

Housing, Citizenship and the *Movimento Sem Teto* of São Paulo

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This paper is an edited version of the central chapter of my doctoral thesis. In the thesis, this chapter is preceded by a discussion of social movement and citizenship theories, a mapping of informality and illegality in the city of São Paulo, and an overview of social movement activism in Brazil. This chapter introduces the theoretical ideas that are examined in two subsequent empirical chapters on social movement participation in housing councils and organisation of building occupations.

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This paper examines the use of a discourse of citizenship by the leaders and members of the São Paulo housing movement, the Uniao de Movimentos de Moradia, and illustrates how they 'see the state' (Corbridge et al. 2005) and mobilize their members.¹ This will involve an examination of how they conceptualise their collective relationship with the organs of the government and bureaucracy, and how they adopt and operationalise concepts of citizenship to frame their demands on the state for housing.² This paper therefore outlines the movement's philosophy in terms of its stated rationale for the way it behaves which includes both the use of formal channels for engagement with the state and extra-institutional channels through the practice of building occupations. This paper will seek to explain how and why it takes up these seemingly contradictory attitudes towards the state. It shows how the movement's stance towards the state is tied up with its own perceived status as a 'democratic' organization, and a legalistic view of how government should work within a democracy that is continually challenged by the reality of the failure of the government to abide by its own laws. The relationship is further problematised by the fact that the movement is dependent on the state for the funding and implementation of housing policy. This paper will argue that the movement approaches these impasses by drawing on the 'politics of rights' (Scheingold 2004). This rests upon the careful construction of a discourse that posits housing as a core citizenship right and the evocation of the 1988 Constitution. The movement is able to use a rhetoric of rights to critique the Brazilian state for failing to ensure the full citizenship of its poorer populations. However, this leads to highly combative positioning on the part of the movement, which influences the ways in which it engages with the state in practice.

Movement Leaders and Members

In an echo of the rural landless workers' movement, the MST, or *Sem Terra*, the UMM's affiliates are open to anyone who considers themselves *Sem Teto*. Meaning, literally, 'without a roof', it is perhaps best translated as 'without a roof of one's own'. The UMM does not work with homeless rough sleepers (there are a number of movements in São Paulo organized for and by this group), but with individuals and families who live in *cortiços* (slum tenements) and *favelas* (shanty towns) in overcrowded conditions with family or friends (*morando de favor*, 'living as a favour') and other types of substandard housing on illegally or irregularly occupied land. Individuals joining the movement generally come from very low-income households, and there is therefore considerable class homogeneity amongst the rank and file of the movement. People join the movement in order to improve their own, or more frequently, their family's living conditions, or as a response to impending eviction. Movement leaders

¹ This paper is based on a year's participatory fieldwork with the UMM in 2006 and 2007.

² More senior leaders of the UMM are careful to specify which level or organ of the state they are referring to. However, many movement members refer simply to 'the state', particularly when they are being critical of it. They are therefore referring to the 'state idea', defined by Corbridge et al. (2005:108) as a powerful myth that supposes a unity and purpose amongst the 'dispersed collection of institutions of government'.

acknowledge that members are motivated by *a necessidade da casa*, ‘the need for a house’, but they are keen to stress the consciousness raising, political awareness and other types of training programmes that members are then involved in. These activities take place at lower levels of the housing movement structure, within the *grupo de origem*, or neighbourhood groups, and the smaller movements that are made up of these groups. The extent of conscientization work varies greatly in intensity and depends on the attitude and experience of the group’s leader. In some cases, attempts to discuss the city’s housing problem and its links to poverty were dynamic and highly politicised and were a core aspect of regular local meetings. In other group meetings, this type of discussion was often absent. As a consequence, the level of political awareness on the part of the rank and file of the movement is also extremely varied. Whilst some members that I interviewed were able to articulate their need for housing in terms of a social right that was being violated by the government, others were barely able to repeat to me the arguments used by their particular group leader in the regular meetings they were attending. The question of how many members remain within the movement once they have solved their own housing problems was a sensitive one. Estimates varied between two and ten percent, although a number of those interviewed posited that these people had fundamentally changed their outlook on life, and were able to use mobilizational and organizational skills to lobby for other types of improvement to their lives and communities, even if they were no longer involved in the housing movement.

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

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

bar exam. Movement leaders have had the opportunity to study because since the early 1990s, there have been opportunities for paid employment in the offices of Worker's Party (PT) politicians.

