

TONUCCI FILHO, João B. M.. *Urban occupations as urban commons?* Explorations from Belo Horizonte, Brazil. Paper presented at the 1st IASC Thematic Conference on the Urban Commons, Track 1: Claiming the Urban Commons. Bologna, 2015.

Urban occupations as urban commons?

Explorations from Belo Horizonte, Brazil

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*** Very rough draft. Please do not pass along**

1. Introduction

One of the most disruptive phenomena in Brazilian urbanization, in the last decade, is the upsurge of urban occupations due to a vicious context combining rising land costs and a shortage of adequate housing policies for the poor. Organized by social movements, occupations take place in a very short period of time through the occupation of vacant (public or private) land, and the building of housing and infrastructure by the residents themselves, or by community joint efforts. In the metropolitan region of Belo Horizonte (MRBH), there are now 15 recent occupations that are home to around 10.000 families living under the threat of eviction.

In this paper, I try to address the following question: *could we make better sense of occupations conceiving them – theoretically and practically – as urban commons?* In general, the commons refers to material or immaterial resources that are collectively owned, used and managed by a community, through a set of shared practices, rules and knowledge also devised and decided by the community: it is thus an alternative to the state control or market commodification of resources essential to social reproduction (De Angelis, 2007; Linebaugh, 2014; Ostrom, 1990).

Commons have sustained human societies for a long time, but the formation – and the ongoing reproduction – of a capitalist mode of production based on private property and market relations was (and still is) achieved through their enclosure, through expropriation and commodification (Wall, 2014). But the practice, concept and principle of the commons is getting stronger as a political discourse that supports, helps to articulate and recognizes the power of a plurality of struggles and alternatives to overcome capitalist society (and private property, one of its foundations) per the gestation of new ways of wealth production and life reproduction.

As Hardt and Negri (2009) and Harvey (2012) put it, the metropolis can be understood as much as a vast commons produced by collective work as a generative space for the production of many common resources and practices. Nonetheless, any attempt to multiply the commons in urban space finds a barrier in the fragmentation of space (Lefebvre, 2006) promoted by the full hegemony of private ownership of land, this primordial commons turned into a fictional commodity under capitalism (Polanyi, 2012). Even if land is now deeply subsumed to the most advanced circuits of production of space by global capital, by no means it ceases to be one of the foundations for reproduction of collective life: hence the various struggles over city spaces that contest certain configurations of property rights through resistance to enclosure of the commons (Blomley, 2004), and the many claims to turn the land into a commons in which social needs would be favored at the expense of purely economic ones. It is this landed property dimension of the urban commons that I will explore in this paper with reference to occupations in the MRBH.

The first section discusses some theoretical underpinnings of property, arguing for an expanded way at looking at it beyond the private ownership model, and thus towards land as commons. In the second part of the paper, I describe some of the experiences of organized occupations in the MRBH, especially in relation to property struggles, and try to point out some ambivalences and contradictions in conceiving (and practicing) occupations as land commons. The conclusion tentatively addresses the question of whether those new organized occupations constitute a privileged laboratory for understanding how urban commons are entangled in peripheral conditions, and tries to summarize some potentialities of thinking of Brazilian (and other southern) metropolises through the lenses of the commons.

2. Beyond the ownership model: property and commons

As occupations are basically constituted through struggles around landed property in the city, it is important to theoretically discuss what we understand property to be. In the now classic interpretation of Macpherson (1978), property cannot be confused with a thing, or the mere possession or physical occupation of something. It is essentially a *right*, and thus a political relation between people.

[...] to have a property is to have a right in the sense of an enforceable claim to some use or benefit of something, whether it is a right to share in some common resource or an individual right in some particular things. What distinguishes property from mere momentary possession is that property is a claim that will be enforced by society or the state, by custom or convention or law (Macpherson, 1978, p. 3).

According to Blomley (2004), in the tradition of liberal thought, the narrative of the "tragedy of the commons" is often evoked as a way to celebrate the superiority and efficiency of private property or state regulation in the face of more complex

forms of collective property, which are usually even denied ownership status, and which in turn are made invisible and marginalized by the myopia of *ownership model*. To Macpherson (1978), only with this modern sense of private property – as an *exclusive, alienable* and *"absolute"* right of individuals or corporations over things – could capitalism rise. Singer thus describes the main features of this model:

What is property? One might think this was a simple question. Property is about rights over things and the people who have those rights are called owners. What powers do owners have over the things they own? Owners are free to use the property as they wish. They have the right to exclude others from it or grant them access over it. They have the power to transfer title – to pass the powers of ownership to someone else. They are also immune from having the property taken away from them without their consent, or they must be adequately compensated if the property is taken by the state for public purposes (Singer, 2000, p. 2-3).

