francisco
José Bonifácio 137
José Bonifácio 237
9 de Julho
City Council
Casarão
Cathedral of Sé
Court of Appeals

Legend

- Center
- Regional Subdivision
- Old Center (Districts of Sé and República)
- ▲ Train Station
- Railroad
- ▲ Subway Stop
- Subway Line
- ▲ Bus Terminal
- Vacant/ Underutilized Building
- MMLJ Occupation (Jul. 2017)
- MSTC Occupation (Jul. 2017)
- Campos Elíseos: Perimeter of the Redevelopment Project
- Rooming House

Data
- City of São Paulo. Digital Map of São Paulo: imóveis vagos e subutilizados notificados, limites administrativos, meio físico, referência urbana, sistema viário, transporte, recursos naturais. Retrieved in Jul. 2017.
- Author: MSTC and MMLJ Occupations, and Rooming House. Fieldwork conducted by the author in Aug. 2017.
Datum: SAD 1969 UTM Zone 23S
Map created by Clara Bois in Aug. 2018.

Figure 3 – Center of São Paulo: Vacant and Underutilized Buildings, MMLJ and MSTC Occupations, Jul. 2017

3.1 Socio-spatial relations in São Paulo

São Paulo's urban form is marked by the racial and socioeconomic divide between a privileged, upper-class center and an impoverished, working-class periphery. Throughout the 1970s and 1980s, various studies showed that the majority of São Paulo residents lived in self-constructed peripheries with low access to urban infrastructure, public services, and job opportunities. The population in these communities were mostly black or brown, had low-income jobs, and few years of education. In addition, the massive internal migration of low-income workers to São Paulo accelerated the populational growth in the periphery and intensified the urban sprawl. (Camargo, 1976; Bonduki & Rolnik 1979; Kowarick, 1980; Maricato 1996)

Eduardo Marques (2014) observes that, although spatial inequality in São Paulo can be roughly characterized by the center-periphery model, such divide became more nuanced over the past two decades because of the differences between consolidated and new areas within the periphery. Overall, there was a significant improvement in the access to urban infrastructure and public services, as well a reduction in the poverty levels. Today, most neighborhoods in the periphery have sewage and water pipe coverage, as well as access to basic public services such as schools, health care centers, and public transportation. In addition, the increase in the workers' income during the 2000s led to an overall drop in the poverty levels in the periphery. The quality of public services in the peripheral neighborhoods is unequal, however, decreasing as one walks away from the center to the periphery. In general, older, more consolidated peripheral neighborhoods are more likely to have better public services than new ones.

According to Marques, spatial segregation has been high and stable throughout the past two decades. Upper and professional classes – who are majority white – live in the center and, since the 1980s, in fortified enclaves in the city suburbs (Caldeira, 2000). Black and brown populations have primarily lived in the periphery which has become more heterogeneous in terms of social class and

income level throughout the years (Fig. 4 and 5). The greater access to education programs – especially in the more consolidated peripheral neighborhoods – enabled part of the youth to obtain better quality jobs. As a result, the socio-economic profile in those neighborhoods has shifted from a predominantly low-income working class to a social mix of low to middle-income workers, middle classes and, in less proportion, professional classes. (Marques 2014)
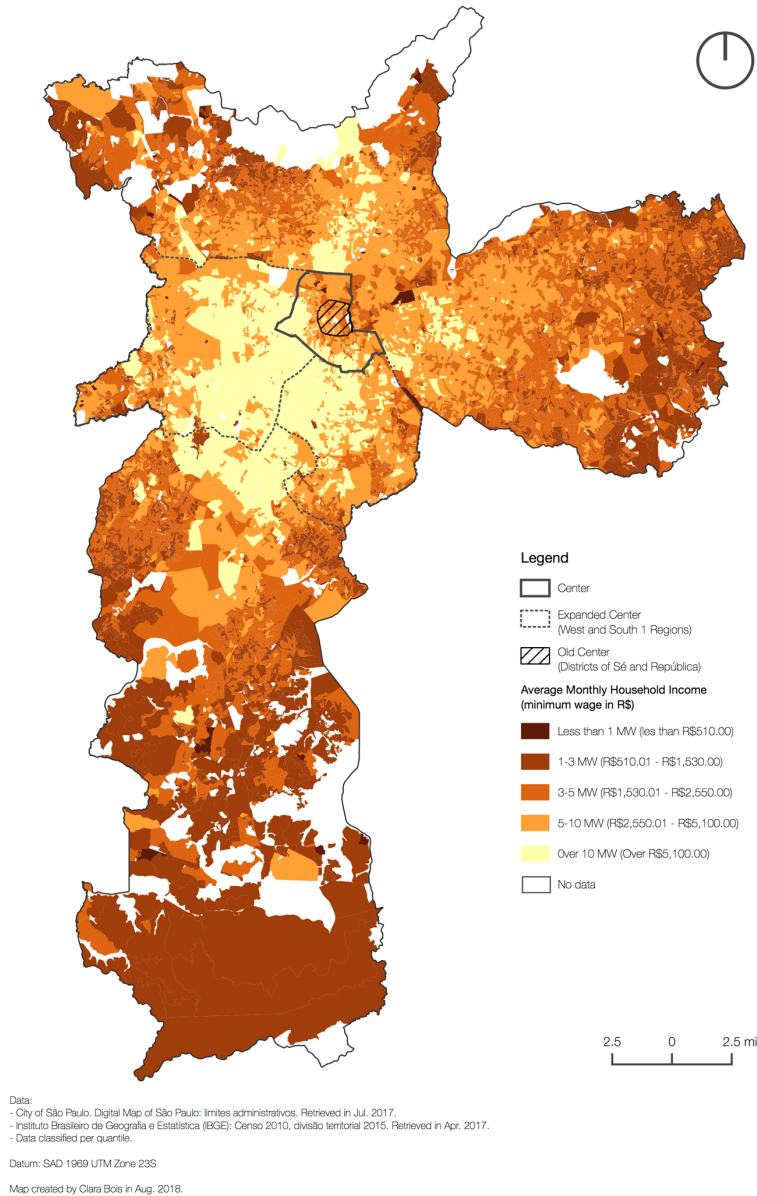

