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STATE AND URBAN SPACE IN BRAZIL:

From Modernist Planning to Democratic Interventions¹

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In the last half century, the Brazilian state consolidated and then liquidated a modernist model for the production of urban space. According to this model, best crystallized in the construction of Brasília, the state produces urban space according to centralized master plans that are conceived as instruments of social change and economic development. The role of government is both to articulate these plans and to create the means for their realization. During the last two decades, however, a constellation of forces – including main elements of the state, business and industry, popular social movements, political parties, and nongovernmental organizations (NGOs) – rejected this centralized conception of state intervention. In its place, they substituted a notion of planning in which government does not produce space directly but, rather, acts as a manager of localized and often private interests in the cityscape. Moreover, whereas the modernist model entails a concept of total design, by which planners impose solutions, like demigods, the new model considers that plans should both be based on and foster the exercise of democratic citizenship.

The new planning results from a confluence of contradictory factors. On the one hand, many of its tenets were first proposed by social movements and NGOs concerned with urban reform in the 1970s and 1980s. Some of the most significant

of these principles were included in the new Federal Constitution of 1988 (called the Citizens' Constitution) and developed in subsequent urban plans and legislation by these organizations. Therefore, the new model of planning is an explicit expression of the democratization process that has been transforming Brazilian society and its ways of conceiving of citizenship since the 1970s. On the other hand, the same instruments have also been used by some municipal administrations and by powerful private organizations to produce the contrary of their original intent; namely, the privatization of public space, spatial segregation, social inequality, and private real estate gain. Moreover, the redefinition of the role of the state expressed in the new planning cannot be associated with democratization alone. In addition, the collapse of the interventionist modernist mode relates to a fiscal crisis of the state, industrial restructuring, and the adoption of neoliberal policies usually justified as necessary to keep Brazil in pace with the new demands of globalization.

This chapter contrasts these two models of governmental production and management of urban space. It also addresses the consequences of each for the lives and spaces of the working-class people who inhabit both the poor peripheries of Brasília and São Paulo and the favelas and *cortiços* of their centers.² Since the beginning of industrialization, governmental production of space in Brazilian cities has meant the creation of a legal and regulated city for the upper classes and an illegal and unregulated city for the majority of the working poor; that is to say, for the vast majority of Brazilians. Illegality and improvisation have always been the conditions under which the urban poor have created their spaces in Brazilian (and most third-world) cities. The instruments of urban policy created during the democratic period attempt to address the problem of illegality and therefore of social injustice in Brazilian cities. Nevertheless, as powerful corporations and real estate interests engage these same instruments, they generate new forms of spatial segregation and undermine some of the paths to urban improvement and citizenship expansion that the social movements of the 1970s and 1980s achieved.

Total Planning

Owing to the need to constitute a base of radiation of a pioneering system [of development] that would bring to civilization an unrevealed universe, [Brasília] had to be, perforce, a metropolis with different characteristics that would ignore the contemporary reality and would be turned, with all of its constitutive elements, toward the future.

President Juscelino Kubitschek³

The apartment blocks of a superquadra [Brasília's basic residential unit] are all equal: same façade, same height, same facilities . . . which prevents the hateful differentiation of social classes; that is, all the families share the same life together, the upper-echelon public functionary, the middle, and the lower.

Brasília⁴

As exemplified by Brasília, total planning in Brazil cannot be separated from either modernism or developmentalism.⁵ Even before the construction of Brasília, the Brazilian government had appropriated the international model of modernist architecture and planning developed by CIAM (Congrès Internationaux d'Architecture Moderne). Its intention was to use this model to create a radically new urban development as a means to overcome the nation's backwardness, as a means to bring the nation, through leaps in history, into the vanguard of modernity. Modernist total planning is an instrument of social transformation as much as of spatial production. It is conceived as a means of creating an urban environment that molds society in its image. This two-fold transformation brings progress and development. Brasília is no doubt the most complete example ever constructed of the CIAM model city – a model that dominated urban theory and policy in many countries for most of the 20th century, from the “new cities” of Eastern Europe to the “edge cities” of American suburbia. In Brazil, this conception of planning reigned supreme from the 1940s to the 1980s. As Brazil became highly urbanized and industrialized during this period, it shaped most of the state's urban and economic undertakings.⁶

Both Brasília and modern São Paulo took shape under the influence of a nationalist ideology of modernization known as developmentalism. Briefly, the idea was to use direct state intervention to promote, in a concentrated period of time, national industrialization based on import-substitution. Its main objective was to produce not only accelerated industrialization but also modern subjects; that is, rational and “domesticated” consumers for its products. The slogan of President Juscelino Kubitschek's Target Plan of development in the mid-1950s was “50 years in 5.” This model of development sustained not only São Paulo's industrialization but also the construction of Brasília and other state-sponsored projects aimed at turning Brazil into a modern nation.⁷ To promote progress through leaps in history, the Brazilian state took upon itself a wide range of tasks that included building cities, roads, and electric plants, sponsoring industrial production (especially of automobiles, chemicals, and steel), as well as expanding the welfare state and modernizing television programs. From factories to hospital networks, from mines to television stations, from telephone companies to universities, all materialized under the control and usually the ownership of the state.

Shared by citizens of all social classes, a strong faith in progress anchored the developmentalist project of the Brazilian state.⁸ From the 1950s to the 1980s, Brazilians believed massively that Brazil was “the country of the future.” Especially in the major cities, people supposed that hard work would bring individual betterment, modern urbanization to the urban peripheries where most lived, and general prosperity through industrial expansion. The sum of these achievements would produce the modernization of Brazil. Although it soon became clear that modernization would not significantly reduce the enormous inequalities that separate rich and poor, Brazilians continued to believe that progress would nevertheless benefit all.

Brasília was the most accomplished symbol of this project of progress, development, and modernization. Its founders envisioned Brasília's modernist design

and construction as the means to create a new age by transforming Brazilian society. They saw it as the means to invent a new nation for a new capital – a new nation to which this radically different city would then “logically belong,” as its planner Lucio Costa claimed.⁹ This project of transformation redefines Brazilian society according to the assumptions of a particular narrative of the modern, that of the CIAM modernist city, most clearly expressed in Costa’s Master Plan and in the architecture of Oscar Niemeyer, the city’s principal architect.

As universally acknowledged, the project of Brasília is a blueprint-perfect embodiment of the CIAM model city. Moreover, its design is a brilliant reproduction of Le Corbusier’s version of that model.¹⁰ Nevertheless, Brasília is not merely a copy. Rather, as a Brazilian rendition of CIAM’s global modernism, its copy is generative and original. Brasília is a CIAM city inserted into what were the margins of modernity in the 1950s, inserted into the modernist ambitions of a postcolony. In this context, the very purpose of the project was to capture the spirit of the modern by means of its likeness, its copy. It is this homeopathic relation to the model, brilliantly executed to be sure, that gives the copy its transformative power. In other words, its power resides precisely in the display of likeness. This display of an “original copy” gives the state a theatrical form, a means to construct itself by putting on spectacular public works.

As the exemplar of this stagecraft-as-statecraft, Brasília was designed to mirror to the rest of Brazil the modern nation that it would become. It was conceived as a civilizing agent, the missionary of a new sense of national space, time, and purpose, colonizing the whole into which it has been inserted. To build the city in just three and a half years, Novacap, the company in charge of the construction, instituted a regime of round-the-clock construction. This regime of hard work became known throughout Brazil as the “rhythm of Brasília.” Breaking with the meters of colonialism and underdevelopment, this is a new rhythm, defined as 36 hours of nation-building a day – “12 during daylight, 12 at night, and 12 for enthusiasm.” It expresses precisely the new space-time consciousness of Brasília’s modernity, one that posits the possibility of accelerating time and of propelling Brazil into a radiant future.

