

HOUSING OF SOCIAL INTEREST

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ABSTRACT

This paper proposes a conceptual debate on housing by considering it in its various contemporary meanings: need; demand; commodity; collective social right; deficit; and public policy. Housing, which has long been consolidated as an object of transdisciplinary research, has undergone several levels of analysis to be reworked in the current Brazilian political and economic context. Next, housing appears as an object of struggle and of collective social rights in the wake of the discourse on human rights. In the pragmatic horizon of management combined with technical knowledge, housing is disseminated as a deficit. Finally, the last part of the article is dedicated to housing as public policy centered on state action that characterizes contemporary housing policies that no longer fit under the label of popular housing, culminating in Housing of Social Interest in Brazil (HSI). By way of conclusion, HSI finally becomes the contradictory synthesis of the housing concepts listed and the last level of analysis in the proposed conceptual debate.

Keywords: housing of social interest; public policies; Minha Casa, Minha Vida Program (My Home, My Life Program).

RESUMO / RESUMEN

HABITAÇÃO DE INTERESSE SOCIAL

O presente artigo propõe um debate conceitual sobre habitação, compreendendo-a em seus diversos significados contemporâneos: necessidade; demanda; mercadoria; direito social coletivo; déficit e política pública. A primeira parte do artigo é pontuada pelo debate da teoria marxista entre a habitação como necessidade para a reprodução da existência social; como demanda a ser satisfeita e bem produzido como mercadoria. Em seguida, a habitação figura como objeto de luta e do direito social coletivo na esteira do discurso dos direitos humanos. No horizonte pragmático da gestão aliada ao saber técnico, difunde-se a habitação como déficit. E finalmente, a última parte do artigo se dedica à habitação como política pública centrada na ação estatal que caracteriza as políticas habitacionais contemporâneas. A HIS, à guisa de conclusão, torna-se por fim, a síntese contraditória dos conceitos de habitação elencados e último nível da análise no debate conceitual proposto.

Palavras-chave: Habitação de interesse social; Políticas públicas; Programa Minha Casa, Minha Vida.

VIVIENDA DE INTERÉS SOCIAL

El presente artículo propone un debate conceptual sobre vivienda, comprendiéndola en sus diversos significados contemporâneos: como necesidad, demanda, mercadería, derecho social colectivo, déficit y política pública. La primera parte del artículo gira en torno al debate de la teoría marxista sobre la vivienda como necesidad para la reproducción social, como demanda a satisfacer y como un bien producido como mercadería. En seguida, se aborda la vivienda como objeto de lucha y de derecho social colectivo en el discurso de los Derechos Humanos. Dentro del horizonte pragmático de la gestión aliada al saber técnico, se aborda la vivienda como un déficit. Finalmente, la última parte del artículo se dedica a la vivienda como política pública centrada en la acción estatal. La His, a manera de conclusión, se convierte, finalmente, en la síntesis contradictoria de los conceptos de vivienda mencionados y en el último nivel de análisis dentro del debate conceptual propuesto.

Palabras clave: Vivienda de Interés Social – Políticas Públicas – Programa Minha Casa, Minha Vida.

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INTRODUCTION

This article proposes a conceptual debate about the different meanings of housing in the light of a literature review. The methodological procedure involves breaking down the object of research, housing, into the various categories of analysis: namely, need; demand; commodity; collective social right; deficit and public policy unveiling their discourses in the field of politics, sometimes complementary, sometimes paradoxical, always mobilized and disputed by various social agents. The article proposes a dialectical and non-watertight movement in which the categories of analysis suggested resignify the contemporary meaning of “housing” within a national historical context. Finally, the article ends by placing housing as a public policy in a contradictory synthesis, articulating theory with the formulation of recent public policies, especially the Programa Minha Casa, Minha Vida (My Home, My Life Program).

To explain these categories of analysis, we follow several disciplinary fields based on theoretical references of Geography; Political Economics; Sociology; Law and. (BUONFIGLIO).

The article begins with the debate on housing as a need, supported by Agnes Heller, and continues in the light of Marxist theory, as opposed to housing necessary for social existence and housing produced as a commodity, passing through the economic discussion of a demand to be met, revisiting key concepts and ideas of political economy. These concepts conclude the first three sections of the article. In the fourth section, housing is presented as a social and collective right, in the wake of the human rights discourse and the struggle waged in the city for the right to housing, appropriating contributions from the legal sphere and from the field of sociology. In the following section, with the contribution of political science, geography and urbanism, there is the debate of housing as a public policy, centered on state action and disguised by various nomenclatures (popular housing, low-income housing, social housing) calculated by the housing deficit in the pragmatic horizon of management. The last session and also the last level of analysis in the proposed conceptual debate, characterizes Housing of Social Interest (HSI), the object and synthesis of the present article.

HOUSING AS A NEED

Housing is a basic human need for the social reproduction of individuals, be they poor or rich, living in a small town or in a metropolis.

Agnes Heller (1986) dedicated a book to situate the important dimension of need in the work of Karl Marx, where according to the author, Marx’s main economic discoveries in relation to political economy - the meaning of use value; the labor force, and the elaboration of the general category of surplus-value - are all in some way constructed upon the concept of necessity. Housing as a necessity can therefore be understood in the light of the debate of political economy.

Early in *Capital*, needs are material, such as “hunger of the body” and “appetite of the spirit” (MARX, 1971, v. 1, p.). In *Grundrisse*, Marx (2011) refers to needs in various passages, contrasting them between “natural” (understood as physical and biological needs, directed to the maintenance of the conservation of the species) and those “historical” or “socially determined” by the historical period, culture and habits (HELLER, 1986, p.28).