Legend

☐ Center

┄ Expanded Center
(West and South 1 Regions)

▨ Old Center
(Districts of Sé and República)

Average Monthly Household Income
(minimum wage in R$)

■ Less than 1 MW (les than R$510.00)

■ 1-3 MW (R$510.01 - R$1,530.00)

■ 3-5 MW (R$1,530.01 - R$2,550.00)

■ 5-10 MW (R$2,550.01 - R$5,100.00)

☐ Over 10 MW (Over R$5,100.00)

☐ No data

2.5   0   2.5 mi

Data:
- City of São Paulo. Digital Map of São Paulo: limites administrativos. Retrieved in Jul. 2017.
- Instituto Brasileiro de Geografia e Estatística (IBGE): Censo 2010, divisão territorial 2015. Retrieved in Apr. 2017.
- Data classified per quantile.

Datum: SAD 1969 UTM Zone 23S

Map created by Clara Bois in Aug. 2018.

Figure 4 – City of São Paulo: Average Monthly Household Income (Minimum Wage in R$), 2010 Census
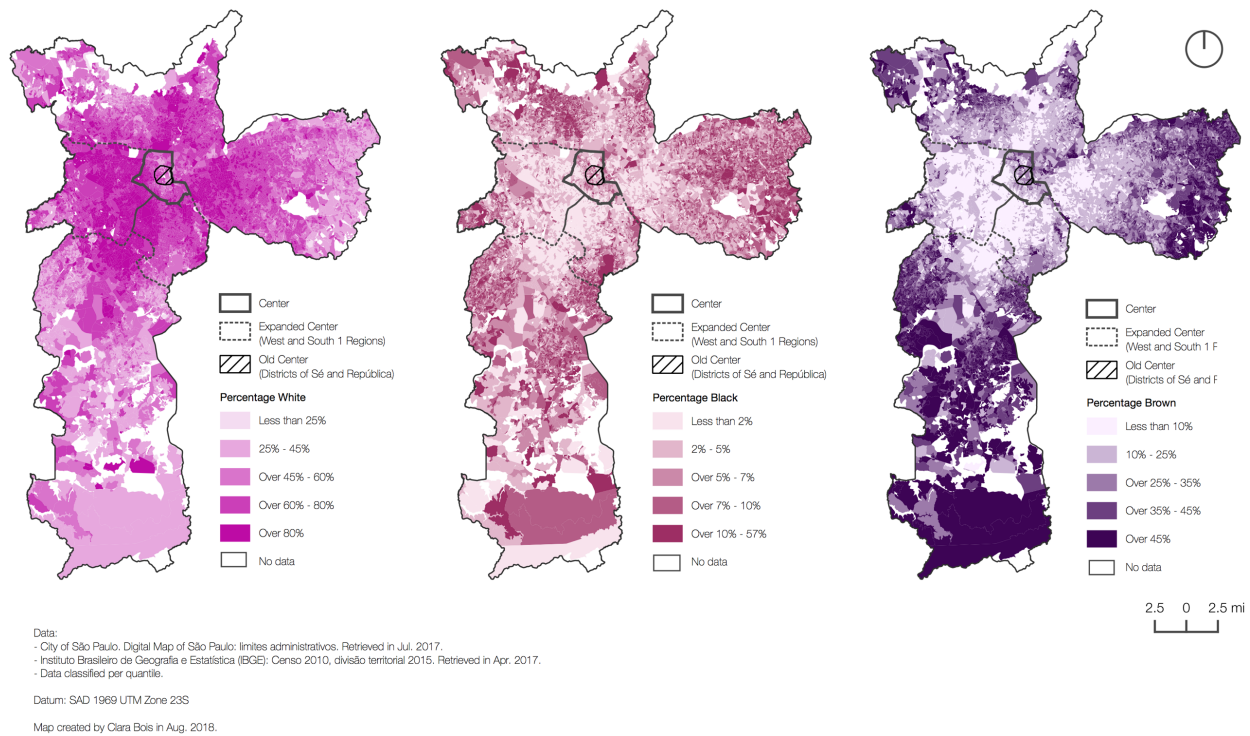
Figure 5 - City of São Paulo: Population Distribution by Race (%), 2010 Census

