



## The illegal city: solving by knowing

Source: Ermínia Maricato, LabHab USP

In the 1940s, when only 31 percent of the Brazilian population was urban, cities were seen as the modern and advanced side of a predominantly agrarian and backward country. From 1940 to 1980, Brazil's GDP grew at a rate of 7% a year, which is an exceptional increase from any point of view. The process of urbanisation-industrialisation seemed to represent a path to independence from centuries of domination by agrarian-export production and *coronelista* rule.

At the beginning of the 21st century, when 82% of the country's population was urban, the image of cities, especially *metropoli*, was quite different from that of 60 years earlier. Violence, floods, air pollution, water pollution, slums, landslides, abandoned children, etc. etc. Just nine metropoli are home to 50 million people, more than the population of most European or Latin American countries.

The relationship between habitat and violence is given by territorial segregation. Entire regions are occupied illegally. Urban illegality coexists with illegality in conflict resolution: there is no law, no formal judgements, no state. Difficult access to urban infrastructure services (precarious transport, poor sanitation, non-existent drainage, difficult access to health services, education, culture and day-nursery, greater exposure to floods and landslides) is compounded by fewer job opportunities, greater exposure to violence (marginal or police), difficult access to official justice, difficult access to leisure, racial discrimination. Exclusion is a whole: social, economic, environmental, legal and cultural.

In urban areas, public investment guided by well-organised lobbies feeds the legislation - restricted real estate market - social exclusion relationship. It is in the areas left out by the real estate market, in environmentally fragile areas whose occupation is forbidden by legislation and in public areas, that the poor population will settle: hillsides, the banks of streams, mangrove areas, water source protection areas... In the city, land invasion is the rule, not the exception. But it is not dictated by a lack of respect for the law or by leaders who want to break it. It is dictated by a lack of alternatives. This is what we're going to see through empirical data.

**THE ILLEGAL URBAN UNIVERSE**



In Brazil's largest cities, São Paulo, Rio de Janeiro and Belo Horizonte, more than one fifth of the inhabitants live in favelas. In Salvador and Fortaleza, the figure is as high as 1/3, and in Recife, 40% of the population lives in favelas. Even the mythologised Curitiba lives with a ring of invasions that practically surrounds the entire municipality, severely damaging the areas where water sources are protected.

What defines a favela is the complete illegality of the resident's relationship with the land. These are invaded areas. What differentiates it from illegal allotments is the purchase and sale contract that guarantees some right to the resident of the allotment, also popularly called a *clandestine allotment*. There are cases, however, where the illegality lies in the ownership documentation, the lack of approval of the project by the town hall or the mismatch between the approved project and its implementation. Illegal allotments and *favelas* are the most common housing alternatives for the majority of the urban population on low and lower-middle incomes. This was the "solution" that urban development in Brazil provided for most of the residents of the big cities.

As has already been pointed out, this illegality is not the result of a confrontational attitude towards legislation, but rather the result of a lack of options. Favelas were not an important form of housing in the city of São Paulo until the 80s. At the beginning of the 1970s, less than 1% of São Paulo's population lived in favelas. This situation evolved in such a way that the city had approximately 20% of favela dwellers in the mid-90s. Rio de Janeiro and Recife have had a significant proportion of slum dwellers since the beginning of the 20th century, as literature shows, including one of the classic studies of Brazilian society, *Sobrados e mucambos*, by Gilberto Freyre. In São Paulo, at the same time as the decline of the tenements, illegal allotments became the predominant form of housing for workers from the decade of the 1940s onwards. Investment in rental housing was discouraged by the rent freeze measures. Land subdivisions on the urban periphery were combined with wheeled transport. Buses, as public transport, made the low-density peripheral expansion made possible by popular housing developments. The periphery expanded.

**ILLEGALITY AS A RESULT OF AN EXCLUSIONARY PROPERTY MARKET  
AND A LACK OF COMPREHENSIVE PUBLIC POLICIES**



The evolution of favelas has accompanied the process of urbanisation in Brazilian society. It is determined by the process of the so-called reproduction of the labour force. In slave society, the labourer's home was provided for by the boss, as well as other items of subsistence. The emergence of free labour gives rise to the problem of housing. The employer was relieved of this responsibility. After the abolition [of slavery, in 1888], it would be up to the worker to pay for their housing. This change should imply wage labour and the formation of an urban housing market, as happened in the central capitalist countries, but not without a lot of conflict.

In peripheral and semi-peripheral countries like Brazil, where industrialisation took place with depressed wages and a large part of the workers were not integrated into the formal labour market, housing is not obtained via the formal market either. Even the middle classes find it difficult to enter the residential property market. Regularly employed workers, such as bank clerks, secondary school teachers, civil and military police or other civil servants, don't earn enough to take out a mortgage, which in a market like São Paulo generally requires more than 10 minimum wages as a family income. This limit excludes 60 per cent of families in the metropolitan region, who are left with either public policies or informality.

The essence of illegal occupations and the production of this informal city lies in the absence of a public policy that covers the expansion of the private legal market (in other words, we need to make the product cheaper). Slums and illegal allotments will continue to reproduce as long as the private market and governments don't come up with housing alternatives. The issue of illegality and legal housing alternatives is a question of urban policy (the social function of property and investment aimed at expanding and democratising urban infrastructure) and the regulation of real estate financing. Housing, along with public transport and urban sanitation, should be the priority themes of Brazilian urban planning. However, it continues to be guided by fads coming from realities quite different from ours.

## **WHAT TO DO WITH THE ILLEGAL CITY?**

Producing housing and moving all the slum dwellers to new locations would be the right solution. But the figures show that this is impossible: São Paulo's favelas are home to around 2 million people. In poorer capitals,



where the sanitation problem is more critical, such as Belém, Maceió, Recife and São Luís, the problems are proportionally greater.

After reluctantly acknowledging this reality, the state in Brazil abandoned the discourse of slum clearance for the discourse of slum urbanisation. This change was consolidated in the 1980s, when many municipal governments realised that it was more economically viable, and even more urgent, to carry out slum upgrading than to remove slum dwellers to new housing. Urbanisation involves at least lighting, treated water, sewage, drainage, rubbish collection, road and pedestrian circulation and the elimination of life risks; and the cost per family is between 10% and a maximum of 50% (in the most expensive urbanisations) of a new home.

In most favelas, residents have already invested a lot of their resources in building the house, but the infrastructure, public facilities and public services can only be provided by the state, and never by individual families.

Brazil has accumulated a fair amount of knowledge about urbanisation policies for favelas and even illegal allotments, and this has led to the emergence of new urbanisation patterns which, instead of the so-called functionalist, orthogonal and imposing urbanism, seek to take advantage of the spontaneous and organic forms that arise from informal construction. Let's say that, roughly speaking, this urbanisation has much more to do with the mediaeval city than with the modern city.

However, not every favela can be urbanised. There are settlements that put their residents at risk or make environmentally fragile and strategic areas of diffuse interest irrecoverable.

It is no exaggeration to admit that solutions for illegal settlements are, par excellence, initiatives aimed at mitigating Brazilian social inequality in urban spaces. It's not just a question of sticking to the legal norm. An official address is a fundamental element for quality of life and personal satisfaction. It confers dignity on residents, as well as making it easier to receive mail, find work or even have goods delivered. A document of ownership also gives the holder more security and peace of mind. Only those who have lived through an unstable housing situation can fully realise the importance of this.

Adapted from "Conhecer para resolver a cidade ilegal", written by Ermínia Maricato for LabHab USP / Translated by IAPC into English, Spanish and English, original in Portuguese at



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