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

The UMM and democracy

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

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

He continues,

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

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

Although the concept of democratic citizenship cannot be discussed in detail here, definitions of substantive democracy entail the democratisation of social as well as political relationships and draw on core elements of participation, accountability, equality and respect for the rule of law (Caldeira 2000; Harriss et al. 2004; Holston and Caldeira 1998; Mouffe 2000; O'Donnell 1992). Observing the internal functioning of the UMM, the movement does indeed appear to value these democratic tenets. Firstly, leaders are elected to their positions within the UMM biennially in a vote where all regions of the city must be represented. But beyond this formal element, the way that the movement is organized is highly inclusive: anyone can join simply by attending local level meetings, and weekly coordinating meetings are open to all movement affiliates, including the rank and file. Anyone can stand up and speak at these, and new contributors are always welcomed. A commitment to transparency was also shown by the executive committee, who never met behind closed doors. Weekly meetings begin with lengthy *informes*

as representatives of affiliated movements share news and provide notice of upcoming events. These meetings are often extremely long, generally lasting at least three hours, and are characterised by a focus on open debate and the building of consensus around important decisions. Regional leaders then take these debates and their outcomes for ratification with their 'bases' in meetings at the grassroots, with whom they have regular contact. The behaviour of the executive committee is characterised by attempts to generate negotiated settlements, shying away from being seen to have made 'executive decisions'. Indeed, the biggest conflicts generally arose from accusations that individuals had acted unilaterally, without adequate consultation. But while the movement both declares itself 'democratic' and can be seen to be participatory, inclusive and transparent in its internal relationships, its attitude towards the rule of law problematises its external relations in the context of a democracy. The UMM has been involved in both the creation of pro-poor housing legislation and litigation against the state, but it is also frequently involved in transgressive collective action of questionable legality, in particular through its occupation of empty buildings.

The UMM draws on its internal democratic structure and practice to validate its role as a representative actor in external relationships, particularly with the state. The UMM makes claims to represent around 50 000 families across the state of São Paulo and, in meetings with the municipal and state-level housing secretariats, its senior leaders emphasize their continued, close contact with the poor families they represent, and their detailed knowledge of the *favelas* and *cortiços* where they live. Movement leaders strongly assert the idea that they should always be consulted on housing issues by representatives of the local and state governments. An illustration of this was a reprimand by Pedro towards a senior figure in the municipal department for social housing who had visited a *favela* in the east of the city that was going to be demolished, saying 'You came to *our* neighbourhood, but you didn't meet with us there'.³ This type of indignation was also voiced by Anderson, after the UMM failed to receive an invitation to tripartite governmental talks on housing in the city.⁴

When asked specifically about the role of social movements in today's Brazil, leaders often indicated some continuity between the role of social movements in the struggle against the dictatorship and the function they fulfil in contemporary society, in that they continue to promote participation and democratic practice. This is now achieved, in theory, though a type of self-appointed watchdog role which is often labelled as the 'social control' of government action. Ivana, for example, states that 'social movements have a fundamental role, which is to demand that laws and housing programmes are actually implemented'.⁵ Movement members also assert their role as a 'pace setter' for the state to try and speed up the processes of social change.

My evaluation is that housing movements play a big role in society, very big, and it's not that their role is to do the work of the state. It's their role to impose a different rhythm on the government in power, whatever party it represents, because without the movements, what type of rhythm would there be? If with movements around it is already really slow, and with a bureaucracy that just wears you down, how would it be without the movements?⁶

Other leaders agree, remarking that social movements have an important role to play to 'push the government forward'.⁷ Without the movements, the governments 'would do whatever they wanted'.⁸ Further, the UMM attempts to bring the voice of the 'people' to the decision-making forums of the state, through its involvement in participatory councils and general negotiations with state bodies.

³ Meeting between UMM representatives and municipal housing secretariat staff 18.09.07

⁴ Interview with Anderson 06.08.08 principal founder and effectively the director of the UMM but not named as such.

⁵ Interview with Ivana, high profile leader of a historically important centre-based movement 01.06.07

⁶ Interview with Leon, UMM spokesperson and politically active leader of centre-based movement that undertook a high-profile building occupation from 1997-2005. 07.06.07

⁷ Interview Gaetano, leader of a regional movement 08.06.07

⁸ Interview with Ivana 01.06.07

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

The movement has to do its job, which is to pressure the government and hold it to its word. And the government has to fulfil its own role, which, if it's a serious government, is to sit down and dialogue, listen to proposals and try and find some kind of solution.⁹

Movement members continually stress that it is the democratic state that is responsible for ensuring that housing solutions are found for its population, particularly considering that housing is a right according to the 1988 Constitution. For example, Adana describes the work of the movement as trying to keep the government to its responsibilities: 'We hold them to their duties – it's them that are supposed to be building housing.'¹⁰ As does Ana, 'We put pressure on the authorities so that they recognise our right to housing, and so that they give it to us.'¹¹ Movement members and the rank and file stress their desire for a reciprocal arrangement – they are willing to pay for housing, but wish to be given the opportunity to do so through the provision of affordable housing and/or credit. As occupying movement member Wanda put it, 'We want a place to live in, we don't want anything for free. We want a solution to this situation. The government has to give us a solution.'¹²