The demographic and real estate dynamics of São Paulo's center have also changed over the years. Nakano, Malta and Rolnik (2004) show that, since the mid-1960s, the state has invested in the expansion of transit infrastructure connecting the oldest areas of the center to new real estate markets in the west and southwest areas of the city. Throughout the 1970s and 1980s, offices and hotels in the center progressively relocated to these new centralities (expanded center) in search of buildings with modern infrastructure and more parking space. As high-income jobs moved out to the expanded center, so did the upper and middle classes who lived downtown. By the early 1990s, the area had lost most of its high-income jobs and population, presenting a high vacancy rate of commercial and residential properties.

Since the late 1990s, the city administration has incentivized residential, cultural, and institutional uses in the old center, seeking to draw high-income consumers to the area. Generous development incentives have attracted housing developers to invest in the area. Over the past decades, the number of middle-class households in downtown has increased and important institutional uses – such as the São Paulo Stock Exchange and some offices of the State government

– stayed in the area. However, these development incentives have been only partially successful in reducing the overall vacancy rate. According to Nakano, Malta and Rolnik, developers have saved their investments for downtown's most profitable neighborhoods, leaving behind the oldest, historical areas. According to the city administration, there are about 700 building in the center that are currently vacant or underutilized. (PMSP, 2017)

The loss of office jobs and high-income population certainly changed the old downtown's economic characteristics, but it did not diminish its economic vitality. Throughout the 1960s till the 1980s, the state developed a robust transit infrastructure in the old downtown, connecting the periphery to the main job markets in the center (old and expanded center). These investments transformed the old downtown into the city's most important transit hub, favoring the growth of commercial areas that catered to low and middle-income workers (Nakano, Malta & Rolnik, 2004). However, they also reinforced the spatial mismatch in the city. Currently, 64% of the employment opportunities in São Paulo are located in the center, including the expanded center, while only 20% of the residents live in this area. (SEADE, 2017)

The concentration of job opportunities in the center, added to the lack of social housing policies in the area, led to the development of a precarious form of slum housing, known as *cortiço*. Cortiços are collective rental dwellings where households frequently share the bathrooms with many other units. They have a high density of habitants per room, precarious infrastructure, extremely high price per square feet, and shared access to common areas. Most of them are located in downtown's former upper and middle-class neighborhoods in the regions of Sé and Mooca. According to the city, there were 80,389 families living in cortiços in 2009. (PMSP, 2016)

Cortiços are just one of the examples of São Paulo's severe housing needs. Although there were 595,000 vacant housing units in the city in 2015, about 640,000 families – roughly 9% of the

total households – needed to access housing.[17] From this total, almost 60% of households are rent burdened, a bit more than 20% share the housing unit with another family but want to move to another house, and around 15% share a room with three people or more (FJP, 2018). The city administration estimates that roughly 80% of the households in need of access housing are very low-income families.[18] (PMSP, 2016)

São Paulo's social-spatial structure privileges a majority white and high-income population who is able to afford the rents in the city center. However, a significant number of very low-income families struggle to live in the old downtown, so they can access better public services and job opportunities, amongst other benefits. Residents of cortiços were the first to demand decent housing opportunities in the center. In fact, many OSM organizations originated from the "fights of cortiços" ("luta de cortiços") during the 1990s. In the following section, I provide an overview of the origins of the organized squatters' movement of downtown São Paulo.

3.2 Housing movements in the city center

Until the early 1990s, most studies on São Paulo's housing movement[19] described the peripheries as the main place of grassroot organizing in the city (Paternani, 2013). Nevertheless, grassroots associations have been organizing cortiço residents in the center since the early 1980s. Many of them worked in the factories located in the neighborhood of Mooca and lived in this precarious type of housing in order to stay close to work. During the economic downturn of the

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[17] FJP calculates the total households in need of accessing housing as the sum of households who live in precarious homes, improvised shelters (e.g. cars, boats etc.) or overcrowded homes (more than three habitants per room); share the house with another family but have the intention to move out; or are rent burdened (low-income families who spend more than 30% of their income on rent).

[18] Families earning up to 3 minimum wages per month (MW). Minimum wage in 2010 was about $280.00.