The rhythm of Brasília thus reveals the development of a new kind of agency, confident that it can change the course of history through willful intervention, that it can abbreviate the path to the future by skipping over undesired stages of development. This modernist agency of rupture and innovation expressed itself in all domains of Brasília’s construction and organization, from architecture and planning to schools, hospitals, traffic system, residential organization, property distribution, bureaucratic administration, music, theater, and more. Brasília’s modernism signified Brazil’s emergence as a modern nation because it simultaneously broke with the colonial legacies of underdevelopment as it posited a radiant future of industrial modernity. The new architecture and planning attacked the styles of the past that constituted especially visible symbols of a legacy the government sought to supersede. It privileged the automobile and the aesthetic of speed at a time when Brazil was industrializing. It required centralized planning and the exercise of state power that appealed to political elites.

To create a new kind of society, Brasília redefines what its Master Plan calls the key functions of urban life, namely work, residence, recreation, and traffic. It directs this redefinition according to the tenets of the CIAM model city. CIAM manifestos call for national states to assert the priority of collective interests over private. They promote state planning over what they call the “ruthless rule of capitalism,” by imposing on the chaos of existing cities a new type of urbanism based on CIAM master plans. CIAM’s overarching strategy for change is totalization: its model city imposes a totality of new urban conditions that dissolves any conflict between the imagined new society and the existing one in the imposed coherence of total order.

One of the principal ways by which CIAM design achieves its totalization of city life is to organize the entire cityscape in terms of a new kind of spatial logic. As we have analyzed this logic elsewhere,¹¹ we do not pause to examine it here – except to say that its subversive strategies have overwhelming consequences for urbanism, especially its elimination of the corridor street and related public spaces and its inversion of Baroque solid–void/figure–ground relations. Complementing its theory of spatial change, the CIAM model also proposes a subjective appropriation of the new social order inherent in its plans. It utilizes avant-garde techniques of shock to force this subjective transformation, emphasizing decontextualization, defamiliarization, and dehistoricization. Their central premise is that the new architecture/urban design creates set pieces of radically different experience that destabilize, subvert, and then regenerate the surrounding fabric of social life. It is a viral notion of revolution, a theory of decontextualization in which the radical qualities of something totally out of context infect and colonize that which surrounds it with new forms of social experience, collective association, personal habit, and perception. At the same time, this colonization is supposed to preclude those forms deemed undesirable by negating previous social and architectural expectations about urban life.

Brasília’s design implements these premises of transformation by both architectural and social means. On the one hand, its Master Plan displaces institutions that were traditionally centered in a private sphere of social life to a new state-sponsored public sphere of residence and work. One of its most radical tenets in this regard was the elimination of private property altogether, in favor of state ownership – at least until 1965, when the military government created a private real estate market. On the other, Brasília’s new architecture renders illegible the taken-for-granted representation of social institutions, as the buildings of work and residence receive similar massing, siting, and fenestration and thereby lose their traditional symbolic differentiation.

No one should doubt the potency of these modernist strategies of defamiliarization. In Brasília, they proved to be brutally effective, as most people who moved there experienced them with trauma. In fact, the first generation of inhabitants coined a special expression for this shock of total design: *brasilite* or “Brasília-itis.” As one resident told Holston, “Everything in Brasília was different. It was a shock, an illusion, because you didn’t understand where people lived, or shopped, or worked, or socialized.” Another common disorientation is the sense of exposure that residents experience inside the transparent glass façades of their apartments. Thus, Brasília’s

modernism also works its intended subversion at an intimate scale of daily life. Harmonized in plan and elevation, Brasília's total design created a radically new world, giving it a form that possessed its own agenda of social change.

In sum, as exemplified in Brasília, modernist master planning is a comprehensive approach to restructuring urban life precisely because it advances proposals aimed at both the public and the private domains of society. Its proposals for the former focus on eliminating the street and its public, both spatial and social. Its proposals for the latter center on a new type of domestic architecture and "collective" residential unit. Its design restructures the residential not only by eliminating private property but also by reducing the social spaces of the private apartment in favor of a new type of residential collectivity in which the role of the private and the individual is symbolically minimized (by using transparent glass façades, eliminating traditional informal spaces, and so forth).¹² Together, these strategies constitute a profound estrangement of previous modes of urban life, achieving a similar kind of defamiliarization of public and private values in both the civic and the residential realms.

It is important to emphasize that the CIAM modernist model is strongly egalitarian in motivation. As the epigraph of this section indicates, its objective is to impose the means of equalization "to prevent the hateful differentiation of social classes." Hence, it develops a new type of urban environment both to eliminate previous expressions and instruments of inequality and to force people to behave in new ways that the planners envision ("the same life together"). The model's commitment to equalization is remarkably comprehensive, aimed at transforming both public and intimate relations of social life. Although committed to equalization, however, modernist planning is decidedly not democratic. Rather, it is based on an imperial imposition of its brand of panoptic equality, a "planner knows best" vision of an already scripted future. Moreover, as we shall see, as implemented means to equality, it fails perversely.

The radically new world of Brasília immediately confronted a classic utopian dilemma, one inherent in all forms of modernist planning: the necessity of having to use what exists to achieve what is imagined destroys the utopian difference between the two that is the project's premise. As Brasília's demigods – the planners – struggled to keep pace with the vitality of the city they had brought to life, their directives revealed two fundamental features of the modernist mode of governmentality: first, they maintained the priorities of the plan at all costs, not admitting any compromise with "what exists," with contingent developments, with history's engagement with the ideal. Second, their reiterations of the plan to counter contingency turned the project of Brasília into an exaggerated version of what the planners intended to preclude. In effect, they reproduced the Brazil they wanted to exclude. This Brazilianization contradicted many of the Plan's most important intentions.

One of the clearest examples of this perversion is the reproduction in the new capital of a legal center and an illegal periphery. The government planned to recruit a labor force to build the capital, but to deny it residential rights in the city that it built for civil servants transferred from Rio de Janeiro. By 1958, however, it became clear that many workers intended to remain. In fact, almost 30 percent of them had already

rebelled against their planned exclusion by becoming squatters in illegal settlements. Yet the government did not incorporate the *candangos* (the pioneering construction workers) into the Plano Piloto (as the modernist city itself is called), even though it was nearly empty at inauguration. The government found this solution unacceptable because inclusion would have violated the preconceived model that Brasília's "essential purpose [was to be] an administrative city with an absolute predominance of the interests of public servants."¹³ Rather, under mounting pressure of a *candango* rebellion, and in contradiction of the Master Plan, the administration decided to create legal satellite cities, in which *candangos* of modest means would have the right to acquire lots and to which Novacap would remove all squatters. In authorizing the creation of these satellite cities, the government was in each case giving legal foundation to what had in fact already been usurped; namely, the initially denied residential rights that *candangos* appropriated by forming illegal squatter settlements. Thus, Brasília's legal periphery has a subversive origin in land seizures and contingency planning.

Modernist planning attempts to overcome the contingency of experience by totalizing it; that is, by fixing the present as a totally conceived plan based on an imagined future. Holston contrasts this model with what he calls contingency planning.¹⁴ The project of Brasília generated both modes. Although both were experimental and innovative at the time, they were (and remain) fundamentally at odds. Contingency planning improvises and experiments as a means of dealing with the uncertainty of present conditions. It works with plans that are always incomplete. Its means are suggested by present possibilities for an alternative future, not by an imagined and already scripted future. It is a mode of design based on imperfect knowledge, incomplete control, and lack of resources, which incorporates ongoing conflict and contradiction as constitutive elements. In this sense, it has a significant insurgent aspect, though it may have a regressive outcome. The built Brasília resulted from the interaction of both modes of planning, the total and the contingent. In most cases, however, the former soon overwhelmed the latter in the development of the city.