Analysis of the rhetoric of the movement soon reveals that it does not believe the state is keeping its side of the bargain. In particular, the governments of Brazil in the democratic era are not perceived as showing a commitment to equality. Nearly half the movement representatives interviewed made an allegation that the government (particularly at the state and municipal levels, but also occasionally the federal) was only concerned to protect the interests of the more affluent sectors in society, and that they have exclusionary policies towards the urban poor. Benjamin and Cristiano's comments provide an example:

The government today just thinks about policies for one sector of society [...] for the bourgeoisie, for the elite. [...] The state government is exclusionary, and so is the municipal one. They are right-wing governments, and the needy population and the social movements suffer at their hands.¹³

A while back Kassab [the current mayor] didn't want to approve any plans for social housing in the centre of the city. It just shows that the government isn't worried about the situation here. Well, only in that he wants to clean up the area and send poor people off to the peripheries.¹⁴

This situation, in which all levels of government are perceived as favouring the moneyed classes, as opposed to those who are poor and in need, leads to negative evaluations of the state's commitment to democracy in terms of equality. Questions of transparency in the way that the low-income housing built by the state-level and municipal housing councils is distributed are also frequently raised by the movement, and by some of its high profile supporters.¹⁵ The perceived failure to respond adequately to the needs of the poor from the various levels of government is often conceptualised as a lack of respect, and, crucially, as a wilful violation of citizenship rights. This perception has an impact on the way the movement frames the state and its relationship to it, in public discourse.

⁹ Interview with Pedro, leader of a regional movement 18.09.07

¹⁰ Interview with Adana, adviser to UMM 06.07.07

¹¹ Interview with Ana, provides support to regional movement leaders, 19.06.07

¹² Interview with Wanda 24.07.07

¹³ Interview with Benjamin, leader of regional movement, UMM treasurer and member of executive 05.06.07

¹⁴ Interview with Cristiano, leader of small local association in the centre 09.08.07

¹⁵ Interview with Jose Eduardo Cardozo 30.07.07, PT federal deputy.

The rhetoric of the UMM

The dissatisfaction that movement members feel with regard to Brazil's democracy is manifest in their rhetoric, which is perhaps best described as 'fighting talk'. The language used has clear echoes of the anti-dictatorship era, in that the movement places itself in opposition to the state, suggesting that it has yet to become fully democratised. The language used by movement leaders in interviews, internal meetings and public forums is peppered with the terminology of resistance and antagonism. The UMM's motto that it displays on banners and posters is *Ocupar, Resistir, Construir*: Occupy, Resist, Build.¹⁶ The UMM is engaged in a 'fight' for housing, and the movement's overall goals can simply be referred to as *a luta*, the struggle. When a family or individual receives the keys to a new home, this is described as a 'conquest'. When the movement 'takes to the streets' it shows its 'force'. Occupations and street protests are 'weapons' of the struggle, and the movement must show daring and strength as the only way to achieve its aims. Men and women in the movement describe themselves as 'fighters' who are 'battling for their rights'. These references to violence and the importance of militancy are underscored by allusions to life and death in the rallying cry of the breakaway housing movement, the FLM: 'the person that doesn't fight is already dead'.

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

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

The myth of rights

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

¹⁶ This clearly borrows from the rural MST's slogan of 'Occupy, Resist, Produce'.

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

'In our specific struggle for urban reform [...] we have the things that are guaranteed us in the [city's] Master Plan, in the Statute of the City, in the ZEIS [zones of special social interest]. We have to make these things happen, and make these laws happen in practice (that to a certain extent we contributed to through the law of popular initiative) so that these laws aren't just on paper. If things are happening, there's no reason for us to be mobilizing people outside the doors of the municipal, state or federal governments. But if things aren't happening, we have laws that we have to make work. Like the law on the purchase of land, like a whole load of things that we have. And then if that doesn't work, the UMM has its other main type of struggle – occupation.'¹⁷

