DOI:10.1111/1468-2427.12330

– BEYOND BUREAUCRACY: How Prosecutors and Public Defenders Enforce Urban Planning Laws in São Paulo, Brazil

SALO V. COSLOVSKY

Abstract

Cities need law to thrive, but it is not clear how abstract texts become tangible policy outcomes. Existing research on the role of law in urban affairs conceives law as either an algorithm that shapes urban life or a reflection of political disputes. The former assumes that the meaning of law is obvious; the latter claims it is irrelevant. In contrast to these views, I argue that laws are multipurpose instruments that acquire a specific function when enforced by those government agents who operate at the frontlines of public service. To understand what these agents do and why, I conducted a qualitative study of the Ministério Público and the Defensoria Pública in São Paulo, Brazil. Through this process, I found that these government agencies are not cohesive bureaucracies but heterarchies composed of distinct internal factions with different evaluative principles. Moreover, officials within them are not isolated from other entities in society but tightly entangled with them, and these connections influence what these officials do. Finally, enforcement agents are not always resigned to solving conflicts as they arise. Rather, they strive to find acceptable solutions in the interstices of existing conditions or even change the circumstances that created the conflict in the first place.

Introduction

Cities are unparalleled engines of economic growth, but also sites of recurrent social conflicts. In urban centers, residents live in narrowly circumscribed areas and often dispute the same space. As citizens compete for territory, those with less power end up pushed out to marginal areas with limited services, long commutes and precarious terrain. Urban density also raises the social and economic value of public goods such as parks, clean air and flowing traffic. Yet it leaves them vulnerable to a 'tragedy of the commons'-type situation in which rational but selfish individuals contravene the interests of the group. Fueling discord further, some residents see land as a commodity whose value ought to appreciate while others favor preservation and stability (Molotch, 1976). All these disputes have high stakes and offer no obvious compromises. Unsurprisingly, residents tend to fight bitterly and resort to a wide range of tactics to prevail.

In a democracy conflicts are channeled through the legal and administrative systems so that government officials can assess the facts, weigh the arguments, identify applicable rules and decide how to proceed. Laws and regulations help cities function, but it is not clear, in any given setting, how abstract legal texts produce tangible results. Contemporary research on the role of law in urban affairs falls into two groups. In the first group, researchers emphasize the effects of law on the price of housing (Glaeser *et al.*, 2005; Quigley and Raphael, 2005; Quigley and Rosenthal, 2005), mobility choice (Guo, 2013), city form (Ben-Joseph, 2005), and the behavior of urban residents. To isolate the relevant effect, they assume that law operates like an algorithm—a set of self-evident, comprehensive and authoritative directives that can (and should) be implemented

I thank Anna Sant'anna, Greg Ingram, Karin Brandt, Ciro Biderman, Daniel Cohen, Harvey Molotch and Peter Houtzager for comments on an earlier version of this article. Gustav Steinhardt provided excellent editorial assistance. I am particularly grateful to Benedito Barbosa, Carlos Loureiro, Rosangela Staurenghi, and all prosecutors, public defenders, activists and urban planners from São Paulo who helped me understand the context in which they work. This research was funded by a grant from the Latin American program of the Lincoln Institute of Land Policy.

without deviance. In developing countries, researchers who espouse this premise find that laws interact with under-enforcement to generate a range of suboptimal outcomes. For instance, in Malaysia, Trinidad and Brazil regulatory constraints dampen supply, increase prices and render formal housing unaffordable to the bulk of the population (Malpezzi and Mayo, 1997; Pamuk and Dowall, 1998; Biderman, 2008). In Indonesia strict regulations are tempered by flexible enforcement so housing supply remains elastic and prices affordable (Monkkonen, 2013). In Argentina there is an unexpected twist: uneven enforcement creates negative externalities that decrease the price of legally developed land (Monkkonen and Ronconi, 2013). Perhaps the growth of informal settlements represents the most consequential effect of under-enforcement (de Soto, 2000). Researchers find that lack of property title decreases investment (Field, 2005; Galiani and Schargrodosky, 2010), lowers labor market participation (Field, 2007), and fosters anti-market beliefs among the urban poor (Di Tella *et al*., 2007).