For example, to remain faithful to their modernist model, planners could not let the legal periphery of satellite cities develop autonomously. They had to counter contingency, in other words, by organizing the periphery on the governing rationality of the center. To do so, they adopted what we can call a strategy of retotalization, especially with regard to the periphery's urban planning, political-administrative structure, and recruitment of settlers. This strategy had two principal objectives: to keep civil servants in the center and others in the periphery, and to maintain a "climate of tranquility" that eliminated the turbulence of political mobilization.¹⁵ Given these objectives, the planners had little choice but to use the mechanisms of social stratification and repression that are constitutive of the rest of Brazil they sought to exclude. First, they devised a recruitment policy that preselected who would go either to the center (Plano Piloto) or to the periphery (satellite cities), and that would give bureaucrats preferential access to the former. Second, in organizing administrative relations between center and periphery, planners denied the satellite

cities political representation. Through this combination of political subordination and preferential recruitment, of disenfranchisement and disprivilege, planners created a dual social order that was both legally and spatially segregated. Ironically, it was this stratification and repression, and not the illegal actions of the squatters, that more profoundly Brazilianized Brasília.¹⁶

Predictably, the reiteration of the orders of the center in the periphery created similar housing problems there. These problems led, inevitably, to new land seizures and to the formation of new illegal peripheries – now in the plural because each satellite spawned its own fringe of illegal settlements. Moreover, by the same processes, some of these seizures become legalized, leading to the creation of yet more satellite cities. These cycles of rebellion and legitimation, illegal action and legalization, contingency planning and retotalization, continue to this day. A striking illustration of the perpetuation of Brasília's contradictory development is that, even today, the Plano Piloto remains more than half empty while only containing 13 percent of the Federal District's total population. This comparison strongly suggests that the government continues to expand the legal periphery rather than incorporate poor migrants into the Plano Piloto.¹⁷ As a result, Brasília remains Brazil's most segregated city.¹⁸

Modernization without Substantive Citizenship

Most other Brazilian metropolitan regions have not been the product of such direct and total planning as Brasília. Nevertheless, the oppositions between legal and illegal urban areas, center and periphery, and rich and poor are equally constitutive. This is the case of São Paulo, a city that has also come to symbolize Brazil's modernity by concentrating the largest share of its industrial production, economic growth, and urbanization. São Paulo's decisive turn to industrialization dates from the 1950s, and shares with Brasília some of the same instruments and imaginaries, including the use of modernist design and the notion that the city had to be opened up for circulation.¹⁹ The new industries were placed outside the center. As industrialization intensified and migration reached its peak in the 1950s, the local administration was busily opening avenues and removing the remaining tenement housing downtown. The modern city that emerged was disperse and organized by clear class divisions. The center received improvements in infrastructure and the most obvious symbols of modernity. It was dominated by skyscrapers (increasingly of modernist design) that multiplied in a matter of a few years from the 1950s on and gave the city its contemporary identity.

In the periphery, the rhythm of construction was no less intense than in the center. But the lack of any kind of state support, investment, and planning generated a very different type of space. On the outskirts of the city, workers bought cheap lots of land sold either illegally by outright swindlers or with some kind of irregularity by developers who failed to follow city regulations regarding infrastructure and land registration. In spite of their illegal or irregular activities, these developers received

a free hand from successive generations of city administrators, who preferred to close their eyes to what was happening in the periphery and to administer only the "legal city."²⁰ As for the workers of Brazil – in São Paulo, Brasília, and elsewhere – they have always understood that illegality was the condition under which they could have access to land and inhabit the modern city. To them, residential illegality signifies not just material precariousness and distance from the center, but also the possibility of becoming modern and of establishing a claim to eventual property ownership. In streets without pavement and infrastructure, workers built their own houses by themselves and without financing. This could only happen through a slow and long-term process of transformation known as "autoconstruction."²¹ It is also a process that perfectly represents progress, growth, and social mobility: step by step, day after day, the house is improved and people are reassured that sacrifice and hard work pay off. Thus, workers moved to the "bush" to build their houses and, through the process of autoconstruction, were the agents of the peripheral urbanization of the city. That the population density of the city decreased by half between the beginning of the century and the 1960s, in spite of remarkable population growth, indicates the enormity of this expansion.²² As a result, the urbanized area of the city of São Paulo more than tripled between 1930 and 1954, and doubled again by the 1990s to reach its actual size of 850 km².

Thus, in both São Paulo and Brasília, governmental strategies toward modernization, industrialization, urbanization, and development were sometimes interventionist and at other times *laissez-faire*. However, they resulted in a similar structure of urban inequality. In both cities, these strategies reveal an overarching conception of how to govern society and produce its modernity. The general principle is to govern without generating social equality or turning the masses into active citizens. The split between legal and illegal symbolizes succinctly the underlying perspective of Brazilian elites on modernization: those considered nonmodern (the vast majority of the population) were incorporated into their plans as a labor force but marginalized as citizens. They were denied the right to vote, excluded from legal property in the modern cities, and violently silenced by the military dictatorship.²³

Although developmentalist-modernist planning is quite authoritarian, for a while it had strong popular support. Indeed, both Brasília and industrial São Paulo were initially built on the basis of massive popular engagement with the project of modernization and belief in progress. This combination of authoritarianism with genuine popular support has a well-established label in Latin American politics, namely populism. It dominated Brazilian politics from the 1940s until the military coup interrupted it in 1964. The military dictatorship that ruled Brazil between 1964 and 1985 ended popular engagement by political repression. Nevertheless, development continued to be the regime's main objective. Moreover, the same planning and governmental instruments served well the developmentalist policies of the dictatorship. In fact, it was during this regime that development achieved some of its most emblematic marks. This included not only economic growth rates of up to 12 percent per year, but also the construction of roads and telecommunication infrastructure and the dissemination of social services.

In other words, intense modernization and urbanization in Brazil took place either without popular participation (military regimes) or with elite-controlled popular participation (populist regimes). Not part of any of these governmental rationalities was the project to turn Brazil's masses into modern political citizens who participate meaningfully in political and electoral decisions. As with the polity, so with the society: social inclusion was not one of the objectives of the modernization project. As the military regime often declared, it was necessary "to grow first to divide the cake later." In sum, authoritarianism and profound social inequality are marks of modern Brazil.

The Context of Change

The national-developmental project of modernization started to crumble in the early 1980s under the influence of contradictory forces. On the one hand, there was a deep economic crisis and the subsequent adoption of so-called neoliberal policies. Not infrequently, the justification for these policies has been the need to put Brazil in tune with the next wave of modernization; that is, the new global configurations. On the other hand, there were political transformations, especially pressures for social and political inclusion that the urban social movements articulated and that eventually led to political democracy.

Transition to democratic rule in Brazil was a long process. The so-called political opening started in the mid-1970s; the first state governors were elected in 1982; and the first election for president was in 1989. The main mark of democratization, however, was not electoral politics. Rather, it was the explosion of popular political participation and the massive engagement of citizens in debating the future of the country. In Brazil, this mobilization was known as "the rebirth of civil society." Two forms of political organization, both of which originated in São Paulo, were especially important in the transition process: independent trades unions and urban social movements. The latter were crucial for transforming the perception of urban space and including urban citizenship in the agenda of democratic consolidation.