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

Beyond legislation, the movement has also become involved in litigation against the state through its close working relationships with the recently created *Defensoria Publica*, or city ombudsman and with specific public prosecutors sympathetic to the movement within the *Ministerio Publico*, equivalent to the prosecution service. Most recently, the housing movements, represented by a public prosecutor, successfully prosecuted the municipal government for ceasing to pay housing benefits for families that had been evicted from properties declared unsafe. Since the municipal government had failed to provide permanent housing solutions for these families as it had originally committed to, a judge ruled that the municipality must continue to pay for their rented accommodation. This ruling led a senior advisor (and former public prosecutor) within the state secretariat to declare that the question of housing had become 'judicialised', that is to say, it had 'left the sphere of negotiation between the authorities and social movements and entered the sphere of the judiciary'.¹⁸ The UMM's long-term involvement with other actors to ensure that the law is upheld is noted by Anderson:

We have joint activities with other public actors like the *defensoria publica* or the *ministerio publico*. We have always sought their help. [...] A government might commit what we believe to be a diversion from a particular policy direction that we support. We feel both obliged and at liberty to seek representation with the *ministerio publico*, or to seek the help of the *defensoria publica* to make a judicial challenge to those public bodies, whether federal, state or municipal.¹⁹

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

¹⁷ Interview with Benjamin 05.06.07

¹⁸ Interview with Sergio Mendonça 01.08.07.

¹⁹ Interview with Anderson 26.06.07

It is, however, perhaps surprising that the UMM chooses to use legal channels to press for its aims, firstly since the law and its institutions are often perceived as deeply conservative (Shklar 1986), but also because of the specific characteristics of the legal system in Brazil. It is a country where the expression, ‘some laws stick and some don’t’ is in common usage (Maricato 2000), and where pervasive ‘rule evasion’ (Leitzel 2002) leads to official tolerance of law-breakers. Indeed, the significant gap between legislation and its implementation is widely acknowledged by scholars, leading to references to the law as a ‘dead letter’ (Paoli and Telles 1998; Macaulay 2002; Villaça 2005; Pereira 2000). Further, Macaulay (2002) notes the problems of access of the poor to legal process in Brazil and the extremely slow progression of cases through the courts, which suffer from a shortage of judges. Court cases at the federal level, for example, can frequently drag on for a decade (Taylor and Buranelli 2007). Hold-ups in the legal system can also be purposefully created: Meszaros (2000:525) quotes a senior judge in the state of São Paulo as saying ‘with the Brazilian judiciary, if you have an able lawyer you can almost eternalize the discussion: it never ends’. The legal system is further complicated by a profusion of laws at the three levels of the state that can and do contradict each other (Passos 2002). A perceived contradiction between municipal and state law can delay a court case for years as the problem is considered through the appeals process at a higher-level tribunal.²⁰ For both Caldeira (2000) and Taylor and Buranelli (2007), these problems have generated a distinct lack of faith in the judiciary held by the population, particularly amongst poorer groups who declare that ‘justice is a privilege of the rich’ (Caldeira 2000:345). Despite these issues, however, lawyers have considerable status in Brazil, and are allowed to use the title of ‘doctor’. Historic deference for members of the profession is noted by Holanda (1969) [1936] who labels Brazil, ‘a land of lawyers, where, as a general rule, only those citizens who are trained in the law will rise to top public positions and offices’ (Holanda 1969:115). He further notes Brazilian’s general faith in the power of law, and their belief that,

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

More recent analysts make similar evaluations, Maricato (2000:143) rebukes campaigners for urban reform for behaving as though ‘the principal causes of urban social exclusion were the absence of new laws or new urban instruments’. This faith in the law, and the idea that ‘a new law will fix things’, is represented by the overabundance of legislation on the statutes: ‘Brazilians have an exaggerated hope that law can produce social change – if one day the laws are obeyed’ (Pereira 2000:221). But the ‘ambiguity of law’ in Brazil, where it is never clear how or if the country’s ‘inconsistent and voluminous’ legislation will be enforced, leads Pereira to declare that Brazilian legality ‘contains strong elements of fantasy and desire’ (ibid). Whilst this situation is clearly problematic for social movements who frame their demands in terms of rights and are involved in legislation and litigation, it also provides a significant resource for movement actors, as will be discussed in light of the ‘politics of rights’ approach.

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

²⁰ Conversation with Dra. J. Setzer. 25.07.08

Legal frames of reference tunnel the vision of both activists and analysts leading to an oversimplified approach to complex social process – an approach that grossly exaggerates the role that lawyers and litigation can play in a strategy for change. The assumption is that litigation can evoke a declaration of rights from courts; that it can, further, be used to assure the realization of these rights; and, finally, that realization is tantamount to meaningful change. The *myth of rights* is, in other words, premised on a direct linking of litigation, rights and remedies with social change (Scheingold 2004:5 his emphasis).