[19] The housing movement can be loosely defined as a type of urban social movement that fights for very low-income population's right to safe and decent housing. Housing movement organizations and demands are quite diverse. They can include neighborhood associations pushing for more public investment in their communities, housing rights coalitions demanding homeownership opportunities for very-low income people, organized squatters' organizations demanding public housing in the city center, and so forth.

1980s, when many cortiço residents became unemployed, union organizers started to mobilize these residents around housing issues and push for improvements in the living conditions of cortiços. These "fights" were the first to demand adequate housing in the city center. (Aquino, 2010)

In the late 1980s, during the administration of the Mayor Luiza Erundina (PT), the city administration became more open to the participation of social movements in the government. In this context, the demands from the movement of cortiços – such as the development of low-income housing in the city center – started to reverberate within the city administration. Nevertheless, the development of a local housing policy prioritizing social housing in the center was halted after the election of two conservative mayors – first Paulo Maluf and then Celso Pita (both from the Brazilian Progressist Party, PPB).

Thus, in 1997, two cortiço organizations – the Cortiços' Forum and the Unification of the Fight of Cortiços (ULC) – started to occupy vacant buildings to call attention to the housing problem in the center. As Roberta Neuhold (2009) points out, the occupation of vacant land was not a new strategy within the housing movement. However, for the first time, the occupations were coordinated and organized as continuous actions that proposed an agenda of policies and had a network of supporters who endorsed the right of the very low-income population to live in a central area of the city. Occupiers seized land for a social justice cause – to denounce land speculation and the lack of housing for the very low-income population in São Paulo. Their occupations were not necessarily illegal because the properties were being retained for mere speculative goals and, therefore, did not accomplish a social function.

The movement thoughtfully selected long-time vacant properties whose owners were in debt with the city. After occupying the properties, they opened negotiations with the state and demanded new housing programs for very low-income families, as well as the right to participate in the control of the city housing policies. The movement also had the support of experts from

universities and non-governmental organizations (NGOs) who conducted studies on current

housing policy, participation and social control, and the right to housing and the city. In addition,

the occupations also had the support of art collectives, independent media collectives, human rights

organizations, and sectors of the Catholic Church. (Neuhold, 2009)

The Movement of Shelterless Workers of the Center (MSTC) – which is one of the founders

of the Maua Occupation – is a dissidence of the Cortiços' Forum. In 2004, MSTC along with the

Housing Movement of the Central Region (MMRC) and the Housing Movement of the Shelterless

Workers of the Central Region (MMTRC) created the Front of the Fight for Housing (FLM) – a

coalition of social movements that structured their demands around housing in the metropolitan

area of São Paulo. In 2014, the MSTC founders of Maua Occupation created the Housing Movement

in the Fight for Justice (MMLJ), an independent OSM organization that works in partnership with

MSTC and is also filiated to the FLM.

MSTC and MMLJ currently coordinate 15 occupations, 12 of them located in downtown,

organizing about 2500 families. Besides mobilizing low-income families around their housing

necessities, MSTC and MMLJ promote political education and leadership development within their

constituencies. Movement organizers promote weekly base meetings in the downtown area where

they reach out to prospective members, introducing the movement, the social and political goals of

the occupation, and the commitments that members have towards the housing movement – such as

going to the periodical community assemblies, participating in the maintenance of collective spaces,

volunteering to support new occupations, amongst other activities. After this initial capacity

building, families willing to join the movement are incorporated into old occupations or help to

create new ones.

MSTC and MMLJ often highlight that their occupations are organized. Making this

distinction is important for them because of the risk of criminalization. In Brazil, both state and the

mainstream media often portray OSM occupiers as invaders. Such treatment equalizes their

insurgent actions and demands to criminal misconduct. Thus, to differentiate themselves from criminals, OSMs make themselves available to the city government and the justice system, as well as maintain strict conduct rules in the occupations (e.g. no drugs allowed, no domestic violence, etc.). Moreover, they also highlight that they are formal organizations that pay taxes and are licensed to represent the popular classes in public policy councils (e.g. housing council, public health council, youth council, etc.) and compete for state funding.

Owning a vacant property may be against the social function principle, but it is not against the law. For this reason, the occupations are constantly threatened with the risk of eviction. The best chance of an occupation to stay in the property is acquiring land tenure through adverse possession which, according to Article 183 of the 1988 Constitution, is only allowed to private properties and can be acquired after five years of uninterrupted and pacific occupation. However, if there is an ownership claim in between this period, adverse possession cannot be claimed anymore. In addition, public-owned properties are not subject to adverse possession. Thus, in the case of occupations of public buildings, OSMs have fewer juridical tools to negotiate their permanence.