Starting in the mid-1970s, numerous neighborhood-based social movements appeared in the poor urban peripheries, frequently with the help of the Catholic Church.²⁴ The movements' participants, a majority of them women, were new property owners who realized that political organization was the only way to force the city authorities to extend the urban infrastructure and services to their neighborhoods. They discovered that being taxpayers legitimated their "rights to the city"; that is, rights to the legal order and to the urbanization available in the center. At the root of their political mobilization was the illegal/irregular status of the properties that most had purchased in good faith: public authorities denied them urban services and infrastructure precisely because they considered their neighborhoods illegal. Thus, a central inspiration for these movements was an urban and collective experience of marginalization and abandonment, in spite of individual efforts of integration through work and consumption.

The urban social movements were crucial in the larger opposition that helped end the military dictatorship. The demands of these movements were summarized in the idea that Brazil had to change by becoming democratic and enforcing the rights of its citizens. Accordingly, demands included direct elections (*Diretas Já!*), amnesty for political prisoners and respect for their human rights, revocation of all “laws of exception” imposed by the military regime, and the convening of a Constitutional Assembly to write a new democratic constitution. Several of these demands were met in the first years of the democratic transition, including the promulgation of a new Constitution in 1988. It was written on the basis of ample consultation with organized popular movements and includes a full set of citizens’ rights, from the right to four months of paid maternity leave to the more traditional list of rights to life, freedom of expression, and justice. The 1988 Constitution is a document that interprets citizenship rights in the broadest terms, incorporating what is sometimes called all “generations” of rights.

While the country democratized, however, the conditions that sustained developmentalism eroded. The mythology of progress started to collapse in the 1980s, in São Paulo as elsewhere in Brazil. It began with what is called the “lost decade,” the deep economic recession associated with changes that significantly transformed Brazilian society and many others in Latin America and around the world. Although this is not the place to analyze these changes in more detail, it is important to mention the most important of them as they affected the metropolitan region of São Paulo in the 1980s and 1990s. They include a sharp decrease in population growth; a significant decline in immigration and increase in out-migration, especially of upper- and middle-class residents; a sharp drop in the GNP and rates of economic growth; a drop in per capita income; a deep reorganization of industrial production associated with large unemployment and instability of employment; a redefinition of the role of government in the production and management of urban space; and a significant increase in violence (both criminal and police) associated in part with the restructuring of urban segregation. As a result of the economic crisis and related changes, the distribution of wealth – which was already bad – worsened and perspectives of social mobility shrank considerably. In the periphery, important aspects of the urban inclusion achieved by the social movements eroded.²⁵ Many people could no longer afford a house of their own, and the reduced horizons of life chances seemed to preclude even the dream of autoconstructing one. The number of people living in favelas in the city increased from 4 percent in 1980 to 19 percent in 1993.

One of the most important consequences of this combination of economic and social crisis was that the state abandoned the model of governmentality based on protectionism, nationalism, and direct participation in production – the main elements of the modernization project. The policies adopted to deal with the economic crisis – usually indicated by agencies such as the IMF and labeled “neoliberal” – resulted in the opening of the domestic market to imported products and in the withdrawal of the state from various areas in which it had traditionally played a central role as producer. These areas included urban services, infrastructure, telecommunications, steel manufacture, and oil production.

Privatization became the order of the day, the dominant value of the new logic of governmentality that replaced the modernization project. Privatization signifies various things and affects various aspects of social life. It means selling off most of the state-owned enterprises (including those offering basic services such as telephone and electricity) to private interests and using the revenue generated to pay the foreign debt incurred under the previous economic model. It entails cutting state subsidies to national production. It signifies unmaking prerogatives and social rights created both in the corporatist labor legislation of the 1930s and 1940s and in the 1988 Constitution.²⁶ It also means that the state “contracts out” to private enterprise and privately funded NGOs social services that it used to provide (from the delivery of milk to schools to prison management). Moreover, the state now hires NGOs with public funds to develop policy that government agencies used to produce. In sum, privatization undermines various pillars of the developmentalist-modernist project and its type of state. In effect, it subverts the idea that the state governs the nation, and indeed creates a nation in its image, by being a direct producer of its public through state-owned and -managed industry, state-directed public works and planning, and state-provided welfare.

Privatization also affects in decisive ways the space of the city and its everyday practices. Pressured by funding cuts and new laws to balance budget, municipal governments throughout Brazil limited their range of intervention and level of investment in the urban environment. Simultaneously, they called on private citizens to invest in their own space in exchange for fiscal incentives and a flexibilization of building codes. In the periphery, citizens have always invested in their space, but as a result of minimal state investment. Now, however, private investment was becoming a matter of state policy for the whole city. Nevertheless, probably the most important forms of privatization that affect the urban environment relate to the startling increase in violent crime and fear.²⁷ Violence and the inability of the state to deal with it have led people to rely on private security and fortification, and to imagine city life in terms of numerous new practices of segregation.

In sum, Brazilian society experienced contradictory processes during the 1980s and 1990s: on the one hand, political democratization and the emergence of new forms of democratic citizenship; and, on the other, economic crisis, privatization, and violence that undermined the former, limited the state, closed urban spaces, and reduced possibilities of growth.²⁸

Democratic Planning and the Neoliberal State

The 1988 Constitution introduced significant innovations in many areas, including urban policy. These were due to a large extent to the lobbying of organized social movements and civil organizations. During the National Constitutional Assembly of 1986–8, these grassroots forces gathered more than 12 million signatures in support of Popular Amendments, successfully pressuring the state to relinquish its jural monopoly and securing a strong presence in the new Constitution. During the

next two years, state and municipal constitutional assemblies occurred throughout Brazil, with similar results. During these many constitutional assemblies, the demands of grassroots forces converged with legal assistance services. Members of the former brought their specific interests to lawyers of the latter, who rearticulated them in terms of proposals for new law. In the process, the social movements became educated in both making and using law. Thus a new conception of citizenship, grounded in the popular construction of the law and the exercise of new kinds of rights through legislation, began to take root.

One of the most significant sources of this process of innovation is popular participation in urban reform and municipal administration. Growing out of the National Movement of Struggle for Urban Reform, founded in 1986 to influence the federal constitution, this participation has rallied around the principle of “rights to the city” and around the concept of urban self-management (*auto-gestão*).²⁹ In major cities, including São Paulo, Porto Alegre, Curitiba, and Recife, it has succeeded in developing this conception of urban citizenship into innovative municipal codes, charters, and master plans.³⁰ In what follows we analyze two of the most important regulations that these efforts produced.

One of the Popular Amendments presented to the Assembly generated the Constitution’s section on Urban Policy. Article 182 defines the objective of urban policies as “to organize the full development of the social functions of the city” and establishes that urban property has a social function. Consequently, it determines that local governments can promote the use of urban land through expropriation, forced subdivisions, and progressive taxation so that it fulfills its social function. Article 183 creates *usucapião urbano* (akin to adverse possession) as a means of resolving the predicament of residential illegality that affects so many of the working poor. It establishes the possibility of creating an uncontestable title of ownership for residents who have lived continuously for five years and without legitimate opposition on small lots of urban land. These two articles became the basis for a series of legislated acts, regulations, and plans that have since transformed the character of urban policy in Brazil.

