

Earle, Lucy

**Working Paper**

## Irregular urbanization as a catalyst for radical social mobilization: The case of the housing movements of São Paulo

WIDER Working Paper, No. 2011/15

**Provided in Cooperation with:**

United Nations University (UNU), World Institute for Development Economics Research (WIDER)

*Suggested Citation:* Earle, Lucy (2011) : Irregular urbanization as a catalyst for radical social mobilization: The case of the housing movements of São Paulo, WIDER Working Paper, No. 2011/15, ISBN 978-92-9230-378-5, The United Nations University World Institute for Development Economics Research (UNU-WIDER), Helsinki

This Version is available at:

<https://hdl.handle.net/10419/54057>

**Standard-Nutzungsbedingungen:**

Die Dokumente auf EconStor dürfen zu eigenen wissenschaftlichen Zwecken und zum Privatgebrauch gespeichert und kopiert werden.

Sie dürfen die Dokumente nicht für öffentliche oder kommerzielle Zwecke vervielfältigen, öffentlich ausstellen, öffentlich zugänglich machen, vertreiben oder anderweitig nutzen.

Sofern die Verfasser die Dokumente unter Open-Content-Lizenzen (insbesondere CC-Lizenzen) zur Verfügung gestellt haben sollten, gelten abweichend von diesen Nutzungsbedingungen die in der dort genannten Lizenz gewährten Nutzungsrechte.

**Terms of use:**

*Documents in EconStor may be saved and copied for your personal and scholarly purposes.*

*You are not to copy documents for public or commercial purposes, to exhibit the documents publicly, to make them publicly available on the internet, or to distribute or otherwise use the documents in public.*

*If the documents have been made available under an Open Content Licence (especially Creative Commons Licences), you may exercise further usage rights as specified in the indicated licence.*



UNITED NATIONS  
UNIVERSITY

**UNU-WIDER**

World Institute for Development  
Economics Research

Working Paper No. 2011/15

## **Irregular Urbanization as a Catalyst for Radical Social Mobilization**

The Case of the Housing Movements  
of São Paulo

Lucy Earle\*

March 2011

### **Abstract**

This study focuses on the city of São Paulo, Brazil and examines the ways in which irregular and illegal growth have influenced the collective action of social movements of the urban poor. The study describes how São Paulo grew as a socially segregated city during the twentieth century due to calculated neglect on the part of the municipal authorities. Highlighting the city's sociospatial inequality, degradation of the central districts and widespread irregularity, it illustrates how these factors have both negatively affected the urban poor and provided a catalyst for social mobilization.

Keywords: urbanization, urban poor, inequality, social movements, Brazil

JEL classification: O1, O2, P2, R1

Copyright © UNU-WIDER 2011

\*African Centre for Cities, Department of Environmental and Geographical Science, University of Cape Town; lucy.earle@uct.ac.za

This study has been prepared within the UNU-WIDER project on Development in an Urban World, directed by Jo Beall, Basudeb Guha-Khasnobis, and Ravi Kanbur.

UNU-WIDER acknowledges the financial contributions to the research programme by the governments of Denmark (Royal Ministry of Foreign Affairs), Finland (Ministry for Foreign Affairs), Sweden (Swedish International Development Cooperation Agency—Sida) and the United Kingdom (Department for International Development).

ISSN 1798-7237

ISBN 978-92-9230-378-5

*The World Institute for Development Economics Research (WIDER) was established by the United Nations University (UNU) as its first research and training centre and started work in Helsinki, Finland in 1985. The Institute undertakes applied research and policy analysis on structural changes affecting the developing and transitional economies, provides a forum for the advocacy of policies leading to robust, equitable and environmentally sustainable growth, and promotes capacity strengthening and training in the field of economic and social policy making. Work is carried out by staff researchers and visiting scholars in Helsinki and through networks of collaborating scholars and institutions around the world.*

*[www.wider.unu.edu](http://www.wider.unu.edu)*

*[publications@wider.unu.edu](mailto:publications@wider.unu.edu)*

UNU World Institute for Development Economics Research (UNU-WIDER)  
Katajanokanlaituri 6 B, 00160 Helsinki, Finland

Typescript prepared by Lorraine Telfer-Taivainen at UNU-WIDER

The views expressed in this publication are those of the author(s). Publication does not imply endorsement by the Institute or the United Nations University, nor by the programme/project sponsors, of any of the views expressed.

## 1 Introduction

This paper focuses on the city of São Paulo, Brazil and examines the ways in which the irregular and illegal growth characteristic of much of the city have influenced the collective action of social movements of the urban poor. Based on a year's ethnographic fieldwork with the Union of Housing Movements in São Paulo, or UMM, the paper describes how São Paulo grew as a socially segregated city during the twentieth century due to calculated neglect on the part of the municipal authorities. Highlighting the city's sociospatial inequality, degradation of the central districts and widespread irregularity, it illustrates how these factors have both negatively affected the urban poor and provided a catalyst for social mobilization. In a recent book that examines urban citizenship in São Paulo, Holston (2008) has shown how irregularity of settlements on the peripheries of the city stimulated homeowners in lower-income neighbourhoods to use the law to assert their claims to land and to regularize tenure. However, beyond becoming *insurgent citizens* in Holston's terms, this paper shows how social movements of the poor do more than use the law to protect home ownership: they are able to radically reinterpret constitutional law, so as to justify theoretically illegal acts of civil disobedience.