But it is in *Capital* that, according to Heller (1986), the category “necessary needs” emerges, merging with the previous contraposition (natural need x social necessity), since the way to satisfy the so-called “natural needs” is also a historical product that depends on certain technical and cultural conditions of a society. If the structure of needs (even the natural ones) is connected to the set of social relations, there can only be socially produced needs (HELLER, 1986).

Necessary needs - ever increasing and generated by material production - go beyond those of the material type, including those that are not material, which, even so, need material means for their acquisition (such as the need for teaching and books). In this way, the house is a natural and material

need. The house is also a culturally and historically determined social necessity. In Grundrisse it is possible to see the expansion and transformation of the system of human needs, from the historical movement of the development of capitalism, that ranges from the simple satisfaction of needs to the induction of new needs. If before (previous stages of production), the needs to be produced and satisfied were “simple and few”, they corresponded, however, to the purpose of human labor and guided it. In capitalist production, in turn, needs multiply in an infinite variety, and infinite types of commodities become necessary to human satisfaction, drastically affecting production.

The production of commodities and necessities are, therefore, historically analogous processes, with a view to insatiable and indefinite wealth, in which labor itself is reoriented and directed beyond needs. The historical destiny of capital is consummated as soon as “needs are developed to such an extent that labor surplus to what is necessary is a universal necessity derived from actual individual needs” (MARX, 2011, p. 404). Simultaneously, the exchange of the surplus, the superfluous, not only changes in volume and diversity, but its purpose is re-dimensioned: it imposes itself and is justified as a vital social need, absolutely and not only between individual producers (ENGELS, 2014). Therefore, the creation and production of new needs, together with the redefinition of the work in question, are a fundamental moment in capitalism in which the production and the exchange of goods are amplified.

The needs found in Marx oppose each other, complement each other, collide and merge dialectically, elucidating crucial moments in the historical process of production. Marx’s analysis allows the use of opposing needs at the simplest level: opposition between natural need and social necessity at the most complex level, creating a new totality: opposition between the need for luxury (historically and socially determined) made necessary and banal to the detriment of natural (basic) need. The most radical opposition appears in the Economic and Philosophical Manuscripts, as a new human condition which, in addition to reducing man to economic necessity, relegates him to the level of the most utter deprivation.

The opposition arises between necessity (Bedürfnis) and deficiency (Bedürftigkeit): while the needs of society become more sophisticated and refined on the one hand, the workers’ needs abound and they are destitute: “This alienation manifests itself in part as it produces the refinement of needs and their means on the one hand, and bestial savagery, the complete, brutal and abstract simplicity of the needs of the other” (MARX, 1978, p. 17). After all, capitalism produces a man rich in needs (HELLER, 1986).

Houses, among other human needs, are not and cannot be satisfied as a necessity in capitalism, for this reason they are manifested as lack. This need is present in the contemporary cities of the twenty-first century, reducing the human condition to the limits. With variations in the historical, geographical, political and social context and, above all, in the scale; the need for housing denounced by Engels (2008) in the London suburbs and Peter Hall (1996) in the “cities of dreadful night” of the late nineteenth century (not only in London but Paris, Berlin and New York) is the same as expounded by Mike Davis (2006) in his Planet of Slums in the twenty-first century.

HOUSING AS DEMAND

Between the necessity and the possibility of the worker there is Marx’s central and also crucial critique of capitalism, which appears in the opposition of the terms need and demand (HELLER, 1986). The need that cannot be satisfied continues to be a (radical) necessity; on the contrary, the need that can be satisfied in the market is manifested as demand. Needs of the most varied natures, once supported by the ability to pay and, therefore, consume, become a solvent demand.

Consumption is one of the crucial moments in the process of producing needs. In reality, consumption determines production and the necessity itself (MARX, 2011, p. 65). Whatever the object of human need, the product is established in this mutual relationship in the market: between

supply and demand, always through the mediation of consumption. Consumers and their effective consumption capacity are expressed as demand and recreate the productive circuit of the commodity to be offered.

The manipulation of human needs, wants and desires is a strategy practiced by the powerful advertising industry that creates, secures or recovers consumer markets either by expanding its offer with new product lines or by (re)organizing its consumption (HARVEY, 2009;). On the other hand, the lack of effective demand is one of the potential barriers to capitalist accumulation, interrupting the continuity of the flow of capital (HARVEY, 2011). Capitalism has been bypassing and finding solutions to deal with this obstacle. Workers' wages are insufficient as a source of effective demand. Thus, it was necessary to create and sophisticate credit mechanisms and conditions to solve the problem of insufficient effective demand or under-consumption. The credit made available to the consumer ensures that the potential demand is effective, allowing amounts of "borrowed" money to be consumed. Credit fills the gap between the surplus production of yesterday (supply) and the need for reinvestment today, making it possible to maintain the circulation, without which crises occur (HARVEY, 2009; 2011).

The threat of under-consumption never ends and, on the face of it, problems such as falling profits and devaluations can be alleviated by the credit system for some time (HARVEY, 2011). The growth of the credit industry has allowed the real estate market for those with lower incomes to expand. The expansion of this market generated the "economic segment", which is currently used in the real estate sector to refer to the market for residential properties valued at approximately R\$200 thousand, usually destined to families with a monthly income of between 3 and 10 minimum wages (FIX, 2011). To acquire housing in the formal market and become a solvent demand, the portion of lower-income consumers need massive state subsidies.

