

The participatory simulacrum: a review of the Master Plan of São José dos Campos

O simulacro participativo: revisão do Plano Diretor de São José dos Campos

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Abstract

This paper approaches conflicts and disputes in participatory spaces during the review of the Master Plan of the city of São José dos Campos, state of São Paulo, Brazil. In this context, we detected a municipal ideological view committed to the creation of territorial support for attracting capital, which should be legitimized during the review of the Master Plan. Therefore, we analyze the formation of the institutional participatory space, the discretionary action of the municipal government to approve the Master Plan in 2018, and the settings of resistance to the implemented order through actions of the organized civil society.

Keywords: master plan, participation, urban planning, organized civil society.

Resumo

O presente artigo tem por objetivo evidenciar os conflitos e as disputas no âmbito do espaço participativo durante o processo de revisão do Plano Diretor de São José dos Campos/SP. Neste contexto, verificou-se uma visão ideológica municipal comprometida com a criação de suporte territorial para atração de capitais, que deveria ser legitimada durante a revisão do Plano Diretor. Considerando isso, analisam-se: a formação do espaço participativo institucional, a ação discricionária do poder público municipal para aprovação do Plano Diretor em 2018 e os cenários de resistência à ordem implantada por meio das ações da sociedade civil organizada.

Palavras-chave: plano diretor; participação; planejamento urbano; sociedade civil organizada.



Introduction

This article aims to explain the conflicts and disputes within the spaces of participation in the review process of São José dos Campos/SP Master Plan from 2017 to 2018. The municipality located in the Metropolitan Region of Vale do Paraíba (RMVPLN) is among the ten largest Gross Domestic Product (GDP) in the state of São Paulo, standing out for its internationally recognized aerospace technological industrial park. In the last fifty years, it has been established a view of a city committed to attracting investments linked to different capitals as real estate.

In this context, it is worth highlighting the existence of socio-spatial segregation that allocated the most impoverished population to less valued areas with a fragile urban structure, constituting today an urban problem neglected by the municipal power itself in spaces such as the debates of the Master Plan itself, a municipal complementary law that must be elaborated by the executive power from the popular mobilization and approved by the legislative power. The Master Plan, in accordance with the City Statute (law 10.257/2001), is the basic instrument of the urban expansion development policy, it must ensure social justice to citizens, be amended every ten years, and guarantee popular participation in its elaboration/revision.

The first debates of the Municipal Master Plan in São José dos Campos are still from the 1960s. After 1988, the debate on community participation in the revisions of this law was intensified with the approval of the City Statute law (2001). During the review of the São José

dos Campos Master Plan (2017-2018), they built legitimizing strategies for a view of the city committed to the neoliberal management of territories. The contents obtained through popular participation were biased and/or underestimated in the elaboration of the law to the detriment of the interests of groups that managed the city. A simulation of participation took place in the process.

However, in this same period, there were attempts to build participatory spaces different from the official ones (Community Reading Workshops, Public Hearings, etc.) The Popular Urban Debate Forum presented alternatives for political, social, and community organization that differed from those proposed by the municipal authorities. Thus, aspects of resistance to the neoliberal urban order emerged from this space. São José dos Campos Master Plan was sanctioned through the complementary law n. 612, on November 30th, 2018, endorsed by a questionable participatory process that legitimizes the contemporary functionality of cities with an exclusionary neoliberal vocation.

Considering this context, this paper questions the limits and possibilities of popular participation in Master Plan review processes. The methodology is qualitatively focused on the analysis of materials published by the Municipality of São José dos Campos in its website for the publication of the process, where the results of the community reading workshops, maps, forums, and reports of the hearings are analyzed. These documents were produced by City Hall technicians in partnership with Ipplan (Research and Planning Institute). Descriptive reports of the experiences of the researchers involved in the

preparation of this article are also considered during the debates to review the Master Plan and the Popular Urban Debate Forum. The reflection is organized in three sections: the first presents general considerations about the context of Brazilian urbanization and the struggle for the right to the city; the second analyzes the official spaces of political participation and decision concerning the directives of the Master Plan; and finally, explains the other participatory spaces (insurgents).

The context of Brazilian urbanization and the struggle for the right to the city

The Brazilian urbanization process showed the structural roots of the relationship between social formation and the appropriation of territory by dominant sectors of society, which made possible the prevalence of patriarchal, patrimonial, and colonialist rationality evidenced in the works of authors such as Freyre (1932, 1936), Holland (1936, 1995), Faoro (1958, 1973). Land ownership and its valuation as power and control over wealth, and work organization constitute a central strategy of class domination in the country, historically. The structure of the state and mainly the judiciary as a central element of the preservation and defense of private property ensured the production of segregated cities, of privileges for just a few, supported by the idea of urban order and, consequently, the disqualification of social sectors that did not adapt or were unable to fit into the norms and rules.

There is an economic order that organizes the city and is associated with a social order that, in principle, must correspond to the first and vice versa. Consequently, what does not fit the parameters of this rationality falls into the field of disorder. The working population of the most peripheral parts of the city represents a cheaper workforce of less qualified services, something essential to the organization of the middle sectors, and particularly the urban elite (Villaga, 1998). In addition, the low-wage industrialization process made it expensive for workers to access land and housing through the formal real estate market, which led to irregular occupations and subdivisions arising from an urban informality market (Maricato, 2001).

The National Forum for Urban Reform, held in Rio de Janeiro in 1963, is a contemporary landmark from which the attempt to analyze Brazilian urban dynamics is established in this work. In this scenario, the Brazilian urban housing problem in large cities became evident. In the context of the Basic Reforms proposed by the João Goulart government, deposed by the military regime of 1964-1985, such assumptions would have to wait for the new constitutional design and the Brazilian State in 1988.

In the period of re-democratization, the mobilization of various sectors of society made it possible the popular amendment that demanded the insertion of a chapter on urban policy in the new Constitution, and after collective efforts and parliamentary action, articles 182 and 183 were introduced in the Federal Constitution of 1988.¹ At least conceptually, it seemed possible to re-discuss the terms of the right to property by regulating property to the linking of its social

function, which seemed to be an advance of considerable proportions, given that private property and land were one of the structural elements of our social and territorial formation.