The constitutional articles required enabling legislation both to define in more precise terms the concept of “social function” and to create mechanisms for its implementation. For more than a decade, the National Congress debated this legislation under pressure from the lobby of the National Forum for Urban Reform. The result is the remarkable Estatuto da Cidade (City Statute), federal law 10,257 of July 10, 2001. This legislation incorporates the language and concepts developed by the urban social movements and various local administrations since the 1970s. It is quite unusual in the history of Brazilian urban legislation for at least four reasons. First, it defines the social function of the city and of urban property in terms of a set of general guidelines that are substantive in nature. Second, on that basis, it frames its directives from the point of view of the poor, the majority of Brazil’s city dwellers, and creates mechanisms to revert some of the most evident patterns of irregularity, inequality, and degradation in the production of urban space. Third, the Statute requires that local urban policies be conceived and implemented with

popular participation. Thus, it takes into consideration the active collaboration and involvement of the private organizations and interests of civil society. Fourth, the Statute is not framed as a total plan but instead introduces a series of innovative legal instruments that allow local administrations to enforce the "social function." Unmistakably, the City Statute is the result of the insurgent citizenship movements of the previous decades. It is an important indication of one of the ways in which democratization has taken root in Brazilian society, and of how the grassroots experience of local administration, legal invention, and popular mobilization has made its space in federal law.

Echoing the Constitution, the City Statute establishes that the objective of urban policy is "to realize the social functions of the city and urban property."³¹ Urban policy must do so by following a set of comprehensive guidelines. Among the most important, urban policy must "guarantee the right to sustainable cities, understood as the right to urban land, housing, sanitation, infrastructure, transportation and public services, work, and leisure for present and future generations";³² use "planning . . . to avoid and correct the distortions of urban growth and its negative effects on the environment";³³ produce a "just distribution of the benefits and costs of the urbanization process";³⁴ allow the public administration to recuperate its investments that may have resulted in real estate gain;³⁵ and regularize properties and urbanize areas occupied by the low-income population.³⁶ By such means, the City Statute clearly establishes the production of social equality in urban space as a fundamental objective of urban planning and policy and, reciprocally, turns planning into a basic instrument for equalizing social disparities and securing social equality.

The Statute also creates powerful instruments to enforce its directives. They are of two types. First, there are instruments of management. Second, there are instruments to regulate the use of urban land. The innovations regarding management are basically two and quite substantial: those requiring popular participation in the formulation and implementation of policies, and those considering that urbanization is to be obtained by cooperation between government and private organizations. Chapter IV of the Statute is entitled "On the Democratic Management of the City," and its Article 45 presents the boldest formulation of the principle of popular participation:

The management organizations of metropolitan regions and urban agglomerations will include mandatory and significant participation of the population and of associations representing the various segments of the community in order to guarantee the direct control of their activities and the full exercise of citizenship.

Chapter IV establishes that cities must implement a variety of mechanisms to insure this public participation in management, from debates, public audiences, and conferences to popular amendments of plans and laws to a process of participatory budget-making.³⁷ In these formulations, it is evident that the Statute imagines a society of citizens who are active, organized, and well informed about their interests and their government's actions.

This conception of Brazilian society could not be more different from the one that inspired the modernist–developmentalist master plans. Those plans assumed a backward society of silent and mostly ignorant citizens who needed to be brought into modernity by an illuminated and elite *avant-garde*.³⁸ Some of the modernist plans, especially Brasília's, did have social equalization as an objective. But even so, it was one to be imposed, already scripted. It would result from the plans, the values embodied in them, and the built environment they produced. Social equality would not, in other words, result from an exercise of citizenship that would generate the plans themselves. Moreover, the language of the modernist plans was one of development not citizen rights, and its principal target was underdevelopment not social inequality. The new model of planning turns this logic of development on its head. In this new formulation, the social is not imagined as something for the plan to produce but is, rather, something that already exists in organized fashion. This organization will be the basis for the creation of urban space, which will in turn confirm a more equitable and just society. The society imagined by the new model is modern, democratic, and plural, although still profoundly unequal. The new plans consider that citizens lack resources, are poor, and have their rights disrespected, but not that they are ignorant, illiterate, backward, incompetent, incapable of making good decisions, and so forth. While the old plans supposed that society's needs were modernization, progress, and development, the new ones imagine that their needs are citizenship and equality (or at least the abatement of the worst effects of social inequality). They suppose that the majority of the population that they address needs rights, not hygiene. Furthermore, whereas the modernist plans dispensed with any consideration of conflict in the imposition of solutions, the Statute and the other legislation it generated see citizens' interests as different and often contradictory. Therefore, they create mechanisms of conciliation and mediation.

In addition to enacting the principle of direct participation of citizens in managing cities, the City Statute also establishes that the government is no longer solely responsible for the process of urbanization. It thus fractures another fundament of the developmentalist model. The latter supposed that the state is the main (if not sole) producer of urban space – of the legal, admittedly, but also of the illegal, inexorably. According to the Statute, however, the process of urbanization should entail a balanced cooperation, or partnership, between public and private interests. This reconceptualization of roles is not a matter of democratic change alone. In fact, it is associated probably more with the neoliberal turn of the state, which presupposes a substantial shrinkage in the scope of its interventions, and with the exhaustion of resources to fund investments in urban infrastructure. During the developmentalist years, these resources came especially from international development banks and created an almost unmanageable foreign debt in countries such as Brazil. Today, a good deal of this funding is gone. As a result, under democracy, the Brazilian city has a huge social debt of needs with few resources to address them.

Consequently, administrators search for alternative funding, especially from private-sector investments. In addition, they develop new legislative instruments that might simultaneously tax the use of urban space and produce social justice.

For example, the City Statute introduces a series of mechanisms to tax real estate profit, force the use of underutilized urban properties, and regularize land occupied by low-income residents. The Statute also incorporates an innovative conception of property rights. It separates the right of property from the constructive potential of urban land, creating the possibility of transferring an owner's right to build. This separation allows the government to sell rights of construction beyond the coefficient (an area limit) permitted in city codes as a means to generate revenue for urbanization projects. There are a host of other innovations, including something called Urban Operations that allows a partnership of public and private interests to "bend the rules" in delimited areas of the city to achieve certain urbanization purposes, as well as provisions for both individual and collective *usucapião* (the latter in the case of favelas) to regularize land ownership among the poor.

The City Statute equips urban government with powerful tools to regulate the production of urban space. However, it conceives these measures quite differently from those of developmentalist plans. The differences are impressive. They concern the general principles that inspire the instruments (social justice and citizenship rights), the conception of how local projects will be created (through the democratic participation of organized citizens and their vigilance over governmental actions), the imagination of how projects will be implemented (the partnership between public and private initiatives), and the restricted nature of the interventions (limited urban operations, actions in "priority areas" rather than total plans). The City Statute is an instrument of democratic governance. It is based on a democratic conception of Brazilian society, as well as a democratic project for it.

It is hard, however, to predict how it will be engaged by local governments and citizens to change their cities. The legislation is still too recent for us to address the problems of its implementation and its potential to transform the patterns of inequality in Brazilian cities. Nevertheless, it is important to look for indicators of this engagement. For this, we take the case of the city of São Paulo. We will not analyze here its Master Strategic Plan (Plano Diretor Estratégico), which is the local application of the City Statute and was signed into municipal law 13,430 on September 13, 2002. The analysis of this Plan necessitates its own study, given its many innovations, such an environmentalist approach to the city's problems, and the intense process of political opposition and bargaining it generated. This process forced many changes in the version proposed by the PT (Partido dos Trabalhadores, Workers' Party) administration of the city.³⁹ Moreover, it is still difficult to anticipate its effects in terms of the production of social justice in urban space. Instead, we consider the use of some of the instruments adopted by the Statute even before it was approved by Congress, an implementation that already reveals paradoxical results.