## 2 The growth of the illegal city

Home to an estimated 19 million people, the greater São Paulo area is made up of 39 municipalities, the largest of which, the Município de São Paulo, has a population of nearly 11 million.<sup>1</sup> The city is Brazil's largest and richest, contributing approximately 18 per cent of national GDP. But São Paulo's size and significance for Brazil is a relatively recent phenomenon. At the end of the nineteenth century it was little more than a provincial backwater—a stop on the railway line between the coffee plantations of the interior of the state of São Paulo and the port of Santos. Its phenomenal demographic growth began with overseas immigration at the turn of the twentieth century at the time of the coffee boom. This was later replaced by internal migration from the north and northeast of the country as Brazil began a programme of intensive industrialization in the 1930s. The city's population had steady growth rates of between 5-6 per cent per year from 1940 until 1970.<sup>2</sup> Average rates for the city currently stand at about 1.5 per cent annually, but this figure belies significant differences between regions. While central districts have negative growth rates, new peri-urban settlements in environmentally sensitive zones in the furthest reaches of the municipality have recorded growth rates of 8.1 per cent (Torres et al. 2007).

Despite its wealth and, as a state capital at the centre of a huge regional economy, its status as the economic powerhouse of the country, São Paulo does not escape the problems of massive income inequality for which Brazil is notorious. Recent data show 22.4 per cent of the Brazilian population living on less than \$2 a day, while the Gini

---

<sup>1</sup> Source: SEADE 2006 Sistema Estadual de Análise de Dados.

<sup>2</sup> Source: Prefeitura Municipal de São Paulo.

coefficient measure of inequality stands at 0.564,<sup>3</sup> amongst the highest in the world. Frequently cited statistics point to the massive concentration of wealth amongst a very small segment of the population: the poorest 10 per cent of the population account for 0.1 per cent of national income, while the richest 10 per cent account for 47 per cent (UNDP 2005). Levels of inequality in São Paulo have remained almost constant over the past decade despite reductions in the national average; the Gini coefficient for the Metropolitan Region was 0.543 in 2006.<sup>4</sup>

São Paulo is a bewildering large and sprawling city. It is architecturally diverse, if not muddled and seemingly unplanned. Its growth during the twentieth century has been described by architects, planners and social scientists as anarchic and chaotic. It has been dubbed the 'wild city' (Rolnik 1995) and much of the literature on the Brazilian urban experience posits the city as the 'new configuration of disorder' (Rizek 2003). São Paulo, along with other Brazilian metropolises, is also characterized as a divided city. It has enormous and extremely visible disparities between residential areas of the rich and poor. Much of the impression of the chaos of the city must derive from the huge expanse of rambling low-rise, low-income, self-built peripheries. These are in marked contrast to the planned garden-city neighbourhoods, glitzy high-rises and gated condominiums of the wealthier areas, giving rise to Santos's (1996: 231) evaluation that, 'The housing situation is a visual reflection of what is happening in the rest of São Paulo society'.

It is not just the huge disparity in incomes, lifestyles and residential areas that fuels the depiction of São Paulo as a divided city. Alongside these highly visible markers of inequality academics have established another division: between the legal city and the illegal, clandestine or 'non-city' (Santos 2002; Grostein 1987; Maricato 2000). Social scientists, planners and architects differ in their interpretations of how and why these divisions arose, but they are driven by the reality that characterizes São Paulo today where between 50 and 65 percent of land is illegally or irregularly occupied, or in some other way infringes on laws of planning, building or zoning (Rolnik, Kowarick et al. 1991; Maricato 2000; Caldeira 2000). State absence is often posited as the cause of São Paulo's anarchic sprawl, particularly in the area of regulation for low-income settlements. However, research would suggest that this was a wilful absence that suited the state's interests in industrial expansion, and the elite's desire to maintain social segregation in the city. Far from lacking regulations and legislation, as Grostein (1987) points out, the state's planners and legislators were busy throughout the twentieth century.

It was during the final decades of the nineteenth century, as São Paulo began to grow significantly, that questions of urban planning and the problem of low-income housing came to the fore. Separation of neighbourhoods by social status and function became a priority. This was motivated in part by epidemics of cholera and yellow fever that swept through the centre of the city where there were large populations of former slaves as well as high-income residences (Bonduki 1998). The elites began to move out of the centre in a southwesterly direction towards new, planned, garden-city neighbourhoods

---

<sup>3</sup> Where 1= perfect inequality.