HOUSING AS COMMODITY

In the definition of commodity – the main category of analysis in *Capital* – Marx attributes its use to the satisfaction of humans needs "be they from the stomach or from fantasy". In fact, it is not important how the object satisfies the human need, if "directly, as a means of subsistence, an object of consumption, or indirectly as a means of production". (MARX, 1971, vol 1, p. 41-42). Thus, satisfaction of a need is a condition sine qua non for any commodity.

Beyond its usefulness as an object of necessity, the commodity becomes an exchange value. Therefore, all and any commodity is realized in this double condition, as object, value of use, and as value of exchange: "it acquires a double existence, alongside its natural existence it acquires a purely economic existence" (MARX, 2011, p. 135).

We place housing as a commodity in this contradictory synthesis of use value and exchange value. As a commodity, it immediately meets and satisfies the basic and elementary need for subsistence of the inhabitants of the city in their own human condition. There is a long discussion about (private) landed property that is made an interchangeable value from a long historical and arbitrary process, which accompanies and underlies the very history of capitalism and the history of the formation of modern capital, which we will not exhaust here. Thus, property (in the form of built or undeveloped land) has an exchangeable value that transcends its use value and acts as part of the capital circuit. Here, it gains its maximum relevance as an essential commodity; the object of urban geography. From this perspective, housing as a commodity is also part of the debate on the political economy of urbanization.

If the fulfilment of value-in-use occurs only and exclusively when there is daily consumption of housing, on the other hand, the value of exchange permeates and demarcates different practices of a market (real estate) that moves large sums of capital. To acquire it, it has to be bought or rented in a (formal or informal) market in which there are a multitude of real estate companies. This

large real estate market is led by various social agents; rentier owners who extract income from the property; the capitalist landowner who accumulates urban properties, making them available in the market or amassing them for (real estate) speculation, hoping to make a greater profit; the realtors who manage the sale and purchase; and independent professionals, such as engineers and architects, notaries, etc.

Real estate speculation promotes the commercial creation of scarcity and results in the differentiated valuation of the various fractions of urban territory by the selectivity of the places, since there is a differential implantation of collective services and infrastructure, as well as the differentiated allocation of resources. This dynamic is not exempt from the expectations, fads and values created by urban marketing (both of buildings and land) and contributes to further influence and increase the commodity of land and housing, and accentuates the problem of access to them (SANTOS, 1993).

The central peculiarity of housing as commodity lies in the land, that is, its immobility and, therefore, its intrinsic dependence on the land market. It is not a commodity that can be produced and consumed anywhere, on any land, but requires a particular piece of land, which can be built on (HARVEY, 1980; RODRIGUES, 1988 and VALENCIA, 2003). Therefore, housing “is not any commodity like a fan or shoes”, but has a peculiar nature with complex characteristics and profound implications in its form of production and consumption (VALENCIA, 2003, p.

The price of the housing commodity is formed by its high added value (resulting from a complex production that mobilizes large numbers of labor and agents for all the stages through which its production passes) and, finally, by the value of the land on which the housing is built, which helps to drastically create an unequal reality in Brazilian cities: the segregation and marginalization of the poor from the best areas of the cities. Other aspects are embedded in the high price of the housing commodity: its supply is limited in the short term, while its production and marketing depend on stable conditions. This makes it a sensitive market to sudden economic and political changes; production time is relatively long, making it a difficult commodity to deal with (VALENÇA, 2003; HARVEY, 2005; RODRIGUES, 1988).

Erminia Maricato points precisely to this negative equation in the country, the proportion of the salary of the worker who cannot access housing: “The proportion of those excluded from the legal market in each city varies according to the price of housing and the incomes of the various social strata” (MARICATO, 2002, p. 156). Likewise, the difficulty of access to land and housing results in the enormous sacrifices and lifetime of work of a large part of the Brazilian population, composed of poor workers (RODRIGUES, 2011a), who aspire to this “greater good” and sometimes manage to acquire it (VALENCIA, 2003).

In spite of all the difficulties of producing the commodity and increasing its price attached to the land, even so, unlike other goods of use (one does not plant all one’s own food or make one’s own clothes), one produces one’s own house. For this reason, the working class’ self-built housing, without an engineer or architect is a basic, social and urgent need that reflects the Brazilian reality. The low income solution found to satisfy the need for housing was to self-build on the slopes of hills, floodplains and areas subject to flooding, giving rise to various clandestine settlements and favelas, commonplace in the Brazilian urban landscape (MARICATO, 2006). One can even conclude that the contradictory synthesis between housing as a basic social necessity and housing as an expensive and inaccessible commodity results in the widespread combination in Brazil of self-built housing: the precarious, irregular and peripheral plot of land.

HOUSING AS DEFICIT

In the contemporary period, we are confronted with the social problem of Brazilian housing based on a certain “technical pragmatism” (VALENÇA, 2014). The author refers to the “obsession, in the last two decades, to know the nature and, even more, the numbers of the housing problem

in the country”, which, however, “has served very little to mark the actions of public policies” (VALENÇA, 2014, p.351).

In fact, technical knowledge has become institutionalized in recent years in Brazil. In order to see the problem, it is necessary to measure it, diagnose it and so quantify it. Such technical knowledge results in the application of numbers that quantify and estimate the housing problem in the present and in the future. The Brazilian housing deficit can be read, interpreted and manipulated as specific data for the entire national territory.

There were several competing methodologies announcing size and, to some extent, the nature of the Brazilian housing deficit. The methodology that was officially adopted during the Fernando Henrique Cardoso administration, and continues to this day (with some adaptations) is that of the João Pinheiro Foundation (FJP), which considers quantitative and qualitative aspects; that is, it spans two universes of problematic situations in the condition of inhabiting.