Political support is also key for the permanence of organized occupations. Over the years, downtown OSMs have managed to, at minimum, consolidate the theme of social housing in the center in the local housing policy agenda. For example, since 2010, the city administration has sought to purchase properties occupied by OSMs in order to implement the movements' demand. During the administration of Mayor Fernando Haddad (PT), the city incorporated in the proposal of the municipal housing plan a special program where OSM entities would be able to partner with the city in the management of the social rent program (PMSP, 2016). Continuity in policy making has been a challenge for downtown OSMs, though. The current city administration of Mayor Bruno Covas (PSDB), for instance, was elected on a platform of public-private partnerships to provide public services such as social housing. In their model, private entities would provide the housing service on city-owned property/land. Thus, the real estate acquired throughout this period would

not necessarily benefit the families served by the downtown OSMs but rather the public chosen by the private entity.

3.3 The Maua Occupation

The Movement of Shelterless Workers of Downtown (MSTC) first occupied the property located at 356 Maua Street in 2003. The building was an old hotel – the Santos Dumont Hotel – located in front of the Luz Station, one of São Paulo's most important transit hubs and architectural landmarks. The hotel was opened in 1953 and operated until the late 1980s. When MSTC first occupied it, the property had been vacant for 17 years and had a property tax debt of over R$2 million. The first attempt of occupation did not last long, thought. The property owners (the Zyngier and Sznifer families) immediately filed in an action to recover the possession of the land and the movement left the property peacefully about a month after the occupation.

After the eviction, the hotel was left vacant for four years. Thus, in 2007, MMLJ (then MSTC) along with two other OSM organizations – the Housing Movement of the Central Region (MMRC) and the Association of Shelterless People of São Paulo (ASTC-SP) – organized about 200 families to occupy the property for the second time. This time, instead of filing an action, the property owners just filed a police report and did not take any further action until March 2012. A few months before the occupation had completed 5 years – period necessary for claiming adverse possession – the property owners filed the action to recover the possession of the property. As in 2003, the justice sided with the plaintiffs, determining the eviction of 237 families and authorizing the use of police force, if necessary. Below, I partially transcribe the writ of entry of the Judge Carlos Eduardo Borges Fantacini, from the 26th Civil Court of São Paulo (highlights are mine).

> MENDEL ZYNGIER, SARA ZYNGIER E ABRAM SZNIFER move the present ACTION TO RECOVER THE REPOSSESSION OF LAND against **MOVEMENT OF SHELTERLESS CENTER** (*sic*) – **MASTC** (*sic*), IVANETE DE ARAUJO, **CARMEM DE TAL** e OUTROS (…), claiming, in

summary, being the lawful property owners of the building at 342, 348, 352, 356, 360 Maua Street which was invaded by the defendants in 03/26/2007, as reported on the police report, inclusively confronting previous writ of possession, res judicata in 12/01/2005.

(...)

The defendants contest the pgs. 236/248, claiming, in summary, that the date of possession added more than a year and a day, and that **the property was found derelict, not following its social function. They entered the property by the reason of need, exercising the social right to shelter**, which the City has failed to comply.

(...)

I DECIDE

The documents prove the facts and the undisputable, public and notorious conduct of the **organized invasion of the property**, which was committed by the second time under the command of the so called "Movement of Shelterless".

There is no question that the **plaintiffs are the legitimate owners** of the property in debate, in which they had exercised **peaceful possession**, that so that this was the 2nd case of invasion...

Besides being confessed, the invasion practiced by the defenders is proven on the police report...

The supposed right to housing must be provided by the state, not by private entities. Thus, it [the right to housing] does not legitimate the usurpation [of property]. Even though the action had happened more than a year and a day ago, the usurpation does not generate any tenure rights to the defendants, even more because it was clandestine, violent and precarious. Inclusively, it clearly affronted the authority of the res judicata. In addition, the usurpation action allows, in any case, the interlocutory relieve.

In rule-based democracies, where the right to property is granted, the Judiciary cannot interfere in the current socio-economic order, hurting property owner's legitimate right to use and benefit of her property and to claim back their ownership from whoever unjustly occupies it on the excuse of a distorted "social justice". I am sure that the Executive has the obligation of assuring the right to housing, but it cannot be on the expenses of the private entities (as the wise popular saying says "one should not make charity with another's hat").

For what has been exposed, I RULE the plaintiff's demands APPLICABLE, turning definitive the interlocutory order conceded, and I declare the consolidated property possession in favor of the plaintiff. I sentence the defendants to pay for the litigation costs, inclusively attorney fees, that I set in 10% of the lawsuit appraisal.

(...)

P.R.I.C.