<sup>4</sup> Source: Instituto de Estudos do Trabalho e Sociedade.

in an exodus that still continues today.<sup>5</sup> By contrast, the rural zone of the municipality, that was beyond the urban perimeter and far from high-income neighbourhoods, became the principal zone reserved for the poor. Here land could be illegally occupied, or bought at low prices from a ‘clandestine’ sub-divider, who may, or may not, have had legal title to the land. The strategy of reserving the most distant of lands for the poor, ‘survived the century without significant change’ (Rolnik 1995: 89).

The model of self-building on the periphery, outside the urban zone, accelerated with the advent of the diesel bus in the second half of the 1920s (Holston 2008). Once mass transport was easily and cheaply available, the expansion of low-income settlements on clandestine or irregular subdivisions in the peripheral rural zone exploded. *Favelas* were not a feature of the São Paulo landscape until the 1970s, since, up until that time, land on the peripheries was cheap enough for poor urban workers to purchase and then slowly build their homes (Kowarick 1979; Bonduki 1998). This has led to a situation in the city in which today 80 per cent of residents of the peripheries are home owners, with 69 per cent in other areas (Holston 2008: 183).<sup>6</sup> Grostein (1987) illustrates how and why the unserviced rural zone was reserved for the poor: while building within the urban perimeter was, in theory, subject to regulation, homes in the rural zone were not covered by urban legislation. This zone was reserved by the municipal authorities as the space where planning norms did not apply, the space where ‘everything is allowed’ (Grostein 1987: 243). Thus the state would not have to involve itself in approving plans, ensuring the quality of the built environment or making sure public services were provided. As Rolnik notes, during the 1920s the pattern of building in low-income peripheral settlements was established that would become characteristic of São Paulo’s metropolis, with ‘a near total irregularity before the laws and codes that set the rules for land use and occupation in the city’ (Rolnik 1995: 275).

Whilst low-income housing is concentrated on São Paulo’s periphery, there are also pockets of extreme poverty and deprivation in the centre of the city. The central districts are where the majority of the city’s slum tenements are located. Known as *cortiços*, these are generally large, formerly single-family residences given over to multiple occupancy. They are far less visible than São Paulo’s *favelas* and self-built peripheries, but conditions are considered as bad, if not worse (Andrade 2001): families live in one room and share the use of bathrooms and laundry facilities. Rooms are small and poorly ventilated: a survey in the early 1990s recorded an average of 2.6 people living in one room varying from 8 to 15 square metres (Santos 1996). Residents are routinely intimidated by the ‘intermediary’ who collects rents, and evictions are frequent. However, when weighing up the prospect of living on the periphery and travelling up to four hours a day to work in the centre, some families take the *cortiço* option. It is extremely difficult to obtain accurate figures on the numbers living in this type of accommodation. Some estimates put the number of *cortiço* residents in the city at

---

<sup>5</sup> The *Folha de São Paulo* 19/06/05, reports that between 1981 and 2000 the thirteen central districts of the city showed negative growth rates. According to the paper it is principally the middle and upper classes who are leaving the centre.

<sup>6</sup> The norm of property ownership, even amongst very low-income families, has significant implications for the work of the housing movements leaders today, who struggle to promote the concept of social rental to their members.

600,000.<sup>7</sup> They constitute yet another space of illegality in the city and represent a type of peripheral marginality in the heart of the centre.

Thus, although many scholars of São Paulo refer to the dichotomy between the unplanned, poorly connected peripheries and the closely regulated upper-income areas of the centre of the city, São Paulo's historic centre is in fact badly run down. As noted above, the fear of contagion from the poor in the early twentieth century provoked the exodus of upper-income residents from the city centre, towards new exclusive residential areas such as Higienópolis and Jardins in the southwest (Simões Jr.:1991). At the same time, changes in the rental market in the centre meant that, with the exception of a room in a *cortiço*, the area was no longer an affordable option for the working-classes. São Paulo Centro thus began its long decline. Today the area comprising the sub-prefectures of Sé and República is described as 'degraded'. Middle and upper income Paulistanos<sup>8</sup> consider it dangerous, dirty and overcrowded. In other words, it has been taken over by the *classes populares* or 'popular classes' who swell the streets during the day but leave it almost empty by night, apart from the population of homeless rough-sleepers.

It is not just higher income residents who have moved out of the centre. Business began to follow suit in the 1960s, as the first skyscrapers were put up along Avenida Paulista, the new 'chic' residential and corporate neighbourhood. Paulista, however, appears to have had its day, and elite business has followed the wealthy neighbourhoods further into the southwest of the city. Commerce does still exist in the centre; the huge numbers of people who still come into the centre to work (it is the area with the highest concentration of jobs in the city) means that it is still profitable to run a shop or restaurant in these areas, thus maintaining high property and land values (Teixeira et al. 2005). However, the centre is now characterized by its empty buildings, illustrating its unpopularity both as a residential area and a hub for business. It is estimated that there are 400,000 empty residential units in São Paulo, of which 45,464 are to be found in the central districts. In these areas 17 per cent of homes are empty (Prefeitura Municipal de São Paulo 2004). There are also numerous abandoned hotels, factories and office buildings. While many buildings are left empty for speculative purposes, they are also abandoned because of legal wrangles over ownership (often amongst heirs), because of problems of irregular documentation with the land registry (the registry offices have a notoriously corrupt past) or unpaid property taxes. The vast numbers of empty homes and buildings contrasts with the city's elevated housing deficit; estimated at 850,000 units.<sup>9</sup> This paradox is not lost on the housing movements, as will be shown below.