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

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

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

When people identify with the struggle, when someone begins to realise that housing is their right, and that that right is being denied, this really unites people at the grassroots of the movement. From the moment that you get that kind of consciousness, you’ll never stop participating in some kind of way.²¹

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

The politics of rights in Brazil

It should be acknowledged here that Scheingold based his research on the context of the United States, citing what he saw as a particularly North American belief that, ‘politics *is and should be* conducted in accordance with patterns of rights and obligations established under law’ (Scheingold 2004:13 his emphasis). However, the discussion above of Brazilian’s faith in the potential power of the law would suggest the concept is equally applicable to Brazil. Certainly, the considerable if badly coordinated institutional infrastructure in place in the capital to investigate and prosecute individuals involved in

²¹ Interview with Pedro 18.09.07

political fraud and corruption (Taylor and Buranelli 2007), and the numerous parliamentary and senate investigations ongoing at any time in Brasilia, point to a belief that politics, in theory, should be conducted in accordance with the law, even if it manifestly is not in practice. The UMM is able to take advantage of a Brazilian belief in the myth of rights to garner support for its aims by presenting the city's housing problems as a violation of rights, as will now be shown. Being able to present movement demands as rights is in itself a useful strategy, as (Nielsen 2004: 66) points out

Rights serve as a significant source of power for members of traditionally disadvantaged groups precisely *because* of the characteristics inherent in the social construction of a legal right. 'Rights' are said to apply equally to everyone, they are 'neutral', and are backed by the legitimate authority of law and the state. While this may not be true in practice, this idea may serve as a source of power for the disadvantaged (emphasis in the original).

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

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

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

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

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

In the Brazilian case, the process by which the Constitution was written, with many thousands of people involved in the submission of popular amendments, has led to a engrained feeling of ownership over and pride in the document amongst popular sectors of society. Kingstone and Power (2000:17) also note high levels of public awareness of the document,

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

It could perhaps be suggested, using James Ferguson's (1999) terms, that reference to the Brazilian Constitution of 1988 has become part of a 'metanarrative' of progress and modernity, and one that has been absorbed by much of the movement and the society it addresses. Certainly, the power of the Constitution as a normative framework is not lost on the UMM, both as a backdrop for its demands, and as a weapon with which to denounce the state.

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

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

The first article of the Constitution sets out the five foundational elements upon which the Republic is based namely, sovereignty, citizenship, dignity of the human person, social values of work and free enterprise, and political pluralism. The right to housing is set out in Article 6 along with other social rights including education, health, work, leisure, security, social security, protection of motherhood and childhood and assistance to the destitute. But it was not included in this list in the original draft of the Constitution promulgated in 1988.²² Housing was only added in 2000, through a Constitutional Amendment, and after years of campaigning by the Forum Nacional de Reforma Urbana, a coalition of academics, NGO representatives and social movements. According to Anderson²³, prior to 2000 the movement had still claimed housing as a right, but had done so with reference to the 1995 Habitat Agenda that came out of the UN conference in Istanbul, to which Brazil is signatory.²⁴ The assertion of housing as a citizenship right is given further weight by movement members and leaders who discuss the social significance of housing with reference to notions of dignity and equality. This would suggest that these foundational elements of the Constitution were used to support demands for housing before it was specifically made a right.²⁵ The formulation of housing in terms of rights will now be examined through the rhetoric of the movement.

Housing and the discourse of rights

Motivated by the need for housing, and by the desire to help others achieve solutions to their housing needs, movement members and leaders take the importance of housing as a given. They make continual reference to the inclusion of housing as a right in the Constitution and the evidence of the violation of this right in the city and across the country.²⁶ Ernesto’s words are typical here:

‘Housing is in the constitution. It’s in the law that every citizen has the right to housing. It’s in the law. If it’s in the law, we shouldn’t have to occupy buildings and have the crap kicked out of us by the police.’²⁷

²² Competency for promoting the provision of housing is shared across all three levels of the state (Article 23).

²³ Email communication with Anderson, 06.08.08.

²⁴ The right to housing was a key area of debate at Habitat II (Urquiza 1996) but it was not incorporated specifically into the conference’s final document, the Habitat Agenda. Instead, references are made to the ‘right to adequate housing’ as set out in other UN treaties, in particular the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights. Further, the Habitat Agenda states that this right ‘shall be realized progressively’ (UN Habitat 1996).

²⁵ Turenne (2004) notes the use of constitutional commitments to the dignity and equality of all citizens by housing activists in France. Dignity is also a core element to the 1948 Universal Declaration of Human Rights. Articles 22 and 23 of the Declaration present the realization of social, economic and cultural rights as indispensable for the dignity and free development of the person (Dicke 2002).