In contrast to those who see law as an algorithm, other researchers view law as an epiphenomenon that reflects the balance of power in society. According to this perspective, urban authorities in developing countries adopt ambiguous land-use, zoning and urban-renewal laws on purpose so that powerful groups can retain both legitimacy and control. For instance, in Brazil land-use laws are so 'confusing, indecisive, and dysfunctional' (Holston, 1991: 695) that they could not have been produced by 'incompetence and corruption alone'. Rather, this research suggests, Brazilian laws are opaque and incoherent on purpose to ensnare litigants, stall legal proceedings and contain disputes in a way that favors the powerful. A related phenomenon of dominance through the 'misrule of law' has been noted in India, where local planning authorities use ambiguous laws to obfuscate the ownership, use and purpose of land (Roy, 2009: 81). In Istanbul, 'dangerously ambiguous laws ... greatly empower project implementers' and other municipal authorities to forcibly relocate families in informal settlements without meaningful constraints or restitution (Kuyuku, 2014: 615). And in Shanghai the government infused the laws regulating inner-city renewal with ambiguous language to facilitate forcible evictions and relocations (Shih, 2010).

The portrayal of law as either algorithm or by-product of class relations fails to capture important dimensions of the legal phenomenon. Researchers who view law as an algorithm disregard the fact that legal texts are ambiguous intentionally and are rarely enforced as planned, not only in developing countries but everywhere. The US is often put forward as the leading example of a well-functioning land market. Yet, as Carol M. Rose, a historian and professor at Yale Law School, explains (Rose, 1988: 586), the US system for recording real estate property remains 'a saga of frustrated efforts to make clear who has what in land transfers'. To this day, US records provide at most 'a fair guess' (*ibid*.: 588) concerning the legal status of any given parcel. Developing countries provide similar examples, as their legal systems are also characterized by pluralism and ambiguity. In some instances, formal and informal legal orders overlap so multiple laws regulate conduct in a given area (Perdomo and Bolivar, 1998). In other instances, shades of legality, the nature of the initial occupation and settlers' perceived sense of security become more important in shaping land-use patterns and housing investments than formal title designations (Azuela, 1987; Fernandes and Varley, 1998; van Gelder, 2009).

In turn, researchers who view law as an epiphenomenon struggle to explain their own observation that subaltern groups sometimes rely on the law to succeed. As noted by Holston (1991: 722), dwellers of an informal settlement in São Paulo strove to use the complications of the Brazilian legal system to 'beat the master at his own game' and obtain property title over their land. In China rights-conscious residents learned to use officially sanctioned channels created by law for their own purposes, even if doing so felt like 'riding a tiger' (Shih, 2010: 360). And in Argentina well-organized groups without

legal title or formal recognition of property rights gradually bootstrapped themselves into legality (van Gelder, 2009). How can these outcomes be explained?

Counter to the two views of law described above, I argue that the relationship between law and socio-economic variables is not unidirectional, with one unequivocally shaping the other. Drawing on Susan Silbey and Egon Bittner's work (1982), I claim that law is contextual and contested, a polyvalent tool whose use and effect depend on how it is used. In other words, law not only precedes enforcement but also emerges from it. This means that an inquiry into the role of law in regulating urban affairs can only be answered through a study of those regulatory enforcement officials who operate at the frontlines of public service, translating law as written into law as practiced.

Numerous scholars of urban affairs have studied the social life of subaltern groups in specific neighborhoods (Holston, 1991; Caldeira, 2001; Perlman, 2010) and some of them have examined how less powerful citizens respond to acts of the state. However, the occupational lives of government officials responsible for urban life remain poorly understood, particularly in developing countries. Even if sparse, existing research suggests that in-depth qualitative methods can produce valuable insights. For instance, Tendler (1997) examined community health agents in Ceará, Brazil and discovered that workers felt so proud of their achievements that they voluntarily took on extra tasks to help reduce infant mortality in the region. Similarly, Pires (2008) and Coslovsky (2014) conducted fieldwork among labor inspectors and prosecutors in Brazil and found that they often combine different enforcement techniques to steer firms towards compliance. Both Amengual (2014) and Schrank (2009) found analogous patterns among labor inspectors in Argentina and the Dominican Republic, respectively. Mangla (2015) conducted fieldwork among mid-level bureaucrats in India and found that in Himachal Pradesh they espouse a can-do ethic that explains the state's stellar educational achievements. In contrast, their colleagues in Uttarakhand narrowly follow the often inappropriate guidelines issued by top officials in New Delhi and produce meager results. Other notable studies of this nature include the analyses of McAllister (2008) and Coslovsky (2011) of prosecutors, and the Abers and Keck (2013) study of water management experts, all in Brazil. Together, they show how formal and informal organizational variables shape official behavior, and explain variation in government programs that can hardly be detected through other means.