Despite its problems, the city centre is well-equipped with urban infrastructure. The streets are paved and lit, there is full connection to mains water and the sanitation system, and it is the public transport hub for the entire city. The gulf between the centre and the periphery, in terms of urban services and proximity to the workplace, and the fact that the only low-income housing option in the centre is the *cortiço*, further highlights the marginality of life for the poor in the city.

---

<sup>7</sup> Source: O Estado de São Paulo 12/12/06. This is probably based on an estimate of the *cortiço* population in São Paulo by FIPE in 1993 of 595 110.

<sup>8</sup> Residents of São Paulo city.

<sup>9</sup> Source: [www.prefeitura.sp.gov.br](http://www.prefeitura.sp.gov.br)

### 3 Irregularity as a catalyst for social mobilization

Along with the poor quality of their housing, residents of peripheral settlements and *cortiços* are affected by lower socioeconomic indicators, reduced life chances and social stigma (Caldeira 2000; Marques and Torres 2005). These factors, combined with the problems of illegality and insecurity of tenure, have catalysed considerable mobilization amongst marginalized groups in São Paulo. The city has been dubbed the ‘City of Resistance’, and it was in its peripheries and industrial municipalities that protest against the military regime began in the late 1970s. In the vanguard were the new unionists, amongst them Luiz Inacio Lula da Silva, who organized a metal workers’ strike in 1978. Protest spread from factories to the neighbourhoods of poor workers, where grassroots organization, supported by the Catholic church, had been growing during the 1970s. Over the course of the 1980s, a discourse linking democratic freedoms with rights to basic goods and services began to emerge, and urban social movements are generally seen to have played an important role in the consolidation of democracy during the 1980s, culminating in their contribution to the drawing up of the new Constitution promulgated in 1988.

In his examination of citizenship on the peripheries of São Paulo, *Insurgent Citizenship*, Holston (2008) argues that historically in Brazil, differences in education, occupation, race, gender and access to property have been used to exclude certain groups from the political process, force them into ‘segregated and often illegal conditions of residence’ and funnel them into labour ‘as servile workers’ (Holston 2008: 7). What he labels ‘differentiated citizenship’ was also used to justify privileged treatment for certain social groups. However, with the transition to democracy, residents of the self-built peripheries of Brazil’s large cities have begun to challenge differentiated citizenship and assert their rights to the legal ownership of property and urban services. He argues, therefore, that the city is not just the context of citizenship struggles, but also the substance of these struggles (ibid.: 8).

Holston’s work on São Paulo’s periphery has shown how irregularity of tenure spurred lower-middle class residents who had bought land or homes in good faith, but had been swindled by fraudulent sub-dividers, to organize themselves to claim title to the land on which they were living. He labels them ‘insurgent citizens’ and argues that, parallel to the democratization of the country, they began to challenge the social hierarchies so characteristic of Brazilian society. Holston’s subjects organize and use the law—traditionally the preserve of the elite—to assert their claims to land and resist eviction by property developers and speculators who contest their ownership. My research supports Holston’s general claim that ambiguity of legal status surrounding a person’s place of residence (whether the *favela*, *cortiço*, or in Holston’s case land and property that has been bought in good faith) causes insecurity and has been a mobilising factor for organized popular action in the city. It also supports, up to a point, Holston’s general argument about the increasing use of the law to press for rights amongst members of lower-income groups. However, as will be shown below, there are some significant differences in the way in which the specific characteristics of São Paulo’s growth have impacted on the housing movements of the city’s lowest-income residents.

Much of the activity of São Paulo’s housing movements over the past twenty years has been catalysed by the irregularity and illegality of the city. The vast majority of its members (estimated at 50,000 across São Paulo state) are amongst the poorest residents

of urban areas, with incomes up to three minimum wages, who are generally living in *favelas*, *cortiços* or in other irregular accommodation. Similarly to Holston's 'insurgent citizens' the movement's leaders organize to resist evictions, demand basic services and seek to secure tenure for members. But the movement has also made creative use of federal and constitutional law to make claims on the Brazilian state. It has made repeated calls for all levels of the state—municipal, subnational, national—to uphold the right to housing and adhere to other articles of the Constitution that deal with the urban environment. In particular, the movement challenges the model of growth in the city whereby the poor have little choice but to live in underserved peripheries, either in self-built homes on illegally occupied marginal land, or in poor quality social housing in areas that are similarly distant from places of employment and bereft of transport, health and other services. The movement's leaders argue that this violates the constitutional right to adequate housing. But intriguingly, as well as evoking the law, the movement also theoretically breaks the law, when it organizes occupations of empty buildings. These acts of civil disobedience seek to draw attention to the many thousands of empty buildings in the city's degraded central areas, and highlight the paradox of such a situation in a context of a massive housing deficit.