The first universe is computed by precarious households,¹ households with families sharing dwellings,² households with excessive rent burdens³ and rented households with excessive densification.⁴ The solution here is twofold because, in addition to the construction of a new dwelling, it necessarily implies the acquisition of new land, at least for families sharing (coexisting or excessive densification) and / or those who rent their homes. Only the case of precarious housing does not necessarily imply new land, if one can demolish and build a new dwelling in the same place.

In the second universe are cases of households with some type of inadequacy: land⁵ ownership, infrastructure services⁶ and lack of an exclusive domestic sanitation unit,⁷ excessive densification in own properties⁸ and inadequate cover.⁹ Here the problems are more complex, because they extrapolate the dwelling on an ad hoc basis, reaching the immediate surroundings, the neighborhood and the street, since the solution is not a new construction to replace a precarious house, but the effective regularization of land ownership in the whole community, as well as the effective implementation of access to basic urban infrastructures throughout the neighborhood. The qualitative deficit is the largest Brazilian urban deficit.

The separation of private life into rooms of the house, among other classification criteria for the family unit, is based on social, economic and cultural judgments and, therefore, is not exempt from value judgments from an architectural and especially a social ideal, that has been institutionalized and standardized in cities over time (CAPEL, 2005).

From and beyond the quantitative and qualitative deficit, new classifications and criteria emerged to designate and qualify urban settlements. A new category of national coverage was adopted: precarious settlements which correspond to the “set of inadequate urban settlements occupied by low-income residents”. This category includes, in turn, other types of settlements, such as: tenements, slums, irregular settlements, housing estates built by the public authorities, etc. (DENALDI, 2013).

(1) A concept that counts households without masonry walls or fitted wood and those built without residential purposes that serve as housing, such as shacks, viaducts, buildings under construction, cars etc. According to the IBGE, the former correspond to rustic households and the latter to improvised households.

(2) It includes the sum of secondary families sharing (only those who intend to establish exclusive domicile are considered a housing deficit) and those living in households located in rooms - except those provided by an employer.

(3) It corresponds to the number of urban families, with a family income of up to three minimum wages, who live in the house or apartment and who spend more than 30% of their income on rent.

(4) When the household has an average number of residents more than three per dormitory and is rented. The number of dormitories corresponds to the total of rooms that serve, permanently, as the dormitory for the residents of the house.

(5) Situation in which at least one of the residents of the domicile declares ownership of the dwelling, but informs that they do not have the total or partial ownership of the land or the ideal fraction of land (in the case of an apartment) in which it is located.

(6) Households that do not have at least one of the following basic services: electric light, general water supply network with internal plumbing, general sewage network or septic tank and garbage collection.

(7) Household that does not have a bathroom or toilet of exclusive use, considered an independent and complete unit with at least: a shower, sink and toilet, connected by general sewage network or septic tank.

(8) When the household has an average number of residents above three per dormitory and is rented. The number of dormitories corresponds to the total of rooms that serve, permanently, as the dormitory for the residents of the house.

(9) Households with walls of masonry or fitted wood and covering of zinc, straw, thatch, harvested wood or other material that is not tile, slab of concrete or worked wood.

Here, it is noted that precarious ceases to be the criterion of the quantitative deficit (households without masonry walls or fitted wood) to become a broader category encompassing many needs and inadequacies. Thus, precariousness becomes a synthesis, because it amalgamates the favela, the tenement, the housing estate and subdivision. Precariousness is, therefore, the portrait of urban Brazil.

In the discourse analysis, it is a term with a lower risk of social stigma, because it focuses its attention not on the population that inhabits it (favela – favelado (slum-dweller), vila – vileiro (residents of poor, attached houses); à margem – marginal (people excluded to the margins), but on the place itself - the object of the policy and intervention. Its designation as a precarious place is already the political recognition of the lack of public services, being, therefore, a place that lacks infrastructure. This strategy of recourse to language is positive in the sense of not criminalizing poverty, delimiting and objectifying the social problem: the settlement itself. Likewise, it is possible to counterpose it to the IBGE's concept of subnormal clusters, characterized by "a set consisting of at least 51 poor housing units, most lacking in essential public services, occupying (...) land owned by others (public or private) and (...) arranged in a disorderly and dense manner (IBGE, 2011, p.2).

Under the most varied aspects, several surveys, mappings and systematization of information on urbanization were formulated. Calculations have changed over time, with more sophisticated measurements of household counts, number of favelas and shacks and irregular areas. In this sense, the new methodologies and procedures adopted for the 2010 IBGE Census are highlighted with the purpose of updating and improving the identification of agglomerations (DENALDI, 2013).

Likewise, the use and access to high-resolution images (satellite photos and aerial photos) as well as new geoprocessing tools allowed an "anonymous" lens, that is, a virtual approach and not in loco by the researcher with the object of study at various scales.

The pragmatic reading in Brazil in recent years has produced a series of documents, publications and abundant materials that subsidize public policies, lodged in the technocracy of the public offices. This technical know-how has employed researchers, students, professionals from a variety of fields, as a "niche" in the marketplace that has given rise to numerous consulting firms that hover around state institutions.