The hegemony of the ownership model provides us with a clear and stable model of our understandings and practices regarding property, reduced exclusively to private (or public) property: this liberal binarism excludes and delegitimizes any collective claims to land as property. In this model, individual rights are always considered prior to and superior to the collective interest, what puts a number of obstacles to the regulation or limitation of property rights. While public property is recognized, it is understood more as property owned by the State – as an artificial corporation or individual – than as a form of collective property. Mapping property in the city, according to the ownership model, would reveal only the land neatly attributed to public or private property. However,

[...] a closer examination of urban property reveals a greater diversity of possibilities than the map suggests. [...] a variety of claims are made to urban space that are more collective in orientation. Although often extralegal, claimants can act as if they had sanctioned property rights. The ownership model, however, invites us to overlook or ignore these other estates (Blomley, 2004, p. 22).

To Blomley (2004), the struggle for property should not always be understood as a struggle for alienation rights: it can also manifest itself as rights of use and access. These community claims usually are not made in behalf of an abstract "public", as they are backed by the sense of belonging to a given community, and sustained by acts of occupation, use and representation.

Struggles over the spaces of the city can be understood as part of the long-standing struggle to resist the enclosure of the commons, and carve out a right to place. I see such struggles as an integral part of a long-standing contestation of certain configurations of property rights. But this is not simply a politics of opposition. It relies upon the enactment of alternative claims to land, often communal in nature. Enclosure is bad, in that sense, to the extent that it threatens a valued commons. [...] Although property's discourses and practices are the means by which poor and racialized city dwellers are dispossessed, such discourses and practices are also a crucial political resource in challenging these dispossessions. Property comes freighted with an array of historically layered and often contradictory

possibilities. Property, as Marx insisted, is not reducible to private property. Moreover, as C. B. Macpherson argued, the necessary concomitant of property's "right to exclude" is the "right *not* to be excluded" (Blomley, 2004, p. xix, emphasis in the original).

Blomley (2004) argues that property, not restricted to its private individual version, emerges as an ambiguous field of moral and political struggles. In these struggles, property is not only denied, but becomes a discursive platform of protest and affirmation of alternative models of property rights based on more collective ways of using and appropriating the city (Lefebvre, 2006).

The city is crosscut by claims to land that are neither private nor statist. Lacking formal rights-status, these claims nevertheless are defended, articulated, and mobilized. [...] While the scope of property rights have been narrowed over time, they continue to contain within them redistributive and collective possibilities that are more than historical relics [...] Property rights in this sense are like all other rights: they have an expansionary logic (p. 153).

Although property rights are thought of as created in a specific moment of time, and as immutable thereafter, the enactment of property depends on a continuous process of persuasive practices to legislate what property is and can be. So, the support and reproduction of property as a social category requires an ongoing effort of material and ideological investments, and a myriad of physical, institutional and police practices. These enactments, however, serve not only to ensure the reproduction of the prevailing arrangements, but also to police the very meaning of what is property, and therefore ignore and deny alternative arrangements of more collective forms of property rights (Blomley, 2004).

Moreover, private property is defended based on the belief that it would foster estimated behaviors such as civic responsibility, political participation and economic entrepreneurship (Blomley, 2004). In this sense, those who are deprived of property are often considered second-class citizens, or even non-citizens (Holston, 2008). So, the denial to recognize urban occupations as legitimate parts of the city is both a way to deny rights – such as housing – to second-class citizens (and thus maintain them in a eternal state of oppression and exploration) and to reinforce private property as the only rightful form of property, against any kind of commons.