#### **4 The right to the centre**

Data gathered during the fieldwork phase of the research study, mainly through participant observation and semi-structured interviewing, revealed the importance of the law for members of the housing movement. A significant number of leaders who often had only basic or incomplete education when they joined the movement, have since gone on to study at tertiary level, and the most popular choice of course is law. Currently, of the core group of 25 movement leaders, four have graduated in law and two are still studying, although only one, the UMM's leader in all but name, has passed the notoriously difficult bar exam. This interest in studying law reflects the significance that the movement places on effecting change through the legal system. In the early 1990s, the UMM took advantage of a provision in the 1988 constitution that permits organized groups to submit a 'popular initiative' to introduce a law. As Hochstetler (2000) notes, São Paulo's housing movement was the first entity to do so, collecting over 800 000 signatures in support of the creation of a fund for social interest housing. The UMM also contributes to legislative processes through lobbying of Workers' Party politicians, and engages in litigation against the state over housing issues, through allies in legal NGOs, the ombudsman and the Ministério Público (public prosecutor's office).

Of critical importance for the movement was the inclusion of housing as a social right in an amendment to the federal constitution in 2000, and federal legislation passed in 2001 known as the City Statute that regulates the articles of the constitution that deal with housing and urban services. The National Forum for Urban Reform (FNUR), a coalition of academics and representatives of NGOs and social movements, lobbied intensively for both pieces of legislation over more than a decade. Having housing as a constitutional right has guided much of the movement's strategy with regards to how it deals with the three levels of the state, all of which have competency for housing. Crucially, the fact that progress towards surmounting the housing deficit in São Paulo is almost negligible has allowed the movement to denounce the state's behaviour as illegal: the UMM accuses the state of denying the constitutional right to housing. In

addition to this, the role the state has played in permitting the chaotic growth in São Paulo that has left the city visibly segregated, leads the movement to claim that the population is being denied the right to the city.

The evocation of the 'right to the city' has developed out of the UMM's engagement with the city statute and the FNRU. The Statute is of considerable significance for the housing movement and its supporters, in that it establishes in law progressive ideas on the equal right of all to benefit from the use value of the urban environment, and to engage in participatory planning. The right to the city is an idea that was first expressed by Lefebvre (1996) and further interpreted by Harvey (2003, 2008). As Fernandes (2007: 208) notes,

The 'right to the city' would basically consist of the right of all city dwellers to fully enjoy urban life with all of its services and advantages—the right to habitation—as well as taking direct part in the management of cities—the right to participation. In other words, Lefebvre stressed the need for the full recognition of use values in order to redress the historical imbalance resulting from the excessive emphasis on exchange values typical of the capitalist production of the urban space.

Harvey's and Lefebvre's articulations of equal rights to full access and enjoyment of the city have been highly influential and adopted as a rallying cry by urban social movements and intellectuals across Latin America. Their influence on the left-wing academics within the FNRU who helped draw up the city statute is clear (Fernandes 2007). The Statute seeks to operationalize the idea of the right to the city in law and has, according to Fernandes (2007: 212) provided 'consistent legal support to those municipalities committed to confronting the grave urban, social and environmental problems that have directly affected the daily living conditions of the urban population'.

But the enactment of the legislation has had other perhaps unforeseen consequences. The housing movements in São Paulo have made pragmatic use of the city statute to support their claims to housing in the central areas of the city. Of particular importance is the wording of the second article of the statute that sets out the purpose of urban policy as follows:

To guarantee the right to sustainable cities, understood as the right to urban land, housing, environmental sanitation, urban infrastructure, transportation and public services, to work and leisure for current and future generations (Presidencia da Republica 2001).

Because of the way the city developed during the twentieth century, the only areas of São Paulo where these conditions truly obtain are the more central districts of the city. But the UMM does not simply call for low-income housing provision in these areas: it has extrapolated from the city statute the idea of the *right to the centre*.

The idea of having a right to live in the centre has become an unquestioned element of the UMM's general struggle for housing in São Paulo, and it was fully endorsed by every single movement representative questioned on the issue for this research. The idea of the right to the city, and by extension the right to the centre is also current outside of the housing movement. In a letter to representatives of the executive at all three levels

of the Brazilian state from the forced evictions group at UN-Habitat and the São Paulo research institute, Instituto Pólis, it was used as a defence against an impending eviction of the residents of an occupied building,

The elements that make up the right to adequate housing are, legal security of tenure, habitable conditions, reasonable cost, general accessibility, cultural appropriateness, access to infrastructure and basic services and good localization. In this case, this means the right of the low-income population to live in the centre of the city, since it is equipped with infrastructure and services and is close to opportunities for work, leisure, health and education.<sup>10</sup>

Further, the responses from my interview respondents outside the movement—politicians, academics, civil servants and members of the executive—to the question ‘is housing in the centre a right?’ varied from indignant affirmation to cautious evasion, through reference to the general right to housing within the city. Only one of these respondents, a political appointee in the municipal housing company, emphatically refuted the notion, declaring that it was not a right but a ‘preference’ (*É gosto*). Of the three practising lawyers interviewed, only one responded directly that housing in the centre was not a right, although she qualified her answer with reference to the state’s failure to plan adequately for the mixed usage of the city centre.<sup>11</sup> It should be emphasized here that the right to the centre is not specifically grounded in Brazilian legislation. As such, it could be dismissed as mere fantasy. However, as Freedon (1991) notes, people do assume that certain rights exist and behave accordingly. It therefore remains opportune to

Devote analytical attention to the *fact* that the belief exists and discuss the impact of that fact on both theory and practice. Whether rights *exist*, or are figments of the human imagination, or are what lawyers call legal fictions, is thus analytically irrelevant (Freedon 1991:5; emphasis in the original).