²⁶ Although movement leaders acknowledge that members join because their incomes are not high enough to access mortgage credit available on the open market, they do not generally speak about housing in economic terms. Leaders admit that housing improves family finances, since subsidised loan repayments are often lower than the costs of renting, but these economic issues were not stressed by movement leaders. This is not surprising: a movement whose discourse revolves around housing as a right, and its importance in promoting citizenship is unlikely to stress that it will also be making its members richer.

²⁷ Interview with Ernesto, leader of a centrally-based movement affiliated to the FLM 14.03.07

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

I think housing is fundamental to the life of any citizen. Because through housing, you have a reference. If you don't have a house then you don't have a reference: you're a nobody. When you have a house you can say 'I left my house at this time in the morning, and I'll go back home at this time'. You can get home and lie down, and it doesn't matter if it's on a mattress on the floor or in a bed [...] but you know you have somewhere to go, and you have a moment to lie down, think, and plan how the next day will be...Housing is fundamental to the life of any human being, because once you've got a house, your horizon expands, and you can see a whole load of other things.²⁸

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

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

For me, for the poorest of people, those whose rights are most violated – rough sleepers, people who live in *favelas* where there is no clinic – what's most important is not just that they have needs that aren't met. For example, they need a doctor and there's no doctor, they need food and they haven't got any, they need a house but they haven't got one. It's not just this. It's that this person's capacity to realise themselves is hindered.²⁹

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

I generally say that the dignity of each citizen comes from them having a house in which to live, because once they've got decent housing, they can achieve anything. They have a reference, they can get a job and achieve a better standard of health, as they're not going to be living surrounded by rats anymore. That person will have a reference and a dignified address, and will

²⁸ Interview with Kelly, member of UMM executive, represents the movement in international forums, particularly on women's issues, 29.05.07.

²⁹ Interview with Adana 06.07.07

be able to study without anyone being prejudiced against them, since here in Brazil, there is still a lot of prejudice against someone who lives in a favela.³⁰

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

Housing and citizenship

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

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

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

I think that having citizenship means, first of all, having basic things. It means having a house to live in, being respected as a citizen and having the same rights as everybody else.³¹

³⁰ Interview with Tristana, leader of a regional movement, member of UMM executive 26.03.07

³¹ Interview with Benjamin 05.06.07

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

Today I feel much more of a citizen that I did before. When I came to live here, I ‘rescued’ a bit more of my citizenship. We feel like decent people here [*a gente se sente gente*], and where we lived before, we didn’t.³²

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

The link between housing and citizenship was further strengthened by research participants when they spoke about those without adequate housing. The underlying suggestion is that these people are not treated like human beings. For example, Lourdes, when describing a *cortiço* eviction, remarked that the furniture was better treated than the residents: ‘At least the furniture has somewhere to go’.³³ Ivana spoke of police action to evict people from the ‘Cracolândia’ drug-dealing area of central São Paulo, in the following terms, ‘They are throwing people onto the streets, as though they were rubbish’.³⁴ Similarly, for Nina, residents of far-flung peripheral neighbourhoods are ‘treated like trash’.³⁵ Ernesto complains that buildings are torn down in the city centre to make way for carparks, when they could be converted into social housing. This leads him to conclude that cars have ‘more prestige today than humans’.³⁶ Another fairly common way of articulating similar beliefs was to suggest that poor Brazilians were treated worse than animals:

We have a right to housing. We are human beings not animals. You can do what you like to an animal, but us, although we are poor, we still deserve respect. And we deserve somewhere to live.³⁷

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

Plácida’s and other movement representatives’ remarks suggest a dehumanisation of the urban poor, and the phrase *condições desumanas*, ‘inhuman [living] conditions’, is also current. In the discourse of the movement, its members are being stripped of the basic dignity that should underlie all human existence. This is perhaps why some movement leaders talk of ‘rescuing’ their citizenship. The term suggests that all are born as citizens and decent human beings, but that some have lost this status, as their basic

³² Interview with Nina 09.10.07

³³ Interview with Lourdes, leader of a small centrally based association.

³⁴ Speaking at a centre-movements’ meeting, 02.07.07.

³⁵ Interview with Nina, member of a UMM affiliated movement, housed after an occupation, 09.10.07

³⁶ Interview with Ernesto 14.03.07

³⁷ Interview with Plácida, member of a FLM affiliated movement, living in an occupied building 24.07.07

needs (including housing) are not being met. This appeal to a kind of essential status as a mobilizing tool is discussed in passing by Nettl (1967:247) who notes that,

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

Rather than a reference to citizenship as part of the path to modernity, the idea of rescuing citizenship used by some members of the UMM appears as an appeal to some ideal past. Nevertheless, this evocation of (mythic) rights may have symbolic weight amongst certain sectors of society, including the membership.