2. Urban occupations in the MRBH: land as commons?

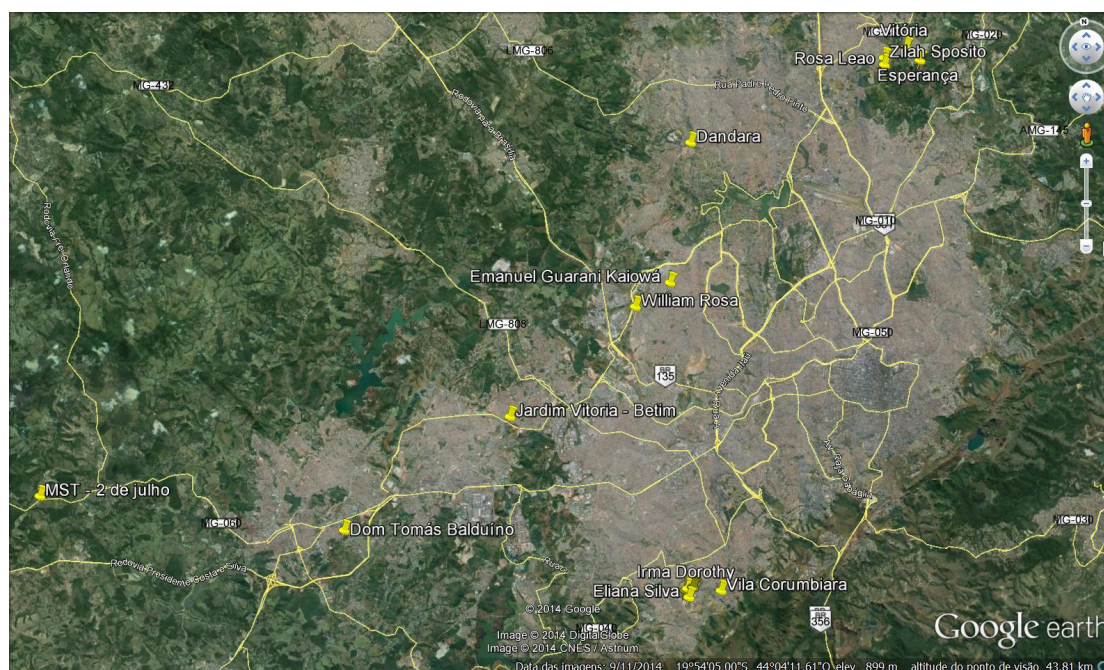
In Brazil, the restricted access to (urban) land ownership perpetuates extraordinary income and wealth inequalities, and reiterates violent conflicts around land and the condition of illegality – through tenure, invasions, occupations, etc. – as a rule of residence for most of the urban poor (Holston, 2008). According to Mayer (2015), organized occupations have multiplied in Brazilian cities over the past decade,

as a way to ensure the settlement of thousands of poor families unable to afford market prices and rents or even to access the *Minha Casa Minha Vida* (“My House, My Life”) federal housing program, which does not focus on favoring the poorest classes mostly affected by the housing deficit. Lourenço (2014) argues that the resumption of organized occupations in the last decade is also due to the weakening – and increasingly institutionalization, co-optation and lack of autonomy – of the oldest social movements, historically involved in urban reform struggles.

The Metropolitan Region of Belo Horizonte (MRBH), formed by 34 municipalities, is the third largest urban agglomeration in Brazil, with a population of around 5 million. Founded as a planned city in 1897 to be the new capital of the state of Minas Gerais, its transformation from a political and commercial city into a modern metropolis dates back to its industrialization and rapid growth after the 1950s. Nowadays, it is a socially segregated and deeply unequal metropolis, where modernity and wealth live side by side to poverty and traditional walks of life. The MRBH has experienced in recent decades deep socio-spatial restructuring, that results in the degradation and enclosure of many commons by the joint action of capital and the state, especially due to the expansion of the mining industry, to the impacts of large state-led developmental infrastructure projects, to the hasty sprawl of the urban fabric, and to the adoption of neoliberal urban policies.

However, those processes have been opposed – or at least counterweighted – by multiple experiences and struggles around the urban commons (involving entrenched and contemporary practices of commonality and cooperation) that have gained visibility and socio-political organization over the last years, such as organized housing occupations, self-managed cultural centers, appropriated public spaces, occupy movements, urban agroecological agriculture, solidarity economies etc. I will focus here on the experience of organized occupations.

In the MRBH, new occupations have been organized particularly since 2008 till nowadays, through the agglutination and diverse networks of social movements, pastoral groups of the Catholic Church, anarchists, independent activists, university research groups, leaders of occupations, among other supporters. There are now around 15 “new” urban occupations in the MRBH (Picture 01) which are home to no less than 10.000 families, all of them living under the threat of eviction: *Corumbiara* (1996 – officially recognized), *Caracol* (2006 – evicted), *João de Barro I, II, III* (2007-2008 – all evicted), *Camilo Torres* (2008), *Dandara* (2009), *Irmã Dorothy* (2010), *Zilah Sposito Heleno Greco* (2011), *Eliana Silva* (2012 – evicted), *Eliana Silva II* (2012), *William Rosa* (2013), *Guarani Kaiowá* (2013), *Rosa Leão* (2013), *Jardim Vitória* (2013 – evicted), *Esperança* (2013), *Vitória* (2013), *Nelson Mandela* (2014), *Professor Fábio Alves* (2014), *Paulo Freire* (2015), *Zezeu Ribeiro* (2015).