How do frontline government officials enforce the law?

Government agencies are often described as bureaucracies, an organizational form that Max Weber (1978: 223) famously defined as 'the most rational known means of exercising authority over human beings'. According to Weber, bureaucracies are characterized by clear lines of authority, delimited areas of responsibility, technical expertise, and other features that suggest unity of purpose, domination through knowledge and autonomy from political meddling. Over time, this typology was refined to explain why so many government agencies fall short of expectations despite forceful attempts at guidance or control. A leading insight was provided by Michael Lipsky's book *Street-Level Bureaucracy* (1980). Lipsky (1980: 3) defines 'street-level bureaucrats' (SLBs) as those public sector workers such as police officers, teachers and social workers who interact directly with citizens in the course of their jobs. According to him, SLBs' occupational lives are shaped by two conflicting forces. First, they must make on-the-spot decisions concerning the multifaceted problems of the citizens with whom they interact, and it is hard for these decisions to be reviewed or monitored from above. As a result, SLBs retain enormous discretion on how to proceed. Second, demand for their attention inevitably outstrips supply, so SLBs must ration their services. To accommodate these twin pressures, SLBs develop coping practices and routines that, for all practical purposes, create the policies they are supposed to implement.

Much has been written about SLBs since this groundbreaking publication. A number of researchers examined the occupational behavior of worker types not originally analyzed by Lipsky and his contemporaries such as court clerks, building inspectors, border guards and tax auditors (Maynard-Moody and Portillo, 2010). Others examined whether the original insights remained valid after public bureaucracies had become more legalized and decentralized, hired a more diverse and educated workforce, adopted more technology and outsourced core activities to NGOs and for-profit enterprises. For the most part, these studies have confirmed that the 'coping strategies that Lipsky identified are both prevalent and plentiful' (Brodkin, 2012: 943). If anything, they show that the dilemmas that Lipsky chronicled become more intense in these other contexts (*ibid*.: 945).

While the literature on organizational forms explains many of the traits of frontline government workers, it is still inadequate in several respects. In this article, I highlight three weaknesses in these studies that limit our understanding of how government workers behave and what they can achieve. First, existing studies assume that government agencies are hierarchical and internally homogeneous, with no identifiable factions, subgroups or communities of practice that hold diverse evaluative principles and pursue diverse goals. Second, these studies assume that government agencies are self-contained, i.e. that public sector agents do not maintain stable alliances with outside agents or engage in informal collaborations that cut across organizational lines. And third, the literature on SLBs assumes that frontline government workers are resigned or fatalistic, i.e. they do not engage in collective action to change the circumstances under which they work or the underlying causes of the problems they are asked to remediate.

The assumptions that government agencies are internally homogeneous and self-contained, and that their workers are fatalistic match the view that the law is either an algorithm or an epiphenomenon of class relations. Together, these separate beliefs suggest that enforcement is an act of transmission, not an act of creation. This misconception concerning the meaning of law and the role of frontline agents in defining it is notable partly because it is inaccurate: after all, assumptions are meant to simplify the world so it can be analyzed. More importantly, this misconception is significant because it prevents scholars from perceiving certain types of variation in official behavior that might point to possibilities where others only see constraints. To move beyond this limitation, I examine how prosecutors and public defenders enforce urban planning laws in the metropolitan region of São Paulo, Brazil.

São Paulo in context

The São Paulo metropolitan region is the largest in Brazil, the second largest in the Americas and the fifth largest in the world (World Bank, 2014). In 2010 it accounted for 18.3% of Brazilian GDP, far ahead of Rio de Janeiro, the second most important GDP contributor in the country with 7.3% (IBGE, 2011). As reported by researchers from the University of Rosario (Universidad del Rosario, 2011: 7), São Paulo has the best investment climate of all cities in Latin America thanks to the number and quality of its universities, its large capital markets and the multinationals based there. Similarly, analysts employed by PricewaterhouseCoopers (PwC, 2014: 54) concluded that São Paulo has more 'economic clout' than other 'global cities of opportunity' such as Abu Dhabi, Istanbul, Johannesburg, Mexico City and Santiago.