Establishing a connection between housing and citizenship is, furthermore, a critical element of the movement's politics of rights, since it allows for an extremely powerful discourse on limited citizenship. This is the principal argument through which the movement attempts to hold the state to account: it posits the state's failure to resolve the housing problems of the poor as a violation of their citizenship rights. In the eyes of movement members, these process failures, where the government does not make a concerted, transparent effort to improve the living standards of the poor, impact upon levels of citizenship, because it denies them dignity. Many interviewees expressed quite similar ideas on the paradox that they *were* Brazilian citizens, but that there were limits to the extent that they were enjoying full citizenship rights. A basic explanation of this idea is made by Ernesto.

Look, I'm a citizen. But there's something missing for me to be able to *really* call myself a citizen. What's missing is the house that I haven't got.³⁸

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

I haven't yet recovered my citizenship. Citizenship doesn't mean that I was born in some country or another. That has nothing to do with it. ...I mean, I do have citizenship, Brazilian citizenship, but not in the way that I want it, that I ought to have it, that I deserve.³⁹

These comments on the limited nature of citizenship of those without adequate housing are extremely common among movement members and leaders and bring to the fore the clear emphasis placed on the fulfilment of social rights for the acquisition of citizenship amongst São Paulo's poor. This runs counter to Holston (2008) and Caldeira's (2000) preoccupation with civil rights, in their examination of citizenship amongst the property-owning lower-middle-classes of the city. The research participants in these studies show a greater concern for personal security and property rights, suggesting that income levels have a bearing on how citizenship is understood. Further, conceptualising citizenship as in some sense limited allows the movement to 'denounce' the state as behaving illegally for failing to uphold social rights, leading to accusations such as, 'The state steals our rights'.⁴⁰ The perceived illegality of the state is a cornerstone of the way in which the movement then justifies its building occupations.

The implication of a politics of rights approach

The failure of the state to develop and implement adequate housing policy for the poor and the resultant perception of a violation of citizenship, drives the movement to take a radical and antagonistic position. This position is most clearly expressed through the use of building and land occupations, a tactic that can cause significant embarrassment and logistical difficulties for the government targeted. Many movement members and leaders express the belief that occupations are the *only* way to make a 'non-democratic' government listen to the movement's demands, or to force it to keep to its word on

³⁸ Interview with Ernesto 14.03.03

³⁹ Interview with Joanadarc, leader of a small association representing families living in an occupied building in the centre, 23.04.07

⁴⁰ Interview with Nora, leader of a small association based in the centre 08.10.07

previous policy commitments. However, these criticisms are generally directed at municipal and state-level governments. There is a marked reluctance to make aggressive statements about the federal level government, which movement representatives refer to as *our* government, with *our* president Lula, at the helm. But for Anderson and Diogo, two of the more self-reflexive members of the UMM executive, the very fact that the Lula regime has not lived up to their high expectations points to the limits of the state's ability to respond to their demands and leads to the conclusion that the movement must always be on the offensive. Anderson goes some way to unpick the problems facing the relationship between the movement and the PT government in power in Brasilia. He gives as an example a recent presidential visit to São Paulo to sign off federal funds (known as the PAC) for urbanization of two *favelas*, in one of which Anderson has been working for over twenty years.

Lula himself has said that he won the [presidential] elections thanks to the intensive collaboration that he built up with social movements before the second round – with urban movements and those from the countryside. And where's the dialogue and interaction now? That launch for the PAC here in São Paulo, where was the engagement with social movements? There wasn't any. That's why I didn't go to the ceremony. I don't accept that type of relationship with a political party that says it's left-wing and working class, and then creates a programme that it says will have huge social impact, (the resources that have been earmarked for the *favelas*, for social housing, are really significant amounts of money, thanks to our struggle, thanks to social movements) and then it doesn't invite us to help work out the prioritization of the projects or have even the tiniest bit of engagement with us, or discussion about the impact of these projects. We get indignant about these things because during the electoral process we were very welcome at the discussion forums in the presidential palace. When it's time to discuss policy, to make decisions, and when they really have the power to make those decisions, social movements aren't invited. That's why I think that there is no option for social movements other than social struggle, taking to the streets, mobilizing members – the whole battle plan that the movement has.⁴¹

What is interesting about this statement is that it shows that not even Lula, the movement's president, behaves in the way they expect of him. Diogo makes a similar point, noting that the movement tends to refer to Lula's administration as 'our government', and yet he has come to realise that the 'democratic' PT federal government must govern everyone in the country, even those who did not vote for it. As such the 'struggle' must continue, since the movement cannot assume that the government will automatically respond to the needs of its members.⁴²