Picture 01 – Occupations in the MRBH. Source: Google Earth, 2014.

Differently from the slum (which is also formed through the occupation of public or private land, but in an incremental, piecemeal and “spontaneous” fashion), and from the informal subdivision (in which the settlers have paid for and thus own their land, although minimal standards of urbanization are not obeyed), organized occupations usually happen in a very short period of time and are conducted by some collective political force: sometimes, a mix of social movements, universities, and technical collaborators. All houses are self-built (through family or community joint efforts), but there is some respect for street layout, as a way to avoid the building of alleys, and preserving riverbeds and green spaces. Moreover, some of them rely on urban planning principles, such as street layout, zoning, self-built infrastructure and public facilities, and environmental concerns. This is a way to both guarantee a better urban environment as well as resemble a formal neighborhood, which can be very important in conquering social and political legitimacy.

Furthermore, Lourenço (2014) draws attention to how the term “occupation” was imposed politically to the more usual term “invasion”: more than a semantic disagreement, it is, according to him, a struggle for legitimacy. While invasion is associated with an illegitimate, hostile act of taking by force a space used by others, disrespecting not only the law, but also the unspoken rules of human coexistence, occupation means giving value to something, make useful a space that is unused (often for speculative purposes), and does not fulfill its social function. In this sense, the occupation of a vacant lot enforces the right to housing and the social function of property principle, both of them inscribed in the Constitution.

Dandara, one of the most emblematic occupations, was originally formed in 2009 with 150 families in a vacant private land of 40 hectares in the capital, and was

organized by three different (rural and urban) social movements. Today, it is the home of more than 1.100 families. Although originally conceived as a rural-urban (*rurbano*) occupation (designed with larger plots that would admit productive activities, and inspired by some occupations of this kind previously organized by the *MST* – Landless Worker’s Movement), due to the pressure for housing this idea had to be abandoned – not without conflicts – in favor of a more dense settlement (Lourenço, 2014). Nonetheless, Dandara managed to keep a community garden, and many families were successful in growing gardens and orchards in their backyards.



Picture 02 – Dandara Occupation. Source: <http://ocupacaodandara.blogspot.com.br/>

Mayer (2015) reasons that the *Brigadas Populares* – one of the most important movement behind the occupations – decision to concentrate efforts on horizontal occupations (empty land) at the expense of vertical occupations (abandoned buildings) brings with it a power to produce commons, in which subjective and objective dimensions are inseparable. This is due to the fact that while in the vertical occupations the building is already there, the horizontal occupation demands a collective work of building the network infrastructure (sanitation, energy), the urban project (or the mere division of lots), the housing and community facilities. So, the shared commons come before individualization, which comes after, less or more pronounced according to the collectivization capacity of the community.

Also in Mayer’s opinion (2015), the greater the occupations abilities to build and keep common spaces (such as collective equipments, productive and cultural activities, meetings, political education, direct action, struggles etc.), the stronger they are against eviction threats posed by State and capital. Therefore, and in addition to the immediate goals of political pressure and access to housing, occupations involve experimenting with new ways of appropriating space, in which principles such as

cooperation, collectivism or real democracy gain subversive content under certain conditions. Urban occupations promote the construction of insurgent "common spaces" in Brazilian metropolises, which, while challenging the hierarchical and standardized housing policies promoted by the State in partnership with the big capital, are offering self-help solutions somehow respectful to the problems and to the walks of life of the urban poor. However, the author recognizes that occupations are not ideal worlds apart from ours: they can reproduce many social, political, and urban practices of privatism, competition and market individualism.

The attempts to implement collective plots instead of the traditional individual plot, in the Dandara, Eliana Silva and Guarani Kaiowá occupations, were not very successful in Lourenço's view (2014). Although in his opinion the collective lots would be beneficial in terms of economies of scale regarding infrastructural costs, and in terms of creating more collective spaces for interaction, they faced tremendous challenges and restraints, such as: the urgent need to settle the families arriving to the occupations; prejudices against more collective forms of housing and property arrangements (especially due to the origins of most of the families, which were prior living in overcrowded spaces); and the absence of time to discuss this idea with the families. None of this should be surprising, as private property and the home ownership ideology are long lasting and structural building blocks of Brazilian society. As Holston (2008) noted, in such an unequal country where access to landed property has always been denied to the poor, ascending to being a landowner – even if through illegality – is seen by the majority of the population as a one step further towards being a full-citizen, apart from the propertyless.