The relevance of these results, of this advance and of this accumulation is not ignored. They are indispensable tools for the critical reading of reality and essential for the formulation of public policies. There is merely the recognition of the production and circulation of an increasingly technical and specialized knowledge about housing conditions. In this "scientificization" of the housing problem the vision of the whole is lost, that is, the geographic space and the social fabric; one loses the perspective that housing is, above all, an urban social problem, as F. Engels (2008) had already signaled in the nineteenth century, a structural and intrinsic part of capitalist urbanization. The criticism lies in the loss of the deeper analysis of the social problem, of which Geography, Sociology and Urbanism have always been portioned sciences and have always denounced, pointing out contradictions and conflicts. Technically we are "up to date with the deficit" and, from this perspective, housing has already been sufficiently diagnosed. Politically it will be necessary to go one step further.

HOUSING AS A RIGHT

As a human right, housing is based on human dignity (the core of fundamental rights), based on autonomy, freedom, political participation and access to material resources, as well as protection against the inhumane and degrading treatment of any person. Likewise, the right to housing corresponds both to civil and political rights and to economic and social rights, and is recognized by both the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) within the framework of the United Nations (OSORIO, 2014).

Therefore, the right to housing is a fundamental civil, political, economic and social right. As a social right, its spectrum is expanded, extrapolating individual rights (based on civil and political rights) and reaching collective rights, such as the right to water.

The adaptation of the dwelling, in turn, is foreseen by the ICESCR from the following constituent elements: (a) legal security of tenure; (b) availability of services, materials, facilities, essential infrastructures and collective natural resources; (c) access to the financial costs associated with housing, without compromising the other fulfilment of basic needs; (d) habitability given by the occupants' physical safety against structural hazards and protection against weather and disease vectors; (e) access to public social facilities; (f) policies to support the right of expression of the cultural identity of housing (OSÓRIO, 2014; SARLET, 2014).

Recognition of the right to dignified and adequate housing as an international human right gained momentum in the late twentieth century and the struggle for this right was waged in a movement that resulted in popular mobilization in 1996 at the second United Nations Conference on Human Settlements (which gave rise to the Habitat II agenda). It should be noted, however, that its recognition as a universal right was one of the most controversial points and it guaranteed, with qualifications, the right to housing as a human right and an end to forced evictions (SAULE JR. and ROLNIK, 1996; RODRIGUES, 2007a). However, although housing as a right "finds legal substance in several international human rights texts and has been ratified and reaffirmed through a number of declaratory and policy-oriented instruments" (OSÓRIO, 2014, p. 41), forced evictions continue to occur in all parts of the world. This led to the creation of the Rapporteurs for the Human Right to Adequate Housing, with an international network that denounces, monitors and seeks solutions to put an end to forced evictions and ensure the right to housing (RODRIGUES, 2007b).

For Rolnik (2014), access to land is a frontier in the discussion of economic and social rights and there is no clear formulation of the right to land in the human rights field. The threat of access to land in several countries points to the contradictions between a "multiplicity of forms of access to land" practiced especially by poor communities and "the transformation of private property into a universal standard, a single rule of access to land capable of becoming a commodity transacted in the world. (ROLNIK, 2014, p.29). As D. Bensaïd proclaimed in his corollary of globalization, it is the "unholy right to existence" on the "sacred right to property" (2008, 67). Possessing private property of land, including characteristics of "absolutism, exclusivity and perpetuity" that "creates a monopoly of power that is more illegitimate than the increase in land rent is fundamentally the result of collective investments" (SOUSA SANTOS, 2013, p.69).

The right to housing, expressed in Article 6 of the Brazilian Federal Constitution (1988), was included by Constitutional Amendment (CE nº26, of 2000) and, like other social rights, "communes with full juridical and constitutional statute of fundamental rights", that is, "[it] integrates the list of material limits to constitutional reform and, as a norm of fundamental right, is always directly applicable, according to the content of article 5, paragraph 1, of the FC. (SARLET, 2014, p. 269)". However, in order for this right to be highlighted and strengthened through instruments, it was necessary to regulate the City Statute, in 2001, as the social function of (private) property and the city.

The non-institutionalization of a set of social rights in Brazil has shaped the struggle of Urban Reform for decades. With the end of the military regime and the reestablishment of political and social participation, popular movements were able to reorganize. In 1987, the National Urban Reform Movement emerged as a cohesive pillar of the broad spectrum of social agents and institutions (led by organized civil society in popular movements, class entities and non-governmental organizations) (SANTOS JR, 2009). There were several processes of land occupation on the outskirts of the country's cities, boosting the self-managing organization, the formation of political and community leaderships, as well as the creation of popular movements in neighborhoods, favelas and housing complexes. In the case of land, ownership was consolidated, community demands turned to other services associated

with and complementary to housing: day care, schools, hospitals, health centers, leisure, security and culture, in the understanding that, in fact, the struggle was for the right to access the city with its public and social facilities, always distant and isolated from the periphery. In the early years of the twenty-first century, movements occupying empty buildings and/or buildings without social use broke out in the center of state capitals and several Brazilian cities (BUONFIGLIO, 2007).

Over the course of more than a century, between the development of the first Brazilian favela and its official recognition as legal territory, there have been many violations of the right to housing and therefore of human rights. These occurred and have occurred in the country under the most varied ideological discourses (hygienist, environmentalist, protectionist, business management) and technical and political justifications: mega sport events, communities in risk areas, environmental protection areas, priority areas for neighborhood restructuring projects or infrastructure projects. Land evictions, removals or repossessions reveal the dispute over possession and ownership of land. It should be noted that evictions by the Public Authorities, with or without the occurrence of police truculence, are no longer considered as situations of state violence, even more so when against poor communities (MÜLLER, 2014). From a sociological point of view, the author draws attention to criminalization in “an insistent process of disqualification of the people and communities that are victims of these conflicts” and that, in the last instance, they are “considered guilty by their own drama”. This leads to a “deliberate invisibility” of what is one of the most serious social problems in Brazil, with a flagrant violation of human rights (MÜLLER, 2014, p. 178). From Pinheirinho, in São José dos Campos (SP), to Vila Autódromo, in Rio de Janeiro, the daily denial of the right to inhabit, to live and to occupy by a large part of Brazil’s poor population is repeated.