The seeming impossibility of an end to the housing struggle, with the failure of even friendly governments to place priority on the needs of the poor lead, not only to an adversarial stance, but also to a rhetoric of compulsion and duty to act as the government's antagonist. For example, Tristana declares that, 'You have to take a firm position, and my position is on the side of the movement, always. I'm against the government, when it comes to housing policy.' Asked to clarify this statement she declared that this opposition was necessary since even when a government signs an agreement to build housing the movement must still fight every step of the way to ensure that it gets built.⁴³ For both Diogo and Ivana the movement's relationship to the state is *a contramão*, literally 'going the wrong way down a one-way street'. This eternal fronting up to the state is perceived as a necessity since 'there will always be difficulties' (Diogo) and 'no government will ever solve our problems' (Gaetano).⁴⁴ This antagonism between movement and the state is further emphasized by assertions that the movement must show its force and strength, and that its actions are designed to generate fear and anxiety for politicians and bureaucrats. Nor is this aggression perceived as one-sided. The various levels of

⁴¹ Interview with Anderson 26.06.07

⁴² Interview with Diogo, leader of a large centrally based movement 12.06.07

⁴³ Interview with Tristana 26.03.07

⁴⁴ Interviews with Ivana 01.06.07, Diogo 12.06.07 and Gaetano 08.06.07

government are frequently accused, often in public meetings, of trying to break, grind down, or destroy the movement.

Anderson is one of the few leaders to give more depth to idea of the need for perpetual opposition.

The government, in its own analysis, is always going to evaluate itself as doing the best job possible. And the role of social movements is always to be saying that what it is doing isn't enough. If ever a movement thinks that what the government is doing is sufficient, that movement has sold itself to the government. So, it's important to analyse the UMM from that point of view. Looking at the UMM's documents, its agenda, has it given itself over to the government's agenda? Does it applaud and think that what the government has done is enough? If it has, then we've reached the end. We will have stopped being a movement to have become an extension cable of the government. [...] So, our agenda and our strategy should never be totally identical to that of the government. We can even say that we think the government has done something well, but we must say 'there's still a bit more to be done. This and that are missing, and this as well'. That must always be said. And sometimes the government will get angry with us and will think, 'bloody hell, nothing we do is good enough', and we will say 'that's right. Nothing that you do is good enough.' If we have this understanding of everyone's place and role then it is possible for us to build, with some skill, a degree of autonomy in this interaction and relationship with the state.⁴⁵

But despite movement leaders' strident statements of opposition towards municipal, state and federal governments, they cannot surmount the fundamental paradox of their overall reliance on the state. The state may be perceived as the enemy that denies dignity and limits citizenship, but firstly, the country is now formally a democracy thus limiting the actions of a movement that labels itself democratic, and secondly, the state and municipal housing companies are the only providers of housing with sufficient subsidies to be accessible for the UMM's members. Movement leaders may declare themselves to be in perpetual opposition to government, but if they are to house their members successfully, they must eventually negotiate with the representatives of the state. The labelling of state and municipal governments as 'non-democratic' and as responsible for maintaining urban populations in a state of limited citizenship is a useful tool for mobilization. It harks back to the movement's roots in the campaigns against the dictatorship, and helps to provide a clear target against which the movement is organized. But this positioning generates difficulties for the UMM once a 'democratic government', (meaning the PT) takes office. Recent experiences with a PT mayor in São Paulo tested the ability of the movement to remain autonomous and maintain pressure on the government in the absence of a commitment to pro-poor housing and social movement participation (alluded to by Anderson in the final citation above). And the UMM is experiencing similar difficulties with Lula's current presidential administration.

Summary and conclusions

Members and leaders of the UMM have adapted to political circumstances in the post-dictatorship era in Brazil by making skilful use of the fundamental elements of democracy. Stressing their own democratic practice, they call on the state to live up to similar standards. The movement's involvement in both legislation and litigation give it a legal take on the government's policy failure, and this has helped it to develop a 'politics of rights' approach that aids both internal mobilization and external support. In their rhetoric of rights they link housing to citizenship in multiple ways: (i) it is enshrined as a right in the constitution (ii) it is the key to achieving other core social rights and (iii) it is bound up with notions of dignity, respect and having a place in society. Since responsibilities for housing lie with the state, the lack of housing provision for low-income groups is articulated by movement leaders as a state failure and a wilful violation of citizenship rights by governments more committed to protecting the interests of the wealthy sectors of society. The UMM uses these arguments to develop a powerful discourse on limited citizenship. However, the movement's strident politics of rights has led to a

⁴⁵ Interview with Anderson 26.06.07

situation where it places itself in a type of perpetual opposition to the state. This is problematic given that it must also engage with the state to achieve its ends. This paradox is played out in the movement's use of both participatory policy councils and formally illegal building occupations.

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