São Paulo's prominence is relatively new. In 1950, it had a smaller population than Rio de Janeiro (IBGE, 2014) and in 1961 it was only the 10th largest metropolitan region in the world (World Bank, 2014). Yet between 1965 and 1980 São Paulo incorporated 6.6 million people into a prior population of 5.5 million, a feat that has only been matched, in absolute numbers, by Tokyo in the 1960s and Mumbai and Dhaka today (*ibid*.). Like many cities in developing countries, faced with this challenge São Paulo relied on informal housing arrangements to accommodate this inflow. In 1973

1.1% of the municipality's inhabitants lived in substandard housing (Pasternak, 2002: 5); in 1980, this figure reached 5.2%. In the 1980s and 1990s, the Brazilian economy faltered. Many industries downsized, moved out of São Paulo or closed down. Poverty rates in the region increased sharply, from 20% in 1990 to 39% in 1999 (UN-Habitat, 2010: 26). The proportion of people living in substandard housing leapt again, from 8.9% in 1987 to almost 20% in 1993 (Pasternak, 2002: 5). At present, the São Paulo metropolitan region has the largest slum population in the continent (UN-Habitat, 2010: 74), with almost four million people living in *favelas*, tenements, illegal allotment schemes or on the streets.

In recent years renewed economic growth has set the stage for acrimonious conflict over the use of urban land. Between 2000 and 2010 real GDP per capita in the São Paulo metropolitan region increased 39% (IBGE, 2010), ahead of Brazil's overall 26%. Real estate prices skyrocketed. As Forbes magazine declared, 'when it comes to rising housing prices, no country in the world beats Brazil' (Rapoza, 2013). To take advantage of this opportunity, large real estate developers, many of them headquartered in São Paulo, became publicly traded companies and raised staggering amounts of money. Flush with cash, they acquired equally large amounts of land for future construction. Putative owners of derelict buildings or abandoned land strove to repossess their property. Municipal and state governments announced their own plans to build new avenues, parks, tunnels, subway lines and bridges throughout the region. Engulfed by this gold rush, citizens living in *favelas, cortiços* and informal settlements saw their land being reclaimed with unprecedented fervor.

According to a preliminary census of removals and evictions, approximately 160,000 people in 177 communities are at risk or have been recently removed (Observatório de Remoções, 2014). Some of the most noteworthy urban renewal programs being planned, in progress, or already implemented include Programa Mananciais, an effort to relocate 40,000 families living in the catchment area of the city's water reservoirs; Rodoanel Trecho Norte, the building of a 44-kilometer highway to complement a ring-road encircling the city; and Novaluz, an effort by private contractors to raze 89 downtown buildings so they can redevelop the 48-block area. Some of the conflicts over urban land are resolved peacefully when families leave their homes in exchange for payment or the promise of better housing. Other conflicts are contentious to the bitter end, as the police remove residents by force while demolition crews tear their houses down. As summarized by a prominent urban activist, 'there has never been so much money in São Paulo, and there has never been so much violence' (interview, 2012).

Numerous public, private and not-for-profit institutions are striving to resolve these conflicts. Leading public sector actors include the municipal secretaries of planning, housing and environment, the state secretary of the environment and the city council. Prominent activist groups include the União dos Movimentos de Moradia (UMM), the Frente de Lutas por Moradia (FLM) and the Centro Gaspar Garcia de Direitos Humanos (Donaghy, 2014: 10). Activist groups often partner with think tanks and research centers such as Instituto Pólis and the Laboratório de Habitação e Assentamentos Humanos at the University of São Paulo. In this crowded field, two public sector organizations stand out for their peculiar mix of ubiquity and below-the-radar activism: the Ministério Público (MPSP) and the Defensoria Pública (DPESP) of the state of São Paulo.