However, it was necessary to wait for thirteen years for federal law n. 10257, of July 10, 2001,² which created the City Statute and established the Master Plan elaborated through popular participation as the main instrument of Urban Policy. The institutionalization of the Ministry of Cities in 2003, the creation and election of the National Council of Cities in 2005, as well as the first municipal, state and national city conferences in 2006, indicated a new regulatory framework and possibilities for advancing the democratic management of the city and promoting the socio-territorial justice. The Federal Government, through the Ministry of Cities, established the requirement to approve participatory municipal master plans by 2006, following the guidelines of the City Statute.

Given the undemocratic legacy that inhibits popular participation in discussions and decisions about the future of the cities, the National Council of Cities, among others, approved resolutions 25 and 34, which guarantee forms of social participation in the planning and management of cities. Most cities were at the beginning of the validity of the first revision of their master plans of 2006 after 21 years of the City Statute approval, so few advances and few transformations were observed in the Brazilian cities inserted in this process. The instruments that focused on idle properties and urban voids consolidated in this period were rare. The increase in social housing projects and irregular subdivisions remains in the rationality of contemporary urban in

Brazil, in addition to another amplification, high and medium standard closed subdivisions and investment areas for rentier practices that assert verticalization in certain vectors of real estate valuation evidencing the concept of Villaça (1998) in which the social production of “near” and “far” is configured.

It is worth mentioning that from the point of view of democratic management of the city through processes of popular participation in the review or formulation, the municipal master plans presented lower rates than desirable concerning the constitution of deliberative instances. According to the analysis by Santos Junior (2007), in the first survey on the implementation of master plans in 1684 Brazilian municipalities, only 24% of the municipalities – 362 Plans – were participatory, while in 64% of the municipalities – 951 Plans – the elaboration processes of the Plan were not participatory. It is also worth noting that in 11% of the situations – 174 Plans – there were differences between managers and representatives of civil society regarding the participatory nature of the process. In 2007, the National Assessment and Training Network for the Implementation of Participatory Master Plans was created to promote the evaluation of the processes carried out until then to organize training actions through the guidelines of the Ministry of Cities and a network of researchers and social agents.

Even though a democratic “deficit” inherent to the participation processes in the country was identified, the existence of the National Council of Cities and the cycles of Municipal Cities Conferences that took place until 2016 still presented themselves as possibilities for debates in the face of

the increasing asymmetries between the cities popular demands and desires and the aligned posture of local public authorities with multilateral agencies and financial and real estate capital.

In 2016, as a result of the impeachment of President Dilma Rousseff, the inflection of the federal government begins to operate the deconstruction of the process of participation in society, particularly, popular participation in public debates, including those of the city, ceasing to promote the National Conference of Cities in 2016 and emptying the National Council of Cities. The situation was confirmed in 2018 when the federal government adopted anti-democratic postures and measures regarding the possibilities of participation of organized civil society in the management and discussion of public policies and topics of national and collective interest. It is in this scenario that the Master Plan for the municipality of São José dos Campos was discussed and approved.

São José dos Campos: local-global context

The transformation process of the urban order of the municipality of São José dos Campos is closely linked to the constitution of structuring elements of space and the installation of strategic institutions for research and military control of land and air space from the 1950s onwards (Souza, 2008). Also, decisive developments, resulting from the implementation of the II National Development Plan (II PND), made São José dos Campos a very attractive pole for industrial and technological

units with international links, and included a fast increase in sectors of the middle and high classes, qualified workers and executives demanding the best offer of housing, services, leisure and quality of life, among others.

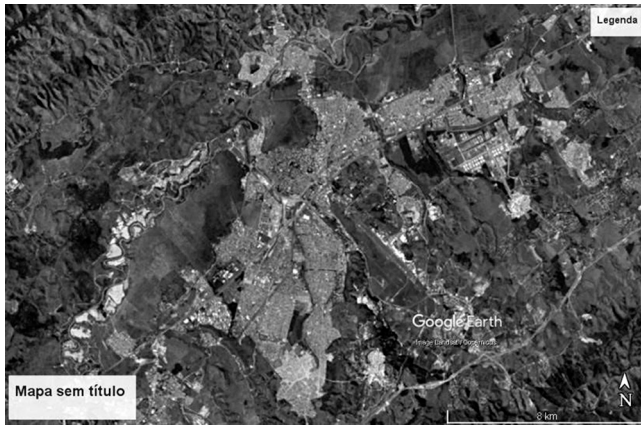
The strategic territorial position of the municipality of São José dos Campos (axis São Paulo-Rio, Campinas-north coast axis-Porto de São Sebastião) as well as the existence of technology and innovation sectors with qualified workforce allowed us to glimpse a market rentier investment real estate and propagator of a vocation of urban entrepreneurship, decisive for the city planning.

The attraction of investments generated new jobs, and new discourses about the city, expanded the migratory flows of different qualities already present in the Region. Among the population arriving in the city, those who migrated from the states of Minas Gerais, Rio de Janeiro, Paraná and Bahia stand out in origin, and following the redistribution of population in the State of São Paulo, there is a significant inflow of population from the Metropolitan Regions of São Paulo, Campinas and cities close to São José dos Campos such as Jacareí, Taubaté, Guaratinguetá, Caraguatatuba (Maciel, Gomes, Becceneri, 2020). The Demographic Census of 1980, 1991, 2000 and 2010 presented significant data on the evolution of the population of São José dos Campos. In 1980, there were 285,587; 1991, 439,231; 2000, 538,298 and 2010, 629,106 thousand inhabitants. IBGE estimates indicate that in 2020 the population of São José dos Campos will have already exceeded 720 thousand inhabitants. These numbers indicate a direct pressure on the availability of land for housing.