São Paulo, May 7, 2012

(Mendel Zyngier, Sara Zyngier e Abram Sznifer v. Ivanete de Araujo, Carmem de tal e outros, 2012)

In his reasoning, Judge Fantacini uses two premises to rule in favor of the plaintiffs: the seizure of the property was unjust, and the plaintiffs were legitimate property owners who were exercising peaceful possession. According to Article 1,228 of the 2002 Civil Code, "all property owners have the right to enjoy and dispose of their properties, and the right of recover it from the power of whoever unjustly possess or detain it." For Judge Fantacini, MSTC unjustly seized a property that was in peaceful possession of the plaintiff. The seizure was unjust because of the conduct of the "Shelterless Movement" that had "organized the invasion of the property for the second time", affronting the authority of previous court decision; the private entities were not responsible to provide the "supposed right to housing"; the seizure was "clandestine, violent and

precarious"; and, finally, "the Judiciary cannot interfere in the socio-economic order". For these reasons, the Judge understood that the plaintiffs had the right to recover the property.

As previously discussed, the 1988 Constitution ties the right to property to the compliance of the social function detailed in the city's master plan. As a result, property rights in Brazil are regulated by two legal orders – the Civil Code, which controls the juridical relationships of the private order, including property rights, and the municipal master plans, which regulates the social function of property based on the public interest. According to São Paulo's 2002 Strategic Master Plan, which was in force at time of the ruling, to accomplish the SFP principle, the use of property had to serve the needs of the citizens in relation to the environmental quality, the social justice, the access to the universal social rights and the economic development; and be compatible with the capacity of the urban-infrastructure, the quality of the environment, and the safety and welfare of the neighbors. (Article 11, Items I-IV)

Judge Fantacini's ruling does not make any reference to the city's master plan nor consider any fact related to the principle of social function of property. For example, the plaintiffs left the property vacant for more four years after the 2003 eviction, clearly indicating that they possessed the property for speculative use. In addition, they owed more than R$2 million in property taxes to the city of São Paulo – that is, all tax payers were financing the plaintiffs' property access to the city services and infrastructure. Judge Fantacini ignores that property owners have obligations toward the collective good, as well as the social benefits that the Maua Occupation brought to a previously blighted city block. The Judge is also insensitive to how the eviction order would affect the families living in the occupation, especially children and seniors. By exclusively grounding his ruling in the 2002 Civil Code, Judge Fantacini uncouples private and public interest regulating property rights, enforcing the primacy of the former over the latter.

The defense of the primacy of the private order relates to a sense of property-ownership "rightness", that is, the perception that property ownership is ultimately connected to the rightness

of a certain individual character. In his discussion about the legal mechanisms that enabled massive

slum demolition in millennial Delhi, Asher Ghertner points out that a jurisprudence[20] recognizing

the property-ownership "rightness" was key to change the definition of who must be considered a

proper citizen. In this context, judges started to consider "slum dwellers as a secondary category of

citizens whose social justice becomes actionable only after the fulfilment of the property-based

privileges of residents of formal colonies: the true citizens of the city" (2015, p. 111). In the case of

Maua, although the Judge recognizes that the state "has the obligation of assuring the right to

housing", he states that this right does not overcome the individual right to property.

The writ of entry also demonstrates the Judge's complete disdain towards the defenders'

names, reasons, and ideological causes. For instance, the name of the movement is repeatedly

spelled incorrectly throughout the document and Carmen Silva, one of the MSTC leaders cited in the

document, is referred as "Carmen so-and-so" ("Carmen de tal"). The Judge refers to the

constitutional right to housing as a "supposed right" and qualify the movement's fight for housing

as a "distorted 'social justice'" that wants to "make charity with another's hat". Finally, Judge

Fantacini repeatedly shows his discontent about the defendant's challenge to the 2003 eviction

ruling, as if the movement had to abide to a "current social-economic order" that keeps the poor

submissive to the upper classes (including the judiciary).

From May to August 2012, Maua's attorney filed four interlocutory appeals to suspend the

judge's decision, until the court of appeals finally accepted to analyze the occupation's case,

temporarily suspending the eviction. Meanwhile, the Maua's leaderships organized the resistance to

the eviction in four fronts. First, they mobilized the occupation families to resist the writ of eviction

and stay in the occupation. Second, they opened negotiation with the city and the property owners,

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[20] Differently from Brazil, India subscribes to common law jurisprudence which gives binding precedent to judicial
decisions.

aiming to come with an agreement to purchase the property. Third, they reached out to their local

network of solidarity – which included other housing movements, human rights and right to the city

NGOs, journalists, social activists, and university researchers – to organize public protest against

the eviction ruling. Fourth, they tried to gain national visibility through inviting nationally

recognized artists to support the eviction campaign. (Paterniani, 2013)

Maua's coordinated efforts in the judicial, political, and social fronts were rewarded in 2013,

when the Mayor Fernando Haddad released a decree of social interest (DIS) on the Maua building,

declaring the city's interest in using the property for social housing purposes. A year later,

nevertheless, the court of appeals decided that the eviction ruling was valid. Since the property

owners and the city were in process of negotiation, the plaintiffs did not follow with the eviction

order. In 2015, the building was appraised in R$18 million and the city administration made a

deposit of approximately R$12 million to purchase it. However, the justice ordered a second

appraisal in 2017, which was set in R$26 million. The difference in the appraisal value paralyzed

the negotiation process and, in June, the property owners proceeded with action to recover the

possession.