Some Paradoxical Uses of the Statute

Although São Paulo has been a crucial site for the organization of political and social movements that helped to democratize Brazilian society, the city has been largely in

the hands of administrations at odds with this orientation. The first democratically elected mayor, Jânio Quadros, who took office in 1986, was an old-time conservative populist. During the next term (1989–92), the city was administered by a mayor from the PT, certainly the political party connected in the most direct way with the interests of the working classes and its social movements. However, after this administration of Luiza Erundina, the city had two mayors from the PPB (Partido Progressista Brasileiro), a center-to-right and conservative party associated with the real estate and construction industries.⁴⁰ In 2001, another mayor from the PT (Marta Suplicy) took office. All these administrations used at least some of the instruments incorporated into the Statute. Following their different uses allows us to discuss some of the paradoxical ways in which democratization and neoliberalization have intertwined in the production of urban space.

During the whole democratic period, one mayor after another developed master plans for the city of São Paulo that never passed City Council because they never generated enough support.⁴¹ These plans were intended to substitute the modernist–developmentist master plan and zoning code passed in 1971, the PDDI (Plano Diretor de Desenvolvimento Integrado). The only plan to pass City Council, in 1988, was approved by default, and its legitimacy has always been questioned. As the government retreated under the mantle of neoliberal policies, and as the City Council failed to approve one master plan after another, contingency planning ruled the city. This meant contradictory initiatives. On the one hand, various administrations were able either to introduce or to use a few instruments that are similar to those of the City Statute. On the other, organized private interests moved in to fill the space opened by the withdrawal of the state. The city of the past 15 years is one in which private investors intervened decisively, sometimes in partnership with local government, to improve the areas of their investment with the objective of increasing significantly the value of their real estate. One of the results of this action is the consolidation of a new pattern of urban segregation based on the proliferation of fortified enclaves; that is, of privatized, enclosed, and monitored spaces for residence, consumption, leisure, and work.⁴²

Policies to tax real estate profits and to attract private investment in urbanization are not inventions of the City Statute. Rather, they have been practiced for some time in São Paulo and other cities. We look at two such instruments used in the past 15 years in São Paulo: the so-called paid authorization (*outorga onerosa*) and the Urban Operations. Paid authorization refers to the possibility that the government may sell rights of construction beyond the coefficient allowed in city codes, if it uses the funds thus generated for urbanization projects. Urban Operations are projects to preserve, revitalize, and/or transform specific urban areas, through partnerships of public and private investment. These operations must be defined by law, and the norms that regulate them may differ from those of the rest of the city. Paid authorization is a core instrument of Urban Operations. Both have been introduced in the administration of São Paulo as means of revising the role of the state in the production of urban space and of fulfilling the need to find new forms of investment in urbanization. In some cases, the objective was to produce social justice and allow the administration to

recuperate investments that produced real estate gains; in others, it was to benefit real estate investors. The results of the latter deepened spatial segregation.

The idea of paid authorization was first introduced in São Paulo in 1976, during the administration of Olavo Setúbal.⁴³ Although it was not transformed into legislation at that point, it was incorporated into the discussions of the social movements and organizations addressing the urban question since the start of the democratization period.⁴⁴ What appealed to these democratic interests was the possibility of generating new sources of revenue for urban development. However, when the idea was first transformed into law during the administration of Jânio Quadros, with the name “Operações Interligadas,” it had an unexpected twist.⁴⁵ It allowed the government to offer private developers the right to build beyond the limits set in zoning codes in exchange for their private investment in “popular housing.” Such operations were conceived in the context of Quadros’ plans of *desfavelamento* – the removal of favelas and their populations, especially in central areas. Proprietors of areas occupied by favelas could petition the city to change the rules of use and occupation in any land they owned in exchange for the construction of popular housing. This conception was at odds with the most common interpretations of paid authorization, according to which the instrument should apply only to specific areas of the city selected on the basis of urbanistic projects, such as those to increase urban density in areas of good infrastructure. In Quadros’ interpretation, however, the bending of zoning rules was particularistic, for it did not follow any specific urban project but, rather, applied to any area in the city where a favela might exist. In fact, it was an instrument of social segregation. The City Statute later discarded this particularistic use of paid authorization. Instead, it adopted the conception developed by the PT administration of Luiza Erundina under the label “created soil” (*solo criado*), which required the use of urban projects to designate areas of the city eligible for paid authorization.⁴⁶ Paulo Maluf’s and Celso Pitta’s PPB administrations subsequently used this instrument in conjunction with Urban Operations.

In São Paulo, Urban Operations were introduced in the mid-1980s and used by the conservative administrations that followed.⁴⁷ In general, operations launched in the 1990s either failed to transform their areas or generated further social inequality, segregation, and real estate profit. Three operations – Anhangabaú, Centro, and Água Branca – were located in deteriorated downtown areas. Each resulted basically in only one private project. The third seems the most successful, but has been limited to creating the infrastructure needed by the only private project approved for the area.

Two other Operations – Faria Lima and Águas Espraiadas – are in the area of the newest business districts along the Pinheiros river. They were designed to install the kind of infrastructure required for the development of “intelligent” office complexes and accompanying commercial malls and residential units (closed condominiums) for their workers. The Faria Lima Operation is a clear example of the risks of one of the determinations of the Statute: that the funds raised by a urban operation should be used exclusively within its areas. Since Faria Lima is a region of high real estate values, further investment has only augmented its privileges.

Moreover, because the Operation encouraged the aggregation of lots, it had a strongly regressive impact in the real estate market, expelling modest investors and discouraging small-scale use. Thus, the Operation transformed a residential area of small lots into a business area of large developments. Similar effects happened in the adjacent area of Berrini/Águas Espraiadas, which received large investments in road construction and river channeling. Moreover, this area benefited from an infamous partnership between the city under the administration of Paulo Maluf and private investors. The agreement put together city agencies of social work and a pool of enterprises, the offices of which were located in the operation area of Berrini Avenue. The objective of the partnership was to remove a favela near the offices. Berrini Avenue became one of the most fashionable addresses for business in the city during the 1990s, and its poor neighbors were viewed as an eyesore. Although many favelas had been displaced in the city before, this was the first time in which representatives of the private sector participated directly in the removal. Although they used a philanthropic discourse to legitimate their initiative, they never disguised their obvious objective of obtaining real estate valorization. Similarly, the city did not disguise its interest in the partnership.⁴⁸

In sum, the Urban Operations combining public and private investors in São Paulo have thus far increased inequality and spatial segregation. The urban areas that they requalified are emblematic of new trends in segregation transforming the city in the past two decades.⁴⁹ Clearly, once social agents engage them, instruments of planning and governmental regulation do not necessarily produce the results their formulators intended. Brasília is a clear example in this regard, as Holston demonstrated.⁵⁰ For the U.S.A., Mike Davis gives a compelling analysis of how NIMBY movements in Los Angeles have used democratic instruments to produce exclusion and segregation.⁵¹ These examples only make us skeptical about what to expect from some of the new instruments of urban management. They also force us to consider the complex relationship between democratic and neoliberal planning.

Undoubtedly, in the past 20 years, city administrations in Brazil have reconceptualized the role of the state, the nature of planning, and the relationship between the public and private sectors in the production of urban space. The results have significantly transformed the dominant modernist–developmentalist model of planning and urban management. Undoubtedly, too, democratization alone cannot explain these innovations. Indeed, the interconnections between democratic and neoliberal rationalities of government are intricate, yet still under-investigated. Although many new instruments have been introduced in the name of an expanded role for “civil society,” this role has in fact often only guaranteed specific private interests, as in São Paulo’s Urban Operations, instead of a broad representation of different perspectives. To date, however, these operations have been implemented by administrations that disregarded the practices of participatory democracy and interpreted the partnership of public and private in predominantly neoliberal terms, as a means to realize market interests and not social justice. Nevertheless, as we have shown, the new planning initiatives have the potential to generate urban spaces that are less segregated and that fulfill their “social function” – spaces that are, in short,

more democratic, in the sense that their resources are equitably distributed and their citizens active participants in their making and management. Therefore, one can hope that an administration committed to those ends will succeed in using the new instruments of planning to realize them. This expectation has some basis, for the democratic practices of popular social movements and local administrations have already transformed the modernist model of urban planning and government into the vastly more democratic project embodied in the City Statute. That is no small achievement.