Thus, with the significant increase in population - “necessary” for the economic development of the city – the demand for affordable housing has grown significantly. The expansion of the urban perimeter gave rise to neighborhoods created in the eagerness of real estate speculation, many of which remained irregular for many years. Urbanized land was not accessible

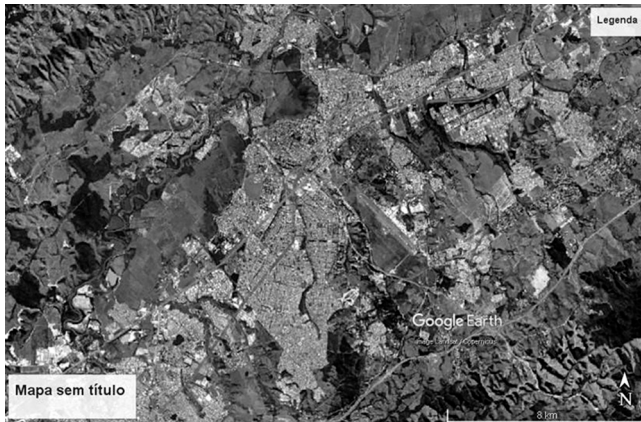
via the formal real estate market to new residents. Figures 1 and 2 show the process of expansion of the urban perimeter, taking 1996 as the initial stage of the construction of the São José dos Campos ring road, a macro-highway system, whose financial support received some investment from the Inter-American Development Bank IDB and still counts on it.

Figure 1 – Urban mash, municipality of São José dos Campos (1996)



Source: Google Earth accessed March 12, 2019.

Figure 2 – Municipality of São José dos Campos (2016)

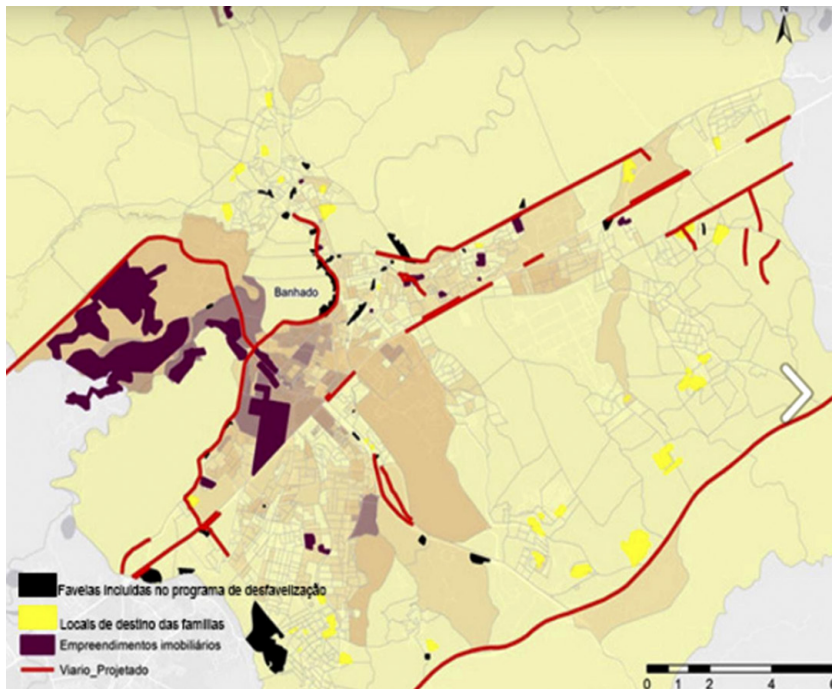


Source: Google Earth accessed March 12, 2019.

It is observed in the images dated from 1996 and 2016, respectively, the tendency of south-southeast/east sprawl (social interest housing, popular subdivisions, irregular subdivisions), as well as the growth of the central west vector (greater real estate investments in apartment buildings and closed subdivisions in the extreme west). Figure 3 prepared by Zaratine (2016) summarizes the expansion of the ring road, the growth of real estate developments, the removals of subnormal settlements/ clandestine subdivisions and the allocation of low-income population from these settlements to peripheral housing projects.

In this sense, in the context of capitalist expansion on a transnational scale, the perspectives of neoliberal planning and the direction of capital flows for the infrastructure sector and real estate projects made the city of São José dos Campos attractive for investments of this nature. In this way, it is emphasized that more especially from 1996, the bases that led to socio-spatial segregation were planned and prepared, through a macro-road system, removal of slums closed subdivisions and verticalization in the center west axis, proliferation of east and north irregular subdivisions. The identification of what Villaça (1998) called the social production of “near”

Figure 3 – Enlargement of the ring road



Source: Zaratine (2016).

and “far” in the constitution of the macro-road system and the consolidation of the central-west vector of the city became evident.

The slum eradication plan and expanded construction of the macro-road system associated with investment in areas of real estate valuation structured the possible bases of the Master Plan for Integrated Development of 2006 and whose revision happened in the period from 2016 to 2018. In this sense, Maricato’s analysis (2019, p. 3) is confirmed:

In line with the primacy of road transport and the real estate market aimed at a few, municipal governments promoted a radical urban sprawl with the help of flexibilization of land regulation, especially in medium-sized cities, increasing the costs of urbanization, favoring land speculation, increasing daily travels. This dynamic pushed low-income workers to the outskirts of the periphery, in neighborhoods resulting from self-construction or from highly subsidized public/private housing projects.

It is consolidated the territorial planning that enshrines levels of socio-spatial segregation quite evident in the materialization of the spaces of the unequal city concerning the right to the city and the promotion of socio-territorial justice. Thus, simultaneously with the processes of continuous structuring of a view of a city of innovation and technology, attractive to capital investment, successive administrative reforms were implemented, amplifying the entrepreneurial perspective as a disposition of the city. (Salvador; Reschilian, 2018). It appears then that the perspective of thinking participatory and democratic urban planning is limited by the very structure that presents itself today. Between 2016 and 2018,

the Master Plan was revised in São José dos Campos, whose form of construction and the consequent reactions will be discussed below.

Rehearsing popular participation: the construction of official participatory spaces

The City Statute, Law n. 10.257 of July 10, 2001, defines the general guidelines of urban policy, and in particular in its article 40, presents the definitions of the Master Plan: “approved by municipal law, it is the basic instrument of urban development and expansion policy”, and in its fourth paragraph mentions the need for participatory spheres in the process of defining itself.