However, it should be noted that, despite the fact that the individual lot is usually the adopted arrangement in the occupations, this does not mean that it falls under the ownership model: there can be some restraints if you have a lot in an occupation, especially against the commodification of land, as lots must be used for housing, and not for profit. Therefore, it must be noted that individual property is not immediately equal to private property, as in this case property does not mean "*exclusive, alienable and absolute rights*" over land, but is premised on the ideas of land tenure, social function of property and right to housing. This is a different formulation of property, closer to the commons than to the commodity-form, but one that is sustained only through some form of control exercised by the social movements, and sometimes by the residents themselves. Picture 03, below, shows an interesting warning: "Land cannot be sold here. You can be outcast if buying or selling land": we can see here one way through which occupations try to resist to the private property and market laws, claiming their land as a commons.



Picture 03 – Irmã Dorothy Occupation. Source:
http://www.arq.ufmg.br/praxis/blog/dialogos_irma_dorothy/?paged=4

Nonetheless, once occupations are officially recognized and become part of the city (or even before that), they can also fall under land market dynamics. So, occupations live in a kind of in-between situation: at the same time that social movements and residents aspire to be recognized by the State (and thus not more subjected to be living under the threat of eviction), they do acknowledge that this entering into the “formal city” can mean the loss of many of the collective projects and of more communal arrangements of property that were possible while all were engaged in resistance and socio-spatial experimentations. According to Blomley (2004), while squatting is an explicit extralegal or even illegal affront to the ownership model, either as a political argument against inequality or as a communal claim to the land moved by necessity, squatters can also claim from the State the sanction of private property rights to the occupied space. With this I don’t want to imply that all is lost or is in vain: of course many of these struggles for spatial justice transform the concrete situations of those very poor and deprived families seeking for a place in the city, and they also change the political awareness of those who take part in it. Through occupation, the poor formulate, in Holston’s terms, an *insurgent citizenship* against an entrenched and highly unequal socio-spatial order.

4. Conclusions: commoning the Brazilian metropolis?

In the cities of the global South, a plurality of practices and resources that escape and/or oppose the State and capital – and thus constitute the urban commons – flourishes in an opaque and uncertain field marked by the instability and opening of

the periphery, consisting of borders and edges repeatedly placed on the margins, hybrid spaces where different modes of urban life intersect (Simone, 2010), and where informal socioeconomic practices of reciprocity, redistribution and domesticity (Polanyi, 2012) override the webs of life and space commodification. Therefore, the urban commons usually dwells in counter-hegemonic and insurgent socio-spatial practices that populate the folds and interstices of capitalist space, in emerging processes of appropriation and spatial experimentation that cultivate the sense of use against exchange-value and domination (Lefebvre, 2006), in the openings and destructurations that defy the attempts to keep the city ordered.

At the same time, as the unequally divided space of the metropolis in the periphery of capitalism (Santos, 2008) is responsible for multiple forms of deprivation, vulnerability and segregation, it is also related to the survival, reproduction and stimulation of denser and hybrid ways of urban life. Robinson (2006) draws attention to how different modes of urban life in the global South cities, founded on the appropriation and transformation of “traditional” practices and customs (such as relations of commonality, solidarity and reciprocity) were and are still involved in the production of new modernities. Therefore, the commons is not only the territory of a new generation of political activist groups: in Brazilian metropolises, commoning has been long embedded in the slums, peripheries and spaces – such as occupations – assigned to the urban poor, thanks to the entanglement between survival strategies, informality and social reproduction. Particularly through the survival of pre- or non-capitalist labor and land property regimes, most of them historically associated to the colonial inheritances of African, indigenous and peasant ways of life (Ribeiro, 2006), and reassembled as common sociospatial practices and resources on the course of industrialization and urbanization.

I believe that urban occupations speak to a different relationship towards the commons not only through the fostering of many common practices (such as collective urban gardens, self-construction of community facilities, participatory planning etc.), but also through the enactment of communal claims to property (against market laws) that disturb the ownership model. As concluding remarks, I’d like to suggest that changes in more broader scales – such as the formal recognition of communal forms of (urban) landed property by law, shyly admitted nowadays in Brazil – would transform the local struggles of each particular occupation, giving them some clear alternatives beyond the ownership model.

To introduce the commons into the political vocabulary and into the legal system would be an important step towards more just cities, towards a more common urban world. Remembering some lessons from Marx and Engels, Lefebvre (2009, p. 194-195) once stated that [...] “one day, which will indeed come, the private ownership of land, of nature and its resources, will seem as absurd, as odious, as ridiculous as the possession of one human by another”. Urban occupations may be already pointing towards this utopian day, while practicing, right now, the everyday challenges, the pains and pleasures of commoning the metropolis.

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