On first appraisal the right to the centre would appear to be, in Hohfeldian terms, a ‘liberty right’<sup>12</sup> since it falls into the category of action that all people should be at liberty to undertake, there being no law specifically prohibiting this (Jones 2005). Consequently, movement members and leaders assert their right to live anywhere in the city. And yet the lack of adequate housing provision for lower income groups in huge swathes of São Paulo allows them to argue that the state is denying them this freedom. On closer examination of the discourse of the movement and its supporters, it appears that the right to the centre is being asserted as a positive right, since it involves a demand for action from the state to provide adequate housing for the poor in these areas (Freedon 1991). In Hohfeldian terms this is a positive claim-right, defined as ‘rights to specific goods and services [that] are so called because they call for a positive response from those who bear the corresponding duties’ (Jones 2005).

---

<sup>10</sup> Source: Email reproduction of FNUR letter distributed to the Forum Centro Vivo web group, 22.02.07.

<sup>11</sup> Interview with Fernanda Leão 12.10.07.

<sup>12</sup> Hohfeld categorized rights as either claim rights or liberty rights. Each of these categories was further divided into positive and negative categories (Jones 2005).

It could therefore be argued that São Paulo's irregularity and segregation has created the conditions for social mobilization around legality of tenure, but has also led to the creative interpretation of federal law by marginalized groups, who seek to alter patterns of city residence based on class and social segregation. In tandem with this type of legal argumentation, however, the UMM has also taken direct action to emphasize its claims on the state for the right to adequate housing and urban services.

## **5 Occupying the city**

The failure of the state to develop and implement adequate housing policy for the poor, particularly in well-serviced more central areas, leads to a perception that the state is violating the rights to housing, the city and even the centre. In particular the movement criticizes the local and national states for failing to reverse the pattern of the city's growth that was fuelled by low-income informal settlements on its peripheries, and further contributed to by the building of social housing on the city's outermost limits. This policy is perceived as contributing to a type of 'social apartheid', and as paradoxical considering the large numbers of empty buildings in better serviced central areas of the city. Movement leaders also argue that renovation of these buildings would not require installation of sanitation, street paving, transport links and other urban services. Whilst the movement frequently uses legal process to highlight these paradoxes, it also takes more direct action through the use of theoretically illegal occupations of empty building in the centre of the city. These occupations further serve to condemn the failure of the local and national states to both uphold the right to housing and ensure the social function of property (also included in the 1988 constitution and legislated for in the city statute).

The first organized building occupation in the centre of São Paulo took place in 1997. Several hundred families arranged to meet close to the chosen building, the Casarão Santos Dumont, at midnight, and then proceeded to break a hole in the door and enter. After the families found themselves able to remain in the building and in a strong negotiating position with the state government (the owner of the building) a wave of organized occupations followed across the centre. These have become part of the core strategy of the housing movements over the past decade, that have occupied dozens of both privately and publicly owned abandoned buildings in order to force the relevant level of the state to negotiate housing solutions for its members. They either call for the building they are occupying to be renovated as social housing, or for the occupiers to be given adequate housing elsewhere. These occupations have varying results. At times occupiers are only able to stay in the building for a few minutes before they are ejected by the police, or organizers choose to undertake a short-lived 'symbolic' or 'political' occupation. Other occupations have lasted for up to seven years.

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

The decision to occupy [...] in the centre, was a decision that was about putting the question of living in the centre of São Paulo on the agenda. Because before that, there had always been a huge prejudice that people who were poor couldn't live [in adequate accommodation] in the centre.<sup>13</sup>

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

Building occupations can be read as acts of civil disobedience, in that they purposefully break the law in order to highlight a legal injustice and communicate this to the wider public, but are not attempts to bring down the existing government or legal system.<sup>14</sup> In the case of building occupations in the centre of São Paulo, the movement aims to draw attention to the large number of empty buildings in the area that have been abandoned for many years and are not fulfilling a social function. They point out that this is in contravention of the constitution and contrast their emptiness with the significant housing deficit affecting the city. Frequently the movement chooses to occupy buildings where the private landlord has considerable property tax debts, or which flout zoning laws, so as to reinforce the message that the state is failing to ensure that its own laws are upheld. The central location is also key—occupations are a way of showing that there is potentially space for low-income families to be housed in areas that are well-provided with services and close to places of employment. Further, they broadcast to São Paulo and Brazilian society the fact that the state is not upholding the right to housing, again in contravention of the constitution. However, the way that the movement's members and leaders portray building occupations gives them a level of legitimacy beyond a standard act of civil disobedience. They argue that occupations are, in fact, legal. They may contravene the civil and penal codes (since they involve breaking into the building and assuming adverse possession) but the act of occupation is a way of ensuring that the constitutional right to housing is upheld. This is because an occupation will provide accommodation for members who do not have adequate housing, whilst also providing the empty building with a social function.