§ 4º In the process of elaborating the master plan and in the inspection of its implementation, the municipal Legislative and Executive Powers will guarantee: I – the promotion of public hearings and debates with the participation of the population and associations representing the various segments of the community. (Law n. 10,257 of July 10, 2001)³

Thus, according to Ribeiro and Cardoso (2003, p. 93) “The task of planning the city becomes a public function that must be shared by the State and society (...). Democratic management is the method proposed by the law itself to conduct urban policy.” However, understanding what participation is and the way in which it takes effect can be controversial. The current Master Plan for the Integrated Development of the Municipality of São José dos Campos was approved on

November 30, 2018 and as required by art. 40, paragraph 4th of the City Statute, was revised with public and social participation, who “elaborated”, “collaborated”, and “supervised” the process.

In São José dos Campos, Master Plan Review process began by the institution of the Management Council⁴ – a collegiate body, made up of representatives of the Municipal Government and civil society, of a temporary nature, who were in charge of monitoring and discussing the process of reviewing the plan with the Department of Urbanism and Sustainability and technical team from the contracted company – Ipplan (Research and Planning Institute) and technical team from the municipal government itself. The team also includes the formation of a volunteer university team.

The participatory process happened through: Community Reading Workshops, Discussion Forums by regions, Final Forum of Debates on Proposals and Conversation Rounds (In the District of São Francisco Xavier) and Public Hearings. In these moments, in general, it was observed that the population had a “passive” possibility of acting in the decisions of the Master Plan, which elucidates an unfinished and simulated dimension of participation.

For Maffesoli (1984), the simulacrum, as a category of thought, refers to what does not refer to an original model, of what does not seek to go beyond appearances to reach its essence.⁵ The notion of simulacrum must be understood as an artificial construction devoid of an original model and incapable of constituting itself as an original model. In this sense, considering the participatory

legal instruments, the Community Reading Workshops were, initially, the privileged spaces for the artificial rehearsal of participation, followed by forums and audiences. The methodological design and published results indicate how participatory spaces are marked by hierarchies of the structural order of public management.

Community reading workshops, forums and public hearings

In compliance with article 40, paragraph 4^o of the City Statute, and as a way of promoting the participation of “society”, the Municipality of São José dos Campos, in 2017, invited the population to a round of community reading workshops performed in a segmented manner by region, center, south, southeast, north, east, and Northern Rural Zone – Bonsucesso, São Francisco Xavier, 19 Community Reading workshops were held. Their objective was to “identify the reality faced by citizens in each region, so that they can assist in the diagnosis of the municipality, based on the preparation of a proposal for the revision of the Master Plan” (Ipplan, 2017, p. 6). According to the survey of the Final Report 843 people were present, the average participation of each workshop was 44 people, the highest participation rate was in the Central Region.

The methodology was defined by the Ipplan (Research and Planning Institute) and the Municipality of São José dos Campos, the service would be performed by the workshop and consisted of the formation of a Working Group that would discuss topics pre-selected by the responsible team. The priority categories were: *security and defense of the citizen, health, education, mobility, rural*

economy, sport and leisure, commerce and services, social and cultural, infrastructure, landscape and environment, work and income, housing and others.

The themes were represented by stickers used by the participants to point out on the map the problems experienced in each neighborhood or region. Participants also received a form in which questions were asked: “Based on what was presented, and on their experience, what difficulties they could highlight in their region?”; “What positive aspects can be highlighted in their region?”; “Of these aspects, which five have the biggest impact on the quality of life in their region?” and finally: “What contributions can be made to other regions of the city?”. Below the questions there were also three guidelines: 1) be specific in the description, indicating neighborhood, street, reference point that helps to understand the answer; 2) write answers in topics; 3) mark the places on the map. There was an attendance list that was signed by the participants to formally record the execution of the participatory process. There was an argument on the part of the technician-moderators, that the activity would offer a qualitative perspective of the social reality of the Joseense territories.

On the part of the proponents of the community reading workshops, there was some concern in recording varied observations from residents about the difficulties that impeded local development. However, in the evaluation of the document published on the Master Plan website, with all the indications made by the population, that is, the raw data, when compared with the analyzes carried out by the Ipplan in the document “Workshops Report” of the meetings from 10/2/2017 to 10/31/2017,

demonstrate that the topics pre-selected by the proposed methodology were those that stood out in the view of the “participants” and the analyzes of the technicians.

Thus, prior to the execution of the workshops, the privileged themes had already been selected. In this way, the doubt hangs over us about the need to call the population to the discussion of the problem experienced at the local level whether the priority themes considered for the elaboration of the final text of the Master Plan had already been selected by the Team of makers of the Master Plan Review. Figure 4 presents a publicity photograph.

Based on an analysis of the contents of the document referring to the 2017 Workshop Report, which is evidenced in the first feedback test and analysis of the data made by the technical team, it was, in the first place, an attempt to legitimize the procedures through an accurate description of the method used with the most adequate to popular participation. The objectivity of the process is described in detail: from the elaboration based on a technical experience, not “ideological”, the ways of publicizing and inviting the population to participate. Thus, the reader should have no doubts that the participation process was stimulated and handled correctly by the Ipplan/PMSJC. Furthermore, the methodology for carrying out the workshops was reviewed and approved by the Management Council, composed of representatives from different segments of civil society.

The second aspect that calls attention is the use of strategies to legitimize the process and the document based on the argument of the “seriousness” of the technicians. The importance of the university presence in the

Figure 4 – Community Reading Workshops (2017)



Source: PMSJC/SP. Master plan.

execution of the workshops is also mentioned innumerable times. This is presented as a strategy to increase symbolic capital, legitimizing the process, in the terms defined by Bourdieu (1989). The selected technicians had training in the field of geoprocessing, production engineering, and most architecture and urbanism. It is observed that none of them had in their curricula knowledge related to qualitative methodologies of data collection and analysis.

The document organizes textually and graphically the incidence of the contents already predetermined by the thematic stickers. The analysis that the technicians consider to be “qualitative” only recovers the frequency of pre-selected themes, and is based on the qualitative principles applied to Urban Planning that must recompose conflicting processes in the urban mash. And yet, a conceptual mistake is made when stating

that qualitative methodologies recover the “quality of information” when their original concern is the recovery of meanings and processes, exposing the depth of the issues. “It is the study in breadth and depth, aiming at the elaboration of a valid explanation for the case” (Martins, 2004, p. 295).