As seen above, legal security of tenure is one of the conditions for the adequacy of housing. From a legal point of view, it should be emphasized that the right to housing is an autonomous right, that is, it is independent of and distinguishes itself from the right of (and to) ownership. Although, under certain circumstances and “express constitutional provision”, the right to housing takes on “the condition of a presupposition for the acquisition of the domain” in the case of special urban and rural usucapion, and may also act as an “indicative element of the application of the social function of property”. The overlapping with the right to a dignified life implies that in several situations the right to housing “occupies a preferential position in relation to property rights or even other rights” (Sarlet, 2014, p. 270). The author places the important legal debate on the limitations of property, its constitutional protection and its role beyond that of merely property. It is from this perspective that the right to housing must be understood as a right of defense, that is, “housing as a fundamental legal asset, must be protected against all kinds of undue interference.” This defensive function has as an “immediate object the resistance to intervention” and is even addressed to the State: “The State as well as individuals has a legal duty to respect and not affect people’s housing”, at the same time as “positive factual (material) or normative action is required from it”, that is, the right to housing “will have as its object the creation and structuring of entities, the publication of norms that establish procedures for the protection and promotion of rights, the provision of goods and services or other commissive actions” (SARLET, 2014, p. 274-275-276).

The right to housing runs the risk of becoming a vague social right if it depends only on urbanistic or technical instruments, or legal texts. After all, “more important than to proclaim on paper, is to reach the obstacles that impede access to these rights” since “nothing guarantees the result of the correlation of forces, especially in a patrimonial society where private property of land has such importance. We are in the terrain of politics and not of technology” (MARICATO, 2002, p. 184-185). The need for housing is placed on the horizon of daily life, tensioning the field of law, because it is unmet in a capitalist society in which basic and social need is radically restored.

HOUSING AS PUBLIC POLICY

Lastly, housing is the object of public policy and this in turn is synonymous with social policy that is based on state theory. The formulation of social policy requires an exercise of rationality and a selective capacity in the definition of interests that does not escape from social action conditioned by individual and collective mechanisms (OFFE, 1984; HIRSCH, 2010). It is up to the State to match the legal foundations, social functions and interests of the groups benefiting from social policy, “balancing” in contradictory rationality (OFFE, 1984). This more flexible and functionalist view of the State and of social policy, pointed out by Offe, is striking and current when we also think of the contemporary practice of Brazilian municipal administrations, moving more towards adaptation to the ends and purposes of accomplishing agreed political tasks than obedience and compliance with the norm.

Public policy is also understood as the product of a conflictive time-space, based on negotiation, pacts and “arrangements” between the State and various social agents, retaking Nico Poulantzas’ (1985) classical definition of the State as the arena of struggles. The State, materialized in heterogeneous apparatuses and embodied in the social action of real public managers, is the great articulator of the demands of market agents and civil society, capable of cleansing the influence of such demands and agents. To some extent, the various agents produce policy but this is not free or spontaneous, it is mediated and filtered by the action of the Public Authority. Like all politics that refers to a social necessity, it is processed at the most sensitive and immediate level - the appeal that emanates from the social problem of housing - to the most abstract and subtle that refers to the ideology of home ownership

Public policy has a rhetoric, a discourse that makes it an accessible, intelligible, attractive and palatable language with great awareness-raising power. Entering the field of politics, we are inevitably on the plane of ideology. Housing as political discourse is a recurring expedient thanks to its undisputed legitimacy in the face of the social need posed, also resulting from a fundamental human right. Housing as a public work, in turn, enjoys status in urban politics because it has a lot of visibility. And finally, within a vicious circle, housing as a bargaining chip yields many votes and clientelism practices in all corners of the country. However, housing as a public policy does not end in the evanescent plane of political discourse, nor in the act of inaugurating the work, much less in the political practice of buying the vote in the poorest places. Nor can it be reduced to mere ideology. As a political task of the State, which is responsible for the functions of social policies, it is capable of engendering real transformations in the concrete plane of everyday life.

The country’s public housing policy has been punctuated by diverse historical, economic and social contexts and is portrayed by an extensive national bibliography (RODRIGUES, 1988; MARICATO et al 1982; MARICATO, 1996; Bonduki, 1998), just to name a few authors. There was a historical period in which the State did not construct or finance housing, leaving this production to private industrial capital. Hence, housing had not been conceived as public policy, but rather as direct mediation between capital and labor based on the relationship between boss and worker both inside and outside the factory. Public housing production began in Getúlio Vargas’s government in 1923, with the creation of the Institutes for Retirement and Pensions (IAP).

Throughout the history of Brazilian public housing policies, they were assigned different names: popular housing, economic housing, social housing, low-income housing and, more recently, housing of social interest (SHIMBO, 2010). In reality, not only was the nomenclature of this social policy changed, but, above all, and fundamentally, the form of State intervention.