Building occupations are not guaranteed success, in that they do not always result in permanent housing solutions for movement members. However, my findings show that occupations as a movement strategy are now accepted as a legitimate form of protest by

---

<sup>13</sup> Interview with Pedro 18.09.07.

<sup>14</sup> For a discussion of the definition of civil disobedience see Rawls (1991), Bedau (1991).

politicians, bureaucrats and appointed advisors in housing departments from across the political spectrum. In the federal, state and municipal governments, with their left-wing, centre and centre-right ruling parties respectively, there is general consensus that occupations are justifiable. Indeed, not one of the twenty-one current and former public office holders interviewed (both political appointees and career civil servants) categorically opposed building occupations. But it was particularly remarkable that political appointees at the municipal level (under the Democratas, a centre-right political party) should take this line, and perhaps points to a general acceptance of the UMM's tactics.

At the federal level, not surprisingly, the public servants appointed to the cities' ministry by the PT government were positively supportive of the UMM's activities. But even during the more conservative presidential administrations of Fernando Henrique Cardoso (1995-2002) the UMM had managed to force concessions from federal bodies. In response to an occupation of an abandoned building owned by the federal savings bank (CEF) in the centre of São Paulo, the bank modified one of its building credit schemes, the Residential Leasing Programme or PAR so as to be viable for a social movement.<sup>15</sup> The movement's departure from the building was negotiated through the promise that the occupiers would be housed in another empty federal building that would be renovated through the federal PAR scheme. Other movements in the centre of the city have since negotiated the renovation of six other buildings for its members through PAR funding. In four of these cases the building was occupied until financing negotiations were concluded.

My research revealed that the principal reason for this somewhat surprising attitude towards housing occupations amongst representatives of the state, was the almost complete absence of housing options for very poor residents of São Paulo, aside from self-building in *favelas* on the outskirts of the city or the *cortiço*. In a context where so much of the city is irregularly occupied and where there are such limited opportunities for low-income groups to find adequate accommodation in areas with urban services, few representatives of the state are willing to question the idea that low-income groups have an informal 'right to the centre' or that occupation is a legitimate form of protest. Beyond this, the fundamental illegality of so much of the city weakens the state's ability to respond aggressively to occupations. It is difficult for representatives of the state to criminalize the movement's occupations in a city where so much land is illegally occupied, and so much of the housing stock has been built in contravention of planning legislation.

As such, it could be argued that the way that the city grew during the twentieth century has not only provided a catalyst for social mobilization, but has also created an enabling environment for radical, theoretically illegal collective action. However, the extent to which municipal, state and federal governments are willing to take steps to change patterns of settlement in São Paulo and to fund social housing in central areas varies considerably according to party politics. The current municipal administration is attempting to knock down empty buildings and create parks in central areas, whereas the federal government has been modifying legislation to make it easier for organized groups of the poor to buy abandoned buildings with credit and then convert them into

---

<sup>15</sup> The programme had to be modified to allow 'popular associations' to apply for this type of funding; in its original formulation this credit scheme was designed for building contractors.

low-income accommodation. Nevertheless the housing movement over the past decade through its radical acts of occupation has managed to place the issue of centrally located low-income housing onto the agenda of municipal, state and federal governments.

## 6 Conclusion

To conclude, the way in which São Paulo grew over the course of the twentieth century has resulted in a sprawling and highly segregated city, where there are few options for low-income groups to live other than on the furthest peripheries. The trend of reserving the non-regulated 'rural zone' for those who cannot afford to live elsewhere has been exacerbated by municipal and state housing programmes that also build on the city's outskirts. Further, the illegality of much of the city's residential accommodation, its irregular settlements, *cortiços* and *favelas*, negatively impacts on the life chances of São Paulo's poorest residents. These factors, combined with the abandonment of thousands of buildings in the city centre and the state's inability to address the city's massive housing deficit, have acted as a stimulus for social mobilization amongst lower-income groups that have begun to use the law to support their denunciations and claims.

The city's housing movements assert that the failure of the three levels of the Brazilian state to provide adequate, well-located, low-income housing is a violation of the constitutional right to housing. They evoke federal legislation, in the form of the city statute, to assert a collective right to the city and even to the city centre, and reinterpret the law so as to justify their building occupations, which are theoretically illegal acts of civil disobedience. These are instead presented as a way of implementing the right to housing and ensuring that empty buildings are fulfilling a social function. These strategies and rights claims have been accepted as legitimate by academics, policy makers and politicians, and although building occupations have in practice had mixed results, they have been influential in putting forward a new model for the city that seeks to alter radically the segregated nature of the urban environment. The movement's dual strategy of legal reasoning and illegal action has led to a situation in which policy makers and politicians are forced to acknowledge the rights of all city residents to the use value of the urban environment. They must now also, at the very least, debate the feasibility of social housing options for low-income groups in better located and serviced areas of the city. The housing movements of São Paulo may not have the right to the centre guaranteed, but the very fact that this term is now in the vocabulary of policy-makers, politicians and the academic community would suggest that a re-evaluation of the place of the poor in the city is taking place.