In June 2017, the Maua Occupation received another writ of possession ordering the

proceeding of the 2012 sentence and authorizing the use of police force, if necessary. In the ruling,

the judge mentions the "delay" of four years in the execution of his sentence, as if justice would

finally be served (*Sara Zyngier e outros v. Ivanete de Araujo e outro*, 2017). Maua's resistance

strategy this time was fairly similar to the one developed in 2012. While the occupation's attorney,

along with the Public Defenders and the Prosecutor's Office of São Paulo (MPSP), questioned the

writ of possession in court, Maua's leaderships organized the four fronts of resistance: the

mobilization of the families, the negotiation with the city administration and property owners, the

activation of the local solidarity network, and the creation of a national campaign.

In late August 2017, I participated in a general assembly at Maua that was both a follow-up meeting about the status of the judicial decision and a mobilization meeting to call families to resist. Ivanete Araújo (Neti) – one of Maua's founders and leaders – clarified that the risk of eviction was real but urged the families to stay in the occupation and resist the injustice. Throughout the meeting, she invited the various ONGs and housing movement representatives to pick up the microphone and voice their solidarity to the occupation. Indeed, the motto of the assembly became "if you disturbed the Maua, you disturbed everyone" ("mexeu com a Mauá, mexeu com todos").

For the other OSM leaders present in the assembly, the defeat of Maua could mean the defeat of all occupations in the city. Many voiced their concern over the opening of a precedent for the displacement of all other organized occupations in the city. In addition, the eviction of almost 240 families from a neighborhood targeted for urban "revitalization" would also mean an enormous defeat for the agenda of social housing in the center, opening the way for the expulsion of all very low-income families from the area.

Moreover, the lawyers and housing activists involved in the negotiation with the city explained that, although the then Mayor João Doria (PSDB) did not nurture any sympathy for the downtown poor, the Maua Occupation had found allies within the city administration that had worked together in the negotiation with the property owners. Lastly, a team from the Observatory of Removal – a research group based at the University of São Paulo (USP) – called all people and organizations present in the meeting to sign the manifest #FicaMaua – a on-line campaign created to give national visibility to the Maua Occupation.

By the time the eviction deadline was approaching, Maua families and supporters camped for two days in front of the courthouse of Sé to protest against the writ of possession. As a result, the tribunal accepted to analyze the Maua's appeal and the occupation gained another 30 days for the eviction, providing Maua's leadership with more time to negotiate with the city and the

property owners. Finally, on December 2017, the city reached an agreement with the owners to purchase the building.

The Maua case is an interesting illustration of the disconnection of the judiciary with the urban law. One of the most important victories of the movement for the urban reform was the creation of a legal order tying property rights to the urban development policy through the principle of the social function of property and the city. Maua's writ of eviction shows, nevertheless, that the use of private property has been analyzed solely under the lens of the private order, regulated by the Civil Code. Under this lens, the interest of the property owner is above the social function of the property and the city. Maua's case exemplifies one of the most significant hurdles for the urban reform in Brazil – the consideration by the judiciary of the urban-legal order in rulings related to the private use of the urban land.

Maua's writ of eviction also demonstrates the class bias against the occupation, which is characterized as surreptitious, violent and precarious. This perception about the occupation and – by analogy – its occupants exemplifies the sense of the "rightness" of property ownership observed in the Judge's interpretation of the Civil Code. In this context, occupation residents are seen as a kind of second-class citizens whose claims should not be prioritized.

Maua residents are, nevertheless, citizens who are strikingly aware of their rights and the benefits of living in the center. Before joining Maua, many residents lived in precarious conditions in downtown cortiços so they could be closer to work and have better access to city services. Moreover, they know that vacant buildings serving for land speculation do not fulfill the constitutional principle of the social function of property. In this context, occupying vacant properties in the center is more than claiming the right to the city as stablished by the 2001 City

Statute.[21] Occupying is a form of demanding that the everyday lives of marginalized communities be placed in the city center, mixed to the institutions and people of power. This is a bold claim for a city like São Paulo, strongly marked by the segregation of its poor population in the periphery.

Maua Occupation has fought for a place in the city center by using in- and outside state structures. They have used "invited" spaces of participation such as the court and the city administration's participatory arenas to defend the legitimacy of the occupation, as well as to further the agenda of social housing in the city center. Moreover, through continuously negotiating with city administration, the occupation has gained the funding and political support necessary to expropriate the old hotel. Maua did not limit its action to formal spaces of participation, though. An occupation is essentially an "invented" space that calls attention to the poverty and inequality in the city. The permanence of Maua is ultimately an act of defiance to a status quo that favors privilege over social justice.