The Discussion Forums by regions were the second moment of popular participation in the Master Plan review process and aimed to: discuss the Master Plan Proposal released by the PMSJC in April/2018 understand the citizen’s perception and what their consensus and dissent among the themes of the proposal are.⁶ It is worth mentioning that the same procedures that affect an incomplete and simulated popular participation present in the previous stage were reproduced both regarding the methodological aspect of the rite and the proposal to analyze the results of participation.

Regarding the content, it is observed that the “Proposal of the Master Plan” should correlate the technical reading and the community reading, but it does not. When analyzing the material, attention is drawn to a predetermined orientation for territorial planning policy that barely incorporates the dimensions dealt with in the community readings, namely: the general proposal of macrozones (Consolidation, Structuring and Controlled Occupancy); strategic development areas and a named axis of urban centralities.

It is evaluated that the methodology proposed for Discussion Forums by regions presented a narrative division that was not very open to dialogue and debate. The technical team presented the Master Plan proposal in 30 minutes and then opened up to what they called “oral contributions, debates, discussions and notes on the exposed topic”, the possibility of filing proposals in writing was also opened.

However, it was observed a superficial technical talk about a proposal that would require a longer explanation time and that should guarantee a greater dialogue of society in the process. The participation of society as an isolated narrative has little to contribute to an effective participatory process. In the analysis of the Forums, the speeches are fully incorporated, however in a descriptive way without opening possibilities for a dialogue or even a counterpoint with the proposal previously exposed. In this sense, the analysis that recovers the frequencies of the themes (fifteen themes were selected from the Master Plan Proposals booklet) is repeated and that distances from a debate capable of recovering the proposal elaboration process

and fundamentally, justify and explain to the participants which aspects motivated the construction of such territorial planning guidelines.

In the analysis document named “Report of the Regional Discussion Forums for the Master Plan Proposal held from 05/05 to 05/16/2018”⁷ it is also stated that in the process of analysis of the Forums, four themes were added to the fifteen ones previously exposed and it was noted that three of them dealt with the inconsistencies present in the methodology of the participatory process, which are: Forum methodology; Master Plan Methodology and Popular Participation. The report presents all the manifestations and expressions of the participants. However, again in a quantitative way which reveals a conduction of the rite that promotes an incomplete and simulated participation.

According to the information contained in the official documents, the Final Forum of Proposal Debates,⁸ aimed to “promote feedback to validate the proposal with popular participation before the draft of the project was presented at Public Hearings”⁹ The methodology proposal started from a systematization of the 15 themes in three main axes which were previously presented: Axis A – Territorial Planning, Axis B – Urban Mobility, Axis C – Urban and Rural Development Models.¹⁰

Once again, in the analyses of the methodology, there was a gap between a previously conceived proposal which was little prone to dialogue and a real opportunity for the participants to speak, although during the debate held in the space of the axes there was a synthesis of either the main popular suggestions or questions and doubts about the

proposal presented by the city hall. Although during the debate held in the space of the axes there was a synthesis of the main popular proposals and/or questions and doubts about the proposal presented by the city hall, at the time reserved for the debate, the referral was the reading of the syntheses without any possibility of debate, that is, a final reading of “consensus” incorporated into the account without deliberating on things that were totally opposite in some cases. When observing the reports analyzing the stages of popular participation, its cunning character is evident, as all manifestations are incorporated into the report only in a descriptive and non-problematic way. It is still worth pointing out that popular participation throughout the process questioned its methodology and these expressions are present in the reports, however, their incorporation in the Plan review process was almost null.

Finally, the Public Hearings (total of 9) maintained the methodological guidelines. At first, the technical team presented the final proposal of the Master Plan. Second, it was open to the population participation whose observations were written down and later on answered and published on the city hall website. The Master Plan proposal was sent to the City Council in July 2018, and approved on November 30 in the same year (São José dos Campos, complementary law n. 612, of november 30, 2018). The analysis reaffirmed that the participatory instances were respected, and took place in an arranged way, but they did not happen according to the law.

In the analysis of this process of popular participation, it is worth highlighting the role of the Management Council and the Technical Chamber, since the methodologies and

timetables of the process were deliberated and debated in these spaces. The debate on the effective participation of society in the Master Plan Review process was the central theme of meetings, as well as of manifestations and documents filed by different sectors represented in this council. The statements presented highlighted: the inconsistencies of the methodologies that were not open to the debate and mapping of conflicts; the elaboration of a Plan carried out by City Hall technicians without incorporating the proposals and problems presented by the population; the effective absence of a deliberative space in the format proposed and guided by art. 10 of Resolution n. 25, of March 18, 2005 which, in its tenth article, provides for the holding of plenary sessions to choose representatives from different segments of society to vote on the proposals.

For a non-hegemonic and unofficial understanding of the city

When Avritzer (2008) analyzes the aspects of participatory institutions that emerged in Brazilian democracy, he points out three elements that are crucial to understand the effectiveness this participation: the way in which popular participation is organized, the attitude in which the State relates to participation and the way in which legislation requires the government to implement participation.

According to the author, unlike participatory budgets, the spaces of participation promoted by the Municipal

Master Plans did not initiate the process of political deliberation, but, on the contrary, they ended a process that had already started within the State itself. Regarding the process of sharing power, the proposal of the Municipal Master Plans involves more social actors, however, they are related to a decision previously taken by the State. In this sense, the guidelines and urban readings are propositions that precede participation and have the legitimacy of the body of technicians of the municipality and/or contractors.

From the above, the discussions involving Participatory Urban Planning within the scope of the regulations of the City Statute and the experiences of participation of Municipal Master Plans, show some limits of its applicability related to the structure of a partial participation of the population due to its non-deliberative nature. It is legitimized only by the analyses of technicians and the creation of spaces of representation different from the reality of society and the processes of exclusion. However, at the same time, it has become evident the role played by collective (organized) actions which bring to the debate a counter-hegemonic discourse and practice, presenting resistance and questioning the established order.

Contemporary urban activism and the urban discussion

According to Oliveira (2014), with the lack of the possibilities of attending to social justice and the guarantee of human rights, the political demand of the subordinate classes

acts in the sense of building their own spaces of expression. The author cites as an example the peripheral territorial initiatives and the processes of radical and community media, he also points out that, while acting in urban activism, they seek to build representation in institutional participatory spaces.