– Ministério Público

All over the world, prosecutors are public officials who represent the state in criminal proceedings provoked by actions that society considers so egregious that the state, and not the victim, acts against the alleged perpetrators. Brazil's Ministério Público (MP) is the generic name for a group of approximately 30 federal and state-level organizations tasked by the Brazilian constitution with protecting 'the rule of

law, the democratic regime, and collective and individual rights' (Constituição Federal 1988, article 127). In 2013 all the MPs in Brazil employed approximately 12,000 career prosecutors, 33,000 support staff and 21,000 interns (Conselho Nacional do Ministério Público, 2014). The São Paulo Ministério Público (MPSP) is the largest in the country. In 2013 it employed close to 2,000 prosecutors, 3,700 support staff and 2,100 interns assigned to 320 offices throughout the state (Ministério Público do Estado de São Paulo, 2013).

Since 1981 Brazilian prosecutors have had the authority to initiate the local equivalent of a class action to protect collective rights against infringements by both private parties and government agencies. This legal authority boosted prosecutors' power noticeably and helped them become one of the most influential public-sector agents in the country. Rarely does a day go by without major newspapers reporting on a significant prosecutorial action. A search for 'Ministério Público' in the database of *Folha de São Paulo* for the period 2000 to 2010 returns an average of 4.5 mentions a day. Public officials from all levels of government readily acknowledge that before any major decision they consider how the prosecutors are likely to respond.

– Defensoria Pública

Typically, public defenders represent low-income citizens accused of a crime. In Brazil, the Defensoria Pública (DP) is the generic name for a single federal-level office and 26 state-level offices that represent eligible citizens in all kinds of legal disputes, including not only criminal trials, but also civil litigation between private parties such as actions for divorce, child custody and eviction (Ministério da Justiça, 2009: 104). Since 2007, Brazilian public defenders have gained the authority, alongside prosecutors, to initiate the Brazilian equivalent of a class action to protect its clientele against infringements committed by both private and public agents.

There are roughly 4,200 career public defenders in Brazil, and they are supported by 7,400 staff and 5,600 interns (*ibid.*: 116). The São Paulo branch of the Public Defenders' Office (DPESP) is a relatively new and small organization. It was created in 2006 and by 2009 it had approximately 400 public defenders, 600 support staff and 1,400 interns (*ibid.*), a smaller staff than counterparts in Minas Gerais and Rio de Janeiro. In São Paulo, most low-income defendants eligible for public assistance are still represented by private lawyers paid by the state. Not surprisingly, given its short history and relatively small size, the Defensoria Pública has not (yet) acquired a prominent public profile. Its officials are not often cited in public debates and they have not gathered the same amount of praise and criticism as the prosecutors. A search for the phrase 'Defensoria Pública' in the online archives of *Folha de São Paulo* between 2005 and 2010 returns an average of only one mention a week. Still, DPESP plays a central role in urban conflicts, and it is particularly diligent in protecting low-income citizens against eviction.

Data and methods

The research proceeded in two stages. Between 2006 and 2008, as part of a larger research project, I interviewed 45 prosecutors associated with various MPs in Brazil, and conducted several months of participant observation throughout the country to understand how prosecutors organize their work life. As part of this inquiry, I interviewed 100 public officials, environmental activists, union leaders, private-sector managers and other individuals who, in some capacity, have interacted with prosecutors or observed them in action. Time and again, interviewees volunteered information about the resolution of conflict over urban land.

In July 2012 I returned to São Paulo to conduct an additional round of fieldwork to explore this topic in further detail. The research followed the tenets of grounded theory (Glaser and Strauss, 1967) and entailed the collection of three types of data:

(a) interviews with key informants; (b) direct observation of public officials at their workplaces, public hearings and community meetings; and (c) written records, including official statistics, legal filings, internal memos and press releases. I conducted follow-up interviews, sometimes by email, as recently as 2014. To select potential interviewees, I resorted to 'theoretical sampling' (*ibid*.: 45), an iterative process of data collection, analysis and theory-building in which the researcher decides which data to collect depending on the theory that has emerged from prior data. In practice, this means that after each interview I identified the people I intended to interview and the sources I wanted to consult next. Naturally, I made sure to reach out not only to individuals with whom prior interviewees had partnered, but also those who could speak on behalf of other, often antagonistic, groups or interests. Through this process I interviewed 24 people, including six prosecutors employed by the MPSP plus two urban planners on their staff, seven public defenders employed by the DPESP, six community activists and three researchers engaged in advocacy. Another 26 people (ten researchers, nine social activists, three prosecutors, three public defenders and one city official) were identified but not interviewed as I had already reached 'theoretical saturation' (*ibid*.: 61), which means that no additional data was being found that challenged or improved on the existing analysis.