FROM POPULAR HOUSING TO LOW-INCOME HOUSING

The origin of housing as public policy in Brazil was tied to the issue of social security, which allowed for the regulation of the conditions of reproduction of the workforce during the Vargas

Era. The popular housing of the Institutes of Retirement and Pensions (IAP) was linked to work categories. In 1964, there was a rupture in the model of state intervention with the creation of the National Bank of Housing (BNH) that lasted throughout the military governments. With the BNH the framework in which popular housing was provided by the State changed profoundly, because full social security was no longer linked to the idea of housing provision, thus becoming differentiated social policies (BONDUKI, 1998). Once these two social policies were distinct and distant, it was up to the worker to resort to buying a home from the real estate market through financing and not through his specific work category (RODRIGUES, 2011a). If the State had been the producer and financier of the housing units (IAP), with the changes in the regulations of labor legislation the State stopped producing and became the financier. Therefore, the private sector started to build popular housing with state resources, from BNH until the Caixa Econômica Federal today.

Created in 1967, with resources from the Brazilian labor force, the Severance Pay Indemnity Fund (FGTS) became the BNH's financial source (RODRIGUES, 2011a). Therefore, the return of resources from the mass of workers' wages and salaries was invested in the urban environment in peripheral housing units lacking infrastructure. Criticism of the BNH was also duly addressed in an extensive national bibliography. With the BNH / FGTS and the Housing Financial System (SFH), the relationships in work contracts changed. In reality, workers' stability has been altered in order to achieve the flexible accumulation of capital, weakening labor relations and class struggles. The term "popular housing" was gradually replaced by "low-income housing", demonstrating the beginning of a process of discursive displacement that replaced the category of "social class" with income brackets in the context of flexible accumulation.

Although low-income housing refers to the minimum wage, it does not refer to the work or the worker, but to a classification of the population in income strata: middle, high and low (RODRIGUES, 2011b). Indeed, this discursive shift from popular housing to low-income housing follows the change that has affected the world of work and hence the category of labor in the post-Fordist period in which the centrality of the factory ceases to be the locus of the organization and the concentration of the class struggle (ANTUNES, 2016).

In the current post-Fordist world of flexible accumulation, the increased precariousness of labor relations contributes even more to create an urban mass of precarious workers, adding perversely to the situation of precarious housing. In this way, the old derivations of the social classes, "working class", "blue-collar workers" and "low-class" undergo reformulations within the debate on the new conditions of class struggle.¹⁰ As state housing policy distanced itself from employment, from social security and from the working classes, formerly blue-collar workers (stemming from social classes in the Marxist sense), the possibility of buying a property that could be financed by a lifetime of work (RODRIGUES, 2007A, 2011a) also became distant. This process of labor change resulted in a generation of elderly retirees without housing.

Initially, low income in Brazil came to be framed as a demand of up to five minimum wages and, later, up to three minimum wages. In recent years, Housing Programs have established priority areas whose ceilings vary according to the amount of family income.

HOUSING OF SOCIAL INTEREST AND SOCIAL MARKET HOUSING

Housing of Social Interest (HSI) was not born as a finished public policy, it was created by the Ministry of Cities (created in 2003) and supported politically by the National Council of Cities and throughout the four Cities Conferences (on National, State and Municipal scales). In reality,

(10) As Horacio Capel shows: "The concept of social class is now less used than in the past, but it can be accepted that classes exist; or at least, it will be granted, that rich and poor continue to exist, and that the houses of one and the other are quite different" (Capel, 2005, p. 13). In fact, even if the concept of social class is obscured, it cannot be concealed after all: "For those who would still doubt their existence as a class, in practice, the segregation and misery of their dwelling place designates the working class" (Lefebvre, 2001, p. 142), pointing to a new misery in relation to the old proletarian misery that would touch the urban proletariat precisely in the contingency of the miserable habitat and in the drastic reduction of the sense of dwelling.

HSI was a set of actions to address the housing issue at the national level that consolidated an important regulatory framework in the country; the National Housing Policy (2004); the Federal Law that established the National Housing System (SNH, Law No. 11,124, of June 16, 2005) and the National Housing Plan, approved in 2009 (PlanHab). Such legislation stamped the Brazilian urban policy with the “social interest” its label.¹¹

In 2009, the Minha Casa, Minha Vida (Law No. 11,977) program emerged at a time of a global crisis of over-accumulation. The PMCMV served to stabilize the national economy, to limit the effects of the international crisis and to heat the internal building materials market (HARVEY, 2009). Therefore, the MCMV does not originate in the HSI, having, in fact, even “crossed” this policy that was being structured at the municipal level with the mandatory nature of local housing plans and local councils as planning tools and spaces of popular participation. The MCMV entered the urban territory, from the metropolis to the small municipalities, bringing a flood of entrepreneurs to the doors of municipalities willing to offer a range of building projects in peripheral areas, with rare exceptions. The MCMV program “lands” in the municipalities in the absence of urban, possibly progressive, planning with the urban voids downtown and / or ZEIS mapped among other social demands pointed out in master plans and / or PLHIS. With the arrival of the MCMV, the local structures of the public sphere that were still being drafted, like the local councils in a more horizontal format with members of civil society lost ground in the political dispute¹² because once more, deals involving housing projects were being made with entrepreneurs in the corridors and offices of managers, above all in the negotiation of public and private lands as well as their location, size, dimensions and the technology of the project.