Notes

- 1 The authors wish to thank the institutions supporting their research in Brazil, on which this chapter is partly based. Teresa Caldeira is grateful for support from the Núcleo de Estudos da Violência (Universidade de São Paulo and FAPESP) and from a J. William Fulbright Foreign Scholarship. James Holston gratefully acknowledges support from the Universidade de São Paulo and FAPESP and from a Fulbright-Hays Faculty Research Fellowship (U.S. Department of Education).
- 2 The term “favela” refers to a set of shacks built on seized land. Although people own their shacks and may transport them, they do not own the land, since it was illegally occupied. From the point of view of urban infrastructure, favelas are extremely precarious. The shacks are close together, there is no sewage service and frequently no piped water, and generally people obtain electricity by illegally tapping into existing electric lines. A *cortiço* is either an old house whose rooms have been rented to different families, or a series of rooms, usually in a row, constructed to be rented individually. In each room, a whole family sleeps, cooks, and entertains. Residents of various rooms share external or corridor bathrooms and water sources.
- 3 Juscelino Kubitschek, *Por Que Construí Brasília* (Rio de Janeiro: Bloch Editores, 1975), pp. 62–63.
- 4 *Brasília*, 65–81, 1963, p. 15 (*Brasília* is the journal of Companhia Urbanizadora da Nova Capital do Brasil – Novacap).
- 5 For further analyses of Brasília, see James Holston, *The Modernist City: An Anthropological Critique of Brasília* (Chicago: University of Chicago Press, 1989); and James Holston, “The spirit of Brasília: modernity as experiment and risk” in *Brazil Body & Soul*, Edward J. Sullivan, ed. (New York: The Solomon R. Guggenheim Museum, 2001), pp. 540–557.
- 6 Brazil’s urban population represented 36 percent of the total population in 1950, 68 percent in 1980, and 81 percent in 2000 (in a total population of almost 170 million). In 1980, Brazil already had nine metropolitan regions with populations of over one million.
- 7 For an analysis of modernism and modernization in Brazil, as well as of the creation of Brasília and Kubitschek’s Plan, see Holston, *The Modernist City*. For an analysis of the industrialization of São Paulo, see Warren Dean, *The Industrialization of São Paulo 1880–1945* (Austin: University of Texas Press, 1969); and Paul Singer, “Interpretação do Brasil: uma experiência histórica de desenvolvimento” in *História Geral da Civilização Brasileira*, Vol. 2: *O Brasil Republicano, 4 Economia e Cultura (1930–1964)*, Boris Fausto, ed. (São Paulo: Difel, 1984), pp. 211–245. For analyses of the transformations of this city during the developmentalist period, see Richard Morse, *Formação Histórica de São Paulo* (São

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- Paulo: Difel, 1970): Part IV; and Regina Maria Prosperi Meyer, "Metrópole e Urbanismo: São Paulo Anos 50," Ph.D. dissertation, Universidade de São Paulo, Faculdade de Arquitetura e Urbanismo, 1991.
- 8 For an analysis of this belief in progress and its social consequences especially for the case of São Paulo, see Teresa P. R. Caldeira, "From Modernism to 'Neo-Liberalism' in São Paulo: Reconfiguring the City and Its Citizens," a paper presented to the Sawyer Seminar "Globalizing City Cultures and Urban Imaginaries," Columbia University, 2001.
 - 9 Lucio Costa, "Razões da nova arquitetura," *Arte em Revista* 4, 1980[1930], pp. 15–23.
 - 10 For a discussion of the Brazilian embodiment of the CIAM model city, see Holston, *The Modernist City*, pp. 31–58.
 - 11 Idem.
 - 12 For a discussion of these strategies and of the residents' reaction to them, see Holston, *The Modernist City*, pp. 163–187. The reduction both of family social space and of the expression of individuality in residential architecture is consistent with modernist objectives to reduce the role of private apartments in the lives of residents and, correspondingly, to encourage the use of collective facilities.
 - 13 Ministry of Justice (Minister Carlos Cyrillo, Jr., Jayme de Assis Almeida et al.), *Brasília: Medidas Legislativas Sugeridas à Comissão Mista pelo Ministro da Justiça e Negócios Interiores* (Rio de Janeiro: Departamento de Imprensa Nacional, 1959), p. 9.
 - 14 Holston, *The Spirit of Brasília*.
 - 15 Ministry of Justice, *Brasília*, p. 9.
 - 16 For a full account of the Brazilianization of Brasília, see Holston, *The Modernist City*.
 - 17 The Plano Piloto was planned for a maximum population of 500,000. As of 2000, the date of the most recent findings, it has a population of 198,400. If we include the Lake districts North and South, we add another 57,600 residents, for a total that is still just half Brasília's planned population. Moreover, the demographic imbalance between center and periphery has only worsened with time. At inauguration, the Plano Piloto (including the lake districts) had 48 percent of the total Federal District population and the periphery (both satellite cities and rural settlements) had 52 percent. In 1970, the distribution was 29 percent to 71 percent; in 1980, 25 percent to 75 percent; in 1990, 16 percent to 84 percent; and in 2000, 13 percent to 87 percent. See IBGE-CODEPLAN 2000.
 - 18 Edward Telles, "Structural Sources of Socioeconomic Segregation in Brazilian Metropolitan Areas," *American Journal of Sociology* 100(5), 1995, pp. 1199–1223.
 - 19 The urban plans for São Paulo of the 1950s to the 1970s were modernist and developmentalist. These types of plans continued to be produced well into the 1970s. The clearest example is the integrated plan of development approved in 1971 (Plano Diretor de Desenvolvimento Integrado).
 - 20 The mechanisms that created a legal/illegal city started to appear in São Paulo at the beginning of the century and were constitutive of Brazilian land occupation and legislation since early colonial times: see James Holston, "The Misrule of Law: Land and Usurpation in Brazil," *Comparative Studies in Society and History* 33(4), 1991, pp. 695–725. In the case of São Paulo, legislation during the 1910s established a division of the city into four zones: central, urban, suburban, and rural. Most of the planning statutes created at that time applied only to the central and urban zones, leaving the other areas (where the poor were already starting to move) unregulated. When some legislation was extended to these areas, such as requirements for registering subdivisions and rules for opening streets, it did not take long for developers to gain exemptions. The