An activism that manifests itself not especially through tactics and strategies for institutional gains, but mainly through the dissemination of new attitudes that symbolize values, by the desire to express themselves without intermediaries and by the construction of punctual tactical arrangements that allow the construction of new spaces for their manifestations. (Oliveira, 2014, p. 106)

The author also assesses that the social subjects involved in these activisms act with a critical and collective awareness of the institutional mechanisms that exploit them and, therefore, exert constant pressure and surveillance. In this sense, scholars dedicated to build a broader and more reflective reading of the new dimensions of urban activism in Brazil from the 2013 conferences and brought to the debate the re-discussion of the current parameters of the right to the city, in a reinterpretation of the term coined by Lefebvre (2001).

Harvey in "The Rebel Cities" (2014) establishes a critique of individualist concepts linked to property and the logic of the hegemonic market. The author presents a re-discussion of the concept of the right to the city by highlighting the importance of collective and human rights in the urbanization process.

Holston, in his article “Metropolitan Rebellions and Insurgent Planning in the 21st Century” (2016), considers that the alternatives that emerged from the protesters’ own production of everyday urban life present the possibility of constituting an insurgent urban citizenship and, therefore, capable of thinking about new ways of direct democracy and of expanding the field of discussion of urban planning, which is called insurgent urban planning.

Silva and Oliveira (2018) in their reflection on the outskirts of the city of São Paulo show that the discussion about the right to the city goes beyond the classic debate of access to the fruits of production and space, such as access to housing, health and culture. They assess that these groups, in the process of understanding the systems that oppress and exploit them, incorporate human and egalitarian rights into their struggles and, therefore, their groups’ ability to legitimize themselves by producing their own political, social and cultural perceptions about and for the city.

Nevertheless, Merklen (2005) points out that this new way of doing politics from the point of view of popular associations faces the tension between the situation and the project, that is, between the urgencies determined by poverty and the social and institutional claim for rights. In this scenario, we emphasize the importance of Universities and the Public Defender’s Office as fundamental agents in supporting social movements. We highlight the role of Universities and research groups that develop extension work by promoting, in addition to classical technical advice, a collaborative and community process of

technical-political training.¹¹ These actions and projects have guaranteed technical legitimacy to the processes of resistance, as well as the consolidation of spaces for criticism and visibility of social struggles.

In the case of the role played by the Public Defender’s Office, it is important to understand the processes that allowed social movements to expand the possibilities of access to justice. For Santos (2018), in recent years, the main novelty related to the problems of access to justice has been the expansion and institutional strengthening of the Public Defender’s Office. The author pays special attention to the changes in its institutional model, especially with the Complementary Law 132 of 2009, which favored the institution’s relationship with social movements and highlights three changes: the role of the Public Defender’s Office in collective conflicts typical of social movements, that made it possible to expand the action of individual conflicts, since it is understood that these are often the expression of a collective conflict; the strengthening of social movements within the process of training and education in rights. According to the author, these actions by the Public Defender’s Office, in addition to strengthening the daily political action of social movements, create a more horizontal and autonomous relationship between the institution and social movements the possibility for the institution to develop extrajudicial forms of action on the demands of social movements, such as conflict mediation, the conclusion of terms of conduct adjustment, participation in councils that discuss public policies and legal advice

in a broad sense. Two aspects of this new dimension interest us: first, how these new structures have built a new modus operandi of doing and thinking about politics by presenting other forms of organization and training. Second, how these same structures can give new meaning to institutional spaces of participation.

Popular forum of urban discussion of São José dos Campos: alternatives to hegemonic thinking

The field of debate on the urban in São José dos Campos in 2018 revolved around the process of reviewing the Master Plan. The participation of popular leaders from the outskirts of the

city was significant in promoting discussions on issues of land tenure regularization and urbanism as opposed to the dominant/hegemonic discourse of the city of business and technology. In this sense, it is worth highlighting the process of forming this front of action, which also had the participation and support of the Public Defender's Office and groups of researchers from local and regional universities.

In this sense, in March 2016, the I Jornada de Discussão Urbana began, (Figure 5) a space that emerged at the request of popular leaders organized by the Public Defender's Office of the State of São Paulo and with the technical support of researchers from universities, especially the University of Vale do Paraíba (UNIVAP) and the University of São Paulo (USP). It was an initial training process for

Figure 5 – Urban discussion days – 2017



Source: research collection.

the debate on the city in three stages: at first, the existing urban dynamics in the city and the understanding of the unequal processes caused; then data on urban legislation were collected; and finally, readings were prepared on the potentialities and problems analyzed by regions of the city.

This training process achieved one of the expected results when counting on the expressive participation of the leadership group in the VI City Conference that took place months later, on July 1st and 2nd, 2016. In this conference, the need to resume the discussion of the Master Plan review, which was neglected by the management, was one of the issues raised for debate by giving special attention to the debate on the Zoning Law resulting in the creation of the Management Board for the Master Plan.

In July 2017, to build a broader space for debate and the constitution of resistance, the Popular Forum of Urban Discussion was created by initiative of the residents of the five regions of the city involved in the land regularization processes. This Forum was supported by the Public Defender's Office of the State of São Paulo and the Teaching Institutions Universidade do Vale do Paraíba, (Univap) and the National Institute for Space Research (Inpe), agents who have accompanied the spaces for discussion and training of these leaders, counting on meetings and debates with the community of the neighborhoods. In November 2017, the same group started the II Journey of Urban Discussion: land tenure regularization and collaborative cartography, which promoted technical-political training on the issue of land tenure regularization

and, later, a critical and collaborative mapping of the main urban conflicts existing in the dynamics of the city.

This group actively participated in all discussion spaces promoted by the municipality. In this process of participation and training, it was possible to identify five groups of strategies of the Forum of Urban Discussion¹² which demarcated a counter-hegemonic action to the actions of Municipal Management in conducting the simulacrum of participation and, therefore, capable of bringing to light other forms of political, social and communal organization.