However, for a full understanding of the public policy, the importance of the Entities / Social Development Fund of the MCMV Program (Ordinance No. 618, of December 14, 2010) cannot be ignored. It is not part of the Business modality (Residential Lease Fund), and sealed the commitments of state apparatuses formerly agreed upon with minority agents of space production (such as social entities, cooperatives and housing movements), many of which, had participated for decades in the struggle for the right to housing in the country. More recent entities have accessed federal resources and built several ventures. Although a small part of the Program is destined to such a modality, it can be concluded that there has been a profound change in the conception and practice of the production of Brazilian urban housing policy, bringing new questions about the way social agents act in Brazilian state politics. The MCMV Entities Program rescues the figure of an important social agent - the housing cooperatives - who acts at one and the same time as the producer of the policy and producer of the house (from the conception of the project to the construction of the house) breaking with self-build and with the hegemonic circuit of real estate capital.

According to L. Shimbo (2010), the attempt to classify housing of social interest and market housing becomes a difficult task, since there is an indistinct border between the forms of public and private production and the extent that the contents of the “social” were appropriated by the real estate market in segments and new lucrative fronts of performance. The housing product generated in this context is a hybrid, called “social market housing” (SHIMBO, 2010).

The hybrid referred to by the author is the Minha Casa, Minha Vida Program. The PMCMV is, in fact, the most complete example of social market housing: it is social housing because state intervention over the last few years has boosted and significantly expanded the country’s housing production, previously restricted to the luxury segment, towards low income housing. After years without housing programs this has made the public, captive of the municipalities’ endless housing lists, become potential beneficiaries. To make low income demand creditable and ensure access to financing, massive state subsidies from public funds (the General Budget of the Union - GBU

(11) SNHIS; FNHIS; ZEIS, AEIS; PLHIS, PEHIS (National System of Social Interest Housing, National Fund of Social Interest Housing, Special Zones or Areas of Social Interest, Local Plan and State Plan of Social Interest Housing, respectively).

(12) In general, it is the responsibility of the Municipal Housing Councils to define additional local criteria in relation to the national criteria given (Law 11.977) to fit the target population of the MCMV Program in the municipality.

and FGTS) were needed. It is market housing because the mechanism of raising Public funds was achieved by the logic of private appropriation of the profit of production by construction companies and developers, reaching a new level, a large-scale production, unprecedented and unheard of in the history of popular Brazilian housing. The MCMV leaves no doubt that “it guaranteed the continuity of a new level of accumulation in residential real estate production in Brazil (MARICATO, 2011, page 63)”. The logic of the production of space by the “cultivation of housing developments” re-articulates the hegemonic agents of the urban capitalist circuit (real estate and land capital), but also reorganizes non-hegemonic agents for the production of policy and space.

CONSIDERATIONS FINAL

In Brazil, housing as an object of transdisciplinary study has gone through a long political, social and intellectual trajectory, always tied to concrete reality. Claimed as a right in organized occupations; in international forums it is recognized as a necessity and diagnosed as a deficit, not without seeing it become progressively more of a deficit in the capitalist cities of the world and, finally, framed as a solvent demand in public policy without ceasing to be a valuable commodity.

In this article, we highlight some elements that have allowed housing to be raised in the light of several categories of analysis. The theoretical exercise of deconstructing housing at these levels allows us to unveil discourses that are either complementary or paradoxical. Each social agent distinguishes it in one of its dimensions, emphasizing one of its meanings to the detriment of others. None of the suggested categories is watertight, and yet in some of them there is an incompatibility, depending on the place of the social agent’s speech and action. It would be perfectly possible to make an analysis of housing as an ideology in terms of the discursive dispute for its understanding within the very context of the disputed city (hegemonic ideologies on the horizon that permeate distinct and opposing models of cities), starting with housing itself as a need that has a bearing on the popular struggle for the right to housing. However, this struggle is based on the city’s horizon as a right which, in turn, finds resistance to its realization in the city as a commodity.

The struggle for housing as a right is, albeit from a reformist perspective, the radicalization of a posed social need. At the same time, the need for a home is captured and transmuted into a commodity by the capitalist society and state. In the wake of large-scale construction, housing will always be a lucrative commodity, either at the expense of the State or at the expense of the population. The house produced as a commodity, obtained by state financing, if and when directed to the low income population turned into a solvable demand finally takes place, as a public policy and regulated social right. Housing as a deficit is the diagnosis, the technical management product, a recognized and computed right, and a recorded technical data. It can be manipulated by the academic, the consultant and the administrator, however, it is absolutely strange and unimportant in the face of the drama of the community that lives in precarious settlements on a daily basis.

Among all the categories of analysis mentioned, housing as a public policy is undoubtedly the most complex, because it operates with all its meanings gathered together: basic and historical necessity, framed as demand, sold as a commodity, computed as deficit, demanded as a right, transformed into public social policy and market policy at the same time, and finally, changed in its popular essence to become of social interest and a market intended for the low income population. Such denominations and contents were radically altered over time, pointing to changes in the type of state intervention, participation in capital and framing of the type of beneficiaries as potential demand. While popular housing was linked to the categories of work, low-income housing was linked first to the minimum wage and then to family income brackets, and finally, housing of social interest, even though it never ceases to be simultaneously market housing. Housing as public policy in the capitalist state solves or alleviates crises in a productive sector of capital and simultaneously attends to the social necessity of the house as a value of use. The Entities modality of the My

House, My Life Program reveals new possibilities for the designation of this public policy that becomes a collective social production through organized civil society, although financed by the State and in harmony with technologies and other stages and arrangements of the productive chain of construction, insured, or patented and / or monopolized by the market.

Through an analysis of the HSI and the MCMV Program, it was demonstrated how housing as a public policy is unfinished, constantly changing and, in the light of the capitalist city, always disputed by various social agents. Housing as public policy is, finally, the contradictory synthesis of all categories of analysis presented herein..

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