## References

- Andrade, J. (2001). 'Da cultura da intervenção à intervenção da cultura: Consenso e gentrificação nas novas estratégias de revalorização do centro histórico de São Paulo'. São Paulo: Universidade de São Paulo. Graduação.
- Bedau, H., ed. (1991). *Civil Disobedience in Focus*. London: Routledge.

- Bonduki, N. (1998). *Origens da habitação social no Brasil. Arquitetura moderna, lei do inquilinato e difusão da casa própria*. Sao Paulo: Estação Liberdade.
- Caldeira, T. (2000). *City of Walls: Crime, Segregation and Citizenship in Sao Paulo*. Berkeley: University of California Press.
- Fernandes, E. (2007). 'Constructing the "right to the city" in Brazil'. *Social and Legal Change* 16(2): 201-19.
- Freedon, M. (1991). *Rights*. Milton Keynes: Open University Press.
- Grostein, M. (1987). 'A cidade clandestina: Os ritos e os mitos. O papel da "irregularidade" na estruturação do espaço urbano no município de São Paulo.1900-1987'. Sao Paulo: Universidade de São Paulo, Faculdade de Arquitetura e Urbanismo. PhD thesis.
- Harvey, D. (2003). 'The Right to the City', *International Journal of Urban and Regional Research* 27(4): 939-41.
- Harvey, D. (2008). 'The Right to the City', *New Left Review* (53): 23-39.
- Hochstetler, K. (2000). 'Democratizing pressures from below? Social movements in the New Brazilian Democracy'. In P. Kingstone and T. Power (eds) *Democratic Brazil: Actors, Institutions and Processes*, Pennsylvania: University of Pittsburgh Press.
- Holston, J. (2008). *Insurgent Citizenship: Disjunctions of Democracy and Modernity in Brazil*. Princeton: Princeton University Press.
- Jones, P. (2005). *Rights*. Basingstoke: Palgrave.
- Kowarick, L. (1979). *A espoliação urbana*. Sao Paulo: Paz e terra.
- Lefebvre, H. (1996). *Writings on Cities*. Oxford: Blackwell.
- Maricato, E. (2000). 'As idéias fora do lugar e o lugar fora das idéias'. In O. Arantes, C. Vainer and E. Maricato (eds) *A cidade do pensamento único: Desmanchando consensos*. Sao Paulo: Editora Vozes.
- Marques, E., and H. Torres (2005). *Sao Paulo: Segregação, pobreza e desigualdades sociais*. Sao Paulo: SENAC.
- Presidencia da Republica (2001) Lei N. 10.257, de 10 de julho de 2001. Brasilia, Casa Civil—Subchefia para assuntos juridicos. [www.cidades.gov.br](http://www.cidades.gov.br), accessed 22.09.08.
- Rawls, J. (1991). *A Theory of Justice*. Oxford: Oxford University Press.
- Rizek, C. (2003). 'Os sentidos da cidade brasileira: Figurações da ordem e de seus avessos'. *Espaço e debates. Revista de estudos regionais e urbanos* 23(43-44): 79-91.
- Rolnik, R. (1995). 'The City and the Law: Legislation, Urban Policy and Territories in the City of Sao Paulo (1886-1936)'. New York: New York University. PhD thesis.
- Rolnik, R., L. Kowarick, et al., eds (1991). *Sao Paulo: Crise e mudança*. Sao Paulo: Brasiliense.
- Santos, A.L.T. (ed.) (2002). *Laboratório de projeto integrado e participativo para requalificação de cortiço*. Sao Paulo: FAUUSP.

- Santos, M. (1996). 'Sao Paulo: A growth process full of contradictions'. In A. Gilbert (ed.) *The Mega-City in Latin America*. Tokyo: United Nations University Press.
- Simões Jr, J. (1991). *Cortiços em São Paulo: O problema e alternativas*. Sao Paulo: Instituto Pólis.
- Teixeira, A.C.C., F. Comaru, et al. (2005). Conflitos em torno do direito à moradia na região central de São Paulo. *MAPAS: Monitoramento ativo da participação da sociedade*. Rio de Janeiro, Ibase/ActionAid/Ford Foundation.
- Torres, H., H. Alves et al. (2007). 'Sao Paulo Peri-Urban Dynamics: Some Social Causes and Environmental Consequences'. *Environment and Urbanization* 19(1): 207-23.
- UNDP (2005). *Human Development Report: International Co-operation at a Crossroads: Aid, Trade and Security in an Unequal World*. New York: UNDP.