1) Formative processes of its leaders and community by promoting a critical and territorial recognition of real urban conflicts, identifying their causes, agents and the unequal processes generated. A mastery of the technical and political reading of conflicts was evidenced. It demonstrates autonomy to understand the processes of oppression and exploitation that they have suffered. This situation happened first in the stage of the Urban Discussion Journeys (2016 and 2017), through the collective and community construction of the mapping of conflicts. Later, in a critical rereading of the material from the community workshops from 10/02/2017 to 10/31/2017, which the technical staff of the municipality purposely did not do, because it adopted the individualization of problems as a methodology, treating structural conflicts as individual demands.

2) Another important point was the punctual analysis of the real structures of domination that act and interfere in their problems by giving priority to the issue of land tenure

and urban planning that were disregarded in the proposals of municipal management. In this process, the most important aspect was the formation of networks of resistance and recognition when the groups identified the same exclusion processes.

It is worth noting that when dealing with land and urban regularization, we emphasize as Souza (2018, p. 38) that,

Land tenure regularization, in its original definition, therefore encompasses a range of legal, urban, environmental and social measures, all of which have equal status of relevance and cannot be conducted solely from the standpoint of prioritizing the granting of ownership or property titles, as operated by the recently enacted Land Regularization Law.

3) Occupation of institutional spaces, such as public hearings, presenting and pinpointing their counter-hegemonic discourse by defining central points for the discussion of land and urban regularization, which evidenced a technical-political reading. There are two significant moments of the experience that characterize the technical-political dimension. The first refers to the active participation of leaders in all spaces of official participation that took place in the regions of the city when they presented and protocolled four central points that highlight the structural conflicts of space production neglected by municipal management:

- land and urban planning regularization, with an execution schedule;
- Zeis – irregular allotment areas, whether Zeis;
- urban mobility: prioritizing public transport, bike paths, thinking about pedestrian sidewalks and regulating

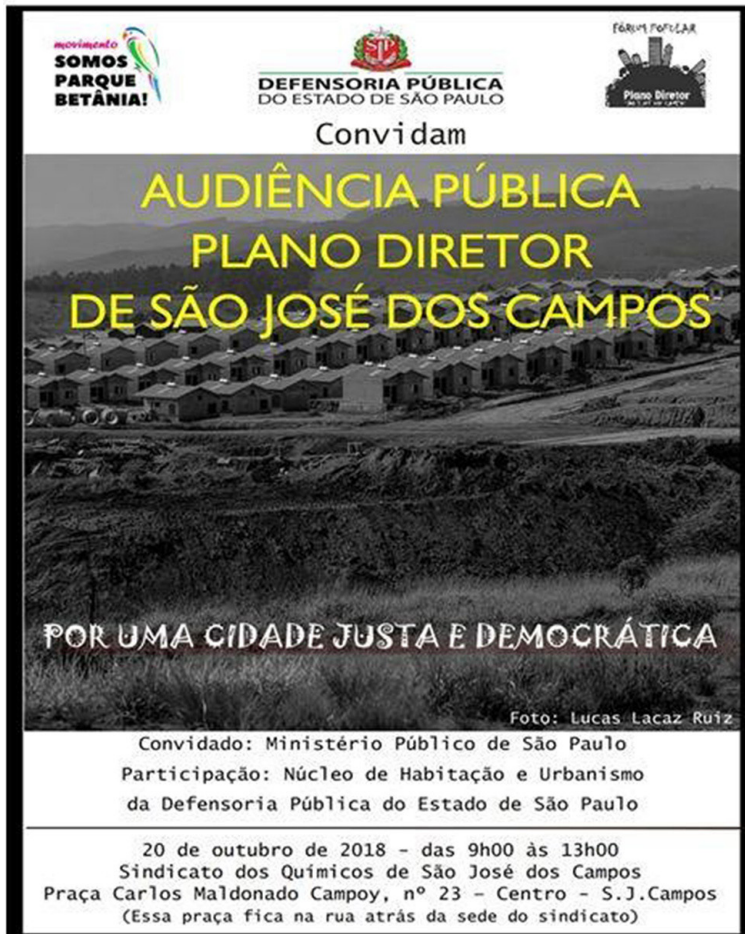
alternatives for places where public transport is not very accessible

- Urban voids in irregular subdivisions intended to fulfill the social function of the property.

The second was on the occasion of the last public hearing on the Master Plan, where leaders and communities in these areas, cultural groups and researchers occupied the plenary and debated the inconsistencies of the institutional proposal, thus legitimizing other narratives. Figure 6 exposes the democratic principle that guided collective mobilization.

4) Promotion of alternative spaces for discussion and debate on two occasions. The first organized jointly with the Popular Forum of Vale do Paraíba¹³ and the Public Defender's Office of the State of São Paulo, who organize a public debate called "City Views" (Figure 7) with the participation of representatives of local universities, social leaders and representatives of municipal management. The purpose of the event was to promote a debate on existing views of the city, both within the scope of public management and in the dimensions of civil society. The second opportunity to build spaces for dialogue was the Public Hearing of the Master Plan: For a fair and democratic city, promoted by the Popular Forum of the Master Plan together with the "Somos Parque Bethânia"¹⁴ Movement and the Public Defender's Office of the State of São Paulo. The event was attended by the representative of the Housing and Urbanism Nucleus of the Public Defender's Office of the State of São Paulo, Rafael Negreiros, besides representatives of the legislature, professors and university students, in addition to the aforementioned social movements and community leaders. As a result of the

Figure 6 – Public hearing poster, in 2018



Source: research collection.

Figure 7 – Poster advertising the urban discussion journey



com as participações

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Secretário de Urbanismo e Sustentabilidade PMSJC

Luiza Lins Veloso
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Defensoria Pública do Estado de São Paulo

Paulo Romano Reschilian
Docente e pesquisador Planejamento Urbano e Regional UNIVAP

Coletivo Fórum Popular de São José dos Campos

Dia 2 de março de 2018 - 19h00
Local: Casa do Idoso Centro
Rua Euclides Miragaia, 508 - São José dos Campos, SP

Source: research archives.

event, it was decided to forward a proposal for a popular amendment to the Chamber of Aldermen of the municipality of São José dos Campos which inserted with a new wording, the topics of social housing, land and urban planning regularization and special areas of social interest.