- requirements that new streets had to have infrastructure and minimum dimensions, for example, could be legally bypassed after 1923, when a new law offered the possibility of creating “private streets” in suburban and rural areas. The legal rules for the urban perimeter did not apply to these private streets. Probably the best example of this mechanism of exception relates to the required installation of infrastructure, which, starting at the beginning of the century, depended on the legal status of a street. Most of the new streets, especially in the suburban and rural areas, were either irregular or illegal, and therefore exempted from this requirement by definition. Given the intense settlement of urban migrants in these areas, this exclusion amounted to an extraordinary subvention for developers and hardship for new residents. Although the new subdivisions were progressively legalized and given urban status through various amnesties (1936, 1950, 1962, and 1968), these decrees were each ambiguous enough to leave to executive discretion the determination of which streets fit the criteria for legalization, and therefore for urban improvement, and which did not. For detailed analysis of this mechanism and its effects on São Paulo’s legislation and urban space, see Holston, “The Misrule of Law”; Teresa P. R. Caldeira, *City of Walls: Crime, Segregation, and Citizenship in São Paulo* (Berkeley: University of California Press, 2000), Ch. 6; Raquel Rolnik, *A Cidade e a Lei: Legislação, Política Urbana e Territórios na Cidade de São Paulo* (São Paulo: Fapesp/Studio Nobel, 1997).
- 21 James Holston, “Autoconstruction in Working-Class Brazil,” *Cultural Anthropology* 6(4), 1991, pp. 447–465.
 - 22 The population of the city grew from 579,033 in 1920 to 3,781,446 in 1960, according to the census. In 2000, it was 10,405,867 in the city and around 18 million in the metropolitan region (the combined area formed by the city plus 38 surrounding municipalities). Population density in the city dropped from 11,000 inhabitants per km² in 1914 to 5,300 in 1963. In 2000, it was 6,823 inhabitants per km².
 - 23 Until 1985, illiterate people in Brazil (all from the working classes) could not vote. Moreover, the military regime that took power in 1964 eliminated all elections for executive offices.
 - 24 Teresa P. R. Caldeira, *A Política dos Outros: O Cotidiano dos Moradores da Periferia e o que Pensam do Poder e dos Poderosos* (São Paulo: Brasiliense, 1984).
 - 25 Caldeira, *City of Walls*, Ch. 6.
 - 26 Maria Célia Paoli, “Apresentação e Introdução,” in *Os Sentidos da Democracia – Políticas do Dissenso e Hegemonia Global*, Maria Célia Paoli and Francisco de Oliveira, eds. (São Paulo: Nedic/Fapesp/Editora Vozes, 1999), pp. 7–23.
 - 27 Caldeira, *City of Walls*.
 - 28 The contradictions between an “insurgent democratic citizenship” and a “disjunctive democracy” in Brazil are the focus of a forthcoming book by Holston. It also analyzes what we discuss in the next sections of this chapter; namely, the emergence of new forms of citizenship in relation to law and its institutions, and the transformation of the insurgent notion of “rights to the city” developed by the urban social movements into new modes of urban planning.
 - 29 This movement was later consolidated into the National Forum of Urban Reform, which congregates numerous NGOs, social movements, and trade union organizations interested in urban reform. The Forum is still quite active in promoting urban legislation at all levels of government.

- 30 A discussion of some of these innovations is found in: Ana Amélia da Silva, "A luta pelos direitos urbanos: novas representações de cidade e cidadania," *Espaço e Debates* 30, 1990, pp. 29–41.
- 31 *Estatuto da Cidade* (City Statute), federal law 10,257 of July 10, 2001, Art. 2.
- 32 *Ibid.*, Art. 2, para. I.
- 33 *Ibid.*, Art. 2, para. IV.
- 34 *Ibid.*, Art. 2, para. IX.
- 35 *Ibid.*, Art 2. para. XI.
- 36 *Ibid.*, Art 2, para. XIV.
- 37 Most of these procedures have been used by local administrations, especially from the PT (Worker's Party) for at least 15 years. They became standard for any administration that wants to be recognized as popular. The participatory budget process is a mechanism for the formulation of the annual city budget through public audiences in which neighborhood and district representatives have the right to voice and vote.
- 38 It is worth remembering that one of the arguments that justified the prohibition of direct elections after the 1964 military coup was that people (meaning poor people) did not know how to choose and to vote, and should therefore be governed by those who know.
- 39 São Paulo's Master Plan has 308 articles dealing with not only urban policies *per se* but also with issues ranging from the rights of minorities to employment. It is a clear example of how the experience of social movements and of democratic local administrations (mostly from the PT) have framed conceptions of urban management in contemporary Brazil. This Master Plan incorporates the language and the instruments of the City Statute as well as a whole new series of concepts and initiatives developed by the social movements and Forums, such as partnerships, solidarity development, project incubators, participatory budget, and so on. The consideration of the Plan by City Council involved intense debate – as expected – and considerable opposition, especially from organized groups eager to defend their real estate interests. A number of the innovations in the 2002 Master Plan had already been introduced in previous plans that did not pass City Council, such as the Master Plans proposed by mayors Mário Covas in 1985 and Luiza Erundina in 1991.
- 40 The mayors were Paulo Salim Maluf, who had previously served as nonelected mayor and governor during the military dictatorship, and Celso Pitta.
- 41 For an analysis of the principal master plans of the city of São Paulo in the 20th century, see Nádia Somekh and Candido Malta Campos, eds., *A Cidade que Não Pode Parar: Planos Urbanísticos de São Paulo no Século XX* (São Paulo: Mack Pesquisa, 2002).
- 42 For a full analysis of the consolidation of this new pattern of urban segregation and of the context of increasing violent crime and fear in which it occurs, see Caldeira, *City of Walls*, chs. 6–8.
- 43 Câmara dos Deputados, Secretaria Especial de Desenvolvimento Urbano da Presidência da República, Caixa Econômica Federal, and Instituto Pólis, *Estatuto da Cidade – Guia para Implementação pelos Municípios e Cidadãos* (Brasília: Câmara dos Deputados, 2001), p. 68.
- 44 One account of the transformations of this notion, as engaged by various social movements and forums of urban reform, is given in Câmara dos Deputados et al., *Estatuto da Cidade*, pp. 68–71. See also Nádia Somekh, "Plano Diretor de São Paulo: uma aplicação das propostas de solo criado," in *Acumulação Urbana e a Cidade*, Luiz César de Queiroz Ribeiro and Luciana Corrêa do Lago, eds. (Rio de Janeiro: IPPUR/UFRJ, 1992), pp. 255–260.

- 45 Municipal Law 10,209 from 1986. Because changes in zoning were not authorized by City Council, these operations were later prohibited by the justice system under the allegation that they were at odds with the state Constitution.
- 46 The 1991 Master Plan elaborated under Erundina's administration, but not approved, was the first to follow the new Constitution's principles on urban policy. The Plan reaffirmed the social function of the city and of urban property and proposed to substitute the existing zoning code with the "solo criado" rule. It recommended that the whole city have the same utilization rate (*coeficiente de aproveitamento*) of one, instead of the multiple rates defined by PDDI. The utilization rate defines the relationship between the total permitted built area and the total area of the lot. The right to build above the rate of one-to-one would have to be purchased from the city. Furthermore, the Plan determined the areas and the quantities permitted for such purchases. This same principle of a single utilization rate was reintroduced in the proposal for the 2002 Master Plan. However, to get it passed by City Council, the administration had to negotiate the single rate and raise its limits.
- 47 The Master Plan 1985–2000 elaborated by the Mário Covas administration defined the possibility of Urban Operations.
- 48 The transformations of Berrini Avenue and the areas around Águas Espraiadas and Faria Lima, as well as the removal of the nearby favelas, are analyzed by Mariana Fix, *Parceiros da Exclusão* (São Paulo: Boitempo Editorial, 2001); and Heitor Frúgoli Jr., *Centralidade em São Paulo. Trajetórias, Conflitos e Negociações na Metrópole* (São Paulo: Cortez/Edusp/Fapesp, 2000).
- 49 For a fuller discussion of this kind of spatial segregation, see Caldeira, *City of Walls*, Chs. 6–8.
- 50 Holston, *The Modernist City*.
- 51 Mike Davis, *City of Quartz: Excavating the Future in Los Angeles* (London: Verso, 1990).