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[21] The 2001 City Statute defines the right to the city as "the right to urban land, housing, environmental sanitation, urban infrastructure, transportation and public services, work, and leisure". (Article 1st, Paragraph 1st, Item I)

4. CONCLUSION: THE BULLDOZER AND THE CITY OF WALLS

Almost twenty years ago, anthropologist Teresa Caldeira published *City of Walls*, a seminal book in which she studies the implications of everyday conversations about crime on the built environment and social interactions in the city of São Paulo. In the book, Caldeira explores the concept of "talking on crime", the casual or everyday life conversations revolving around crime and fear. She argues that the talking on crime articulates one's anxieties over issues that are not directly related to the experience of crime, reducing complex problems to "a few essentialized images that eliminate the ambiguities and categorical mixtures of everyday life and gain currency in moments of social change" (2001, p.33).

Ultimately, talking about crime constituted a form of articulating the aversion to the changes in the social relations brought about by the return of the democratic rule. It was a way of resisting the social justice principles ratified by the 1988 Constitution, as well as the inclusion of the poor people's movement in the political arena. For Caldeira, the organization of the world views around the experience of crime had major implications on the organization of the urban landscape and the public space. In São Paulo, it enforced the privatization of security and the seclusion of the upper-classes in private fortified enclaves, that is, the creation of the city of walls.

Since the publication of *City of Walls*, Brazil went through major social, economic, and political transformations. After a bit more than a decade of economic growth, social inclusion, and political stabilization, the country has undergone the most challenging period of its recent democracy. Today, a significant part of the population has openly questioned the democratic regime,[22] and another type of crime – political corruption – has also gained the explanatory power capable of articulating the opposition against political agendas that defy privilege.

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[22] One of the top contenders in the 2018 presidential elections is Representative Jair Bolsonaro, an extreme right-wing candidate from the Social Liberal Party (PSL). Bolsonaro is a former army captain who openly defends the military dictatorship that governed Brazil from 1964 to 1985. In August 2018, Bolsonaro was the leader of the election polls with

In São Paulo, the "talking on corruption" fueled the anti-PT resentment during the 2016 mayoral election. The winning candidate, João Doria (PSDB) – a businessman and former TV-host who tried to sell an image of non-politician – grounded his government platform in a neoliberal agenda of privatization, participation of the private sector in the service provision, and zero tolerance of "vandals". A key point in his platform was the termination of the With Open Arms Program (Programa de Braços Abertos, PBA) which provided social assistance to people with substance abuse problems in the Cracolândia area.

Implemented during the administration of Mayor Fernando Haddad (PT) – who lost the election to Doria – PBA was the first public health program to adopt a harm reduction approach to the problem of chemical dependency in the neighborhood. For those seeking voluntary treatment, PBA offered medical assistance, housing provision in one of the local rooming houses in the area, and a source of minimum income as a city street sweeper. With medical assistance, housing and income stability, people in the program would gradually stop the substance abuse and recover their autonomy. For Doria, PBA was increasing the substance abuse problem at Cracolândia, since people in the program would still use part of their income to buy drugs. Furthermore, the lenience of the program in relation to drug dealing and substance abuse was a proof of PT's connivance with crime and corruption.

The Doria administration's alternative to PBA was the Redemption Program (Programa Redenção, PR) which adopted the abstinence treatment approach toward the problem of chemical dependency. For those seeking treatment, PR would provide medical assistance in clinics outside Cracolândia.[23] However, the program would no longer offer housing assistance nor guarantee a

about 20% of the voters' intention. A high percentage of his voters belong to the middle/upper-class (earn above 10 minimum wages), are young (25-34 years old), male, and have college degree. (Zanlorenssi & Almeida, 2018)

[23] In the first version of the program, police officers in the area of Cracolândia would coercively take the people with substance abuse problems to medical evaluation in the area. However, a local court issued a preliminary injunction prohibiting the city administration from coercing people into treatment.

source of minimum income. In addition to PR, the city administration would promote the "urban revitalization" of the neighborhood through dismantling Cracolândia's *flux* and demolishing the properties in the area.

The demolition of a tenanted rooming house was, nevertheless, one of the immediate results of the city administration's new policy for Cracolândia. In fact, the bulldozer serves as metaphor of a regime of expulsion that binds the right to the city to the citizens' capacity to pay. In this context, the center of São Paulo is an area in dispute by two distinct visions of urban development – one guided by the democratic and inclusive agenda of the urban reform, and another focused on the expansion of the city of walls.

Organized squatters' movements, along with other insurgent citizenship organizations in downtown São Paulo, have shown that democratization in Brazil has indeed changed the relationship between disenfranchised communities and the state. Continually fighting for social housing in the city center is an act of defiance that involves the appropriation of the urban-legal legislation and the constant negotiation with the state through invited and invented spaces of participation. In the current "talking on corruption" conjuncture, the OSM occupations are, more than ever, a political statement claiming for more democracy and social justice.

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