5) Protocol the discussions in the form of amendments to the Master Plan Law with the support of the Public Defender's Office and after meetings with councilors from the progressive area the strategy of forwarding through a councilor the complementary and alternative proposal to the project proposed by the municipal executive. The proposal was not accepted by the two committees of the city council that appreciated it and, therefore, it did not go to the plenary.

In the demonstration which happened in the only Public Hearing promoted by the municipal legislature, there were numerous demonstrations for the incorporation of popular demands, once again without any success. Thus, the limitations of the participatory sphere in the definition of the law were verified once again. As noted in the invitation poster of the Community Reading Workshops, released by the Municipality of São José dos Campos in 2017 the "Master Plan is a participatory and democratic process, in which society can directly influence the development and well-being of the place where they live", however, it is worth noting that "influence" does not take place effectively given the participatory simulacrum presented.

Final considerations

In São José dos Campos, during the review of the Master Plan (2018), none of the claims recorded in different documents and events derived from the organizational processes were accepted by the municipality. Therefore, a simulacrum of participation was established. Even if the requirements and rites of the participation established for the master plans have been met, there was no commitment to the demands for promoting socio-territorial justice, and consequently, effective participation processes were not achieved.

This simulation of participation had as its central elements the applied methodologies used in the community reading workshops, forums, and public hearings, which do not show or value urban conflicts and unequal processes of occupation and production of space. The absence of expression of conflicts becomes linked to visions of the city that understand space as a commodity and business opportunity, the idea of the technological city, and the new centralities suggested in the proposed master plan. It was observed the structural role of the hegemonic media that cover the regional and municipal scales, that intensified the dissemination of expressions from readers, public and private agents who criticized the precarious settlements in areas of supposed interest to the real estate and the promotion of road works that suggested the criminalization of poverty and the struggles of popular groups and communities that inhabit valued places in the city.

However, a contrary movement emerges from the territories of precarious inclusion when they understand and take advantage of the and expropriation processes they have been suffering and draw possibilities of resistance and insurgencies within the institutional environments of participation by guiding their problems and urban dynamics of exclusion. They also present a technical- -political reading that enhances and legitimizes their actions and propositions for the social production of space committed to social and urban justice.

From the above, it is understood that it is urgent to rethink the prevalence of the technique in unfinished participation processes that simulate social participation supported by methodologies that do not promote the mapping of conflicts and, therefore, it is necessary to highlight popular and urban politics.

It is understood that the dimensions of the struggle permeate the relationship among resistance, survival and confrontation. It allows us to think that even if there are new ways of occupying and thinking about the territories, contemporary socio-territorial movements have

as a strategy to legitimize their struggle and survival processes, the need to occupy spaces of official participation and political representation aiming to mark territory, establish and propose containment and denunciation processes. Finally, it is worth noting, in the processes experienced in the city in the struggle for the right to the city in its broad dimensions, the fundamental role played by the Public Defender's Office of the State of São Paulo in São José dos Campos, in numerous mediations, guidelines, actions and support for the strengthening of activism and popular mobilization.

However, it is known that the national political scenario and its local repercussions beckons to a process of the resurgence of anti-democratic and participatory actions and policies, either through the militarization of space, or through, in the case of the municipality of São José dos Campos, large investments in urban marketing to leverage and affirm the idea of an innovative, intelligent city, intending to set up a positive pact in defense of modernization that proves to be conservative and excluding. Democratic instances question the neoliberal management of territories.

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Notes

- (1) Available in: http://www.planalto.gov.br/ccivil_03/Constituicao/Constituicao.htm#art182. Access on: Feb 28, 2019.
- (2) Available in: <http://www2.camara.leg.br/legin/fed/lei/2001/lei-10257-10-julho-2001-327901-publicacaooriginal-1-pl.html>. Access on: Feb 28, 2019.
- (3) Available in: http://www.planalto.gov.br/ccivil_03/LEIS/LEIS_2001/L10257.htm. Access on: Feb 28, 2019.
- (4) For a further look at the Council's attributions, see DECREE N. 17,141, OF AUGUST 12, 2016. Available at: http://planodiretor.sjc.sp.gov.br/resources/uploads/Link/Arquivo/Decreto_17141_2016.pdf. Access on: Apr 14, 2022.
- (5) Available in: <http://edtl.fcsh.unl.pt/encyclopedia/simulacro/>. Access on: March 12, 2019.
- (6) Available in: <http://planodiretor.sjc.sp.gov.br/estudo-tecnico/31>. Access on: Apr 18, 2022.
- (7) Available in: http://planodiretor.sjc.sp.gov.br/resources/uploads/Link/Arquivo/Relatorio_Foruns_V6_entregue_13_07.pdf. Access on: Apr,18 2022.
- (8) In Francisco Xavier district, it was held a meeting called Rodas de Conversa.
- (9) Available in: http://planodiretor.sjc.sp.gov.br/resources/uploads/Link/Arquivo/2018%2008%2031%20-%20Relatorio_ForumFinal_PD_R3.pdf. Access on: Apr 18, 2022.
- (10) See: http://planodiretor.sjc.sp.gov.br/resources/uploads/Link/Arquivo/2018%2008%2031%20-%20Relatorio_ForumFinal_PD_R3.pdf. Access on: Apr 18, 2022.
- (11) As an example, we highlight: the Popular Plan for Vila Autódromo, developed with the support and advice of Neplac/Etern/Ippur/UFRJ — Experimental Nucleus for Conflict Planning of the State, Work, Territory and Nature Laboratory of the Institute for Research and Urban and Regional Planning of Federal University of Rio de Janeiro Coordination: Carlos Vainer.
- (12) The Popular Urban Discussion Forum was composed of representatives of irregular neighborhoods/subdivisions of social interest, members of various collectives active in the city, popular leaders, with technical and legal political support from the Public Defender's Office of the State of São Paulo in São José dos Campos as well as professors and researchers in the field of urban and regional planning from teaching and research institutions in the city.
- (13) Popular Forum formed in 2018 by collectives, causes, practices and popular movements from São José dos Campos.
- (14) The Somos Parque Betânia Movement is non-partisan, formed by residents of several neighborhoods in the city of São José dos Campos. It began on March 8, 2018, with the first demonstration by city residents against the cutting of 430 trees in the Betânia forest, in front of the City Council.

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