At each interview I explained my research goals and asked interviewees open-ended questions about their professional trajectory, prior experiences handling urban conflict, the most noteworthy cases they have been involved in, the tactics they had used to accomplish difficult goals, and the lessons they had learned. Interviews were conducted in Portuguese by the author (a native speaker) and lasted from 45 minutes to two hours. Some individuals were interviewed more than once. In consonance with research ethics, I assured each interviewee that his or her name would not be used in the final article. Interviews served two main purposes. First, they provided me with statements of fact, which I cross-checked against published documents and the data provided by other interviewees. Second, they provided me with the interviewees' unique point of view and frame of mind. In these cases, factual accuracy was not a concern. In fact, perceived biases or inaccuracies constituted data as well, providing a source of insight on how the interviewee sees the world. Analysis followed standard qualitative practice from transcription to coding, analysis and write-up.

The bureaucracy in action

Bureaucracies or heterarchies? São Paulo's Ministério Público (MPSP) and Defensoria Pública (DPESP) are divided and conflictive entities. In contrast to the mainstream depiction of government agencies as bureaucracies, I found that the MPSP and DPESP are so internally fractured and contentious that the term is not applicable. Rather, as will be examined below, they are more accurately described as 'heterarchies'. David Stark (1996: 22; 2011) defines a heterarchy as 'an emergent organizational form with distinctive network properties, asset ambiguity, minimal hierarchy, and multiple organizing principles'.

– Ministério Público of São Paulo

To understand the internal dynamics that characterize the Ministério Público of São Paulo, one must understand the process by which the organization acquired its current profile. The contemporary MPSP traces its roots to the 1930s, when prosecutors from São Paulo created the country's first prosecutors' association (Associação Paulista do Ministério Público) and used it to wage a lengthy campaign for higher professional status, organizational autonomy and increased compensation (Coslovsky and Nigam, 2015). This professionalization campaign boasted numerous achievements and, in the early 1970s, it also produced a spin-off. At that time a group of prosecutors started arguing that the MP should not simply pursue individuals accused of committing a

crime. According to these activists, prosecutors should use their professional prerogatives to identify important social problems and solve them. In essence, they envisioned themselves as cause-lawyers within the state. At first cause-lawyering prosecutors used existing, but ill-fitting criminal laws to combat environmental degradation. At the same time they lobbied for expanded legal powers. A significant legislative victory came in 1981, when the Brazilian Congress enacted a law creating a national framework for environmental protection (Política Nacional de Meio Ambiente). This law empowered prosecutors to initiate the Brazilian equivalent of a class action (*ação civil pública*) on behalf of groups affected by environmental damage. In 1985, another law (Lei da Ação Civil Pública) expanded prosecutors' legal powers to initiate class actions on behalf of other interests as well.

For close to a decade, MPSP prosecutors associated with both the professionalization and cause-lawyering campaigns complemented and reinforced each other, but after 1988 they started to diverge. On one side, cause-lawyering prosecutors wanted to triage their caseload and confront powerful interests (including elected leaders and top members of the executive branch) that infringed on people's rights. To this end, they advocated for a series of changes in how the MP was structured and the incentives it presented to its staff. On the other side, their more conservative colleagues feared that overt activism could trigger a backlash against the prerogatives they had fought so hard to obtain. Instead of activism, they favored a more contained and reactive case-by-case approach that—for the most part—is reflected in the way that the organization currently operates.

As a general rule, MPSP prosecutors avoid discussing their internal disagreement in public. For conservative prosecutors, this is quite easy: they take advantage of the status quo and assume a studied silence. Activist prosecutors tend to disguise their views under jargon. Still, a few are outspoken enough to convey the points in an unvarnished manner. A prosecutor I interviewed in 2006 elaborated on his dissatisfaction:

> What does a prosecutor do? She does whatever she wants. This is the problem. We behave like paper-pushers, and not like people committed to delivering results. The prosecutor writes legal opinions and meets the deadlines, but she is not committed to being an agent of political change, not committed to finding solutions to important problems. That's how it has always been, and that's how it is, with rare exceptions.

Another prosecutor, also interviewed in 2006, colored this picture with a series of derogatory remarks about more conservative colleagues:

> They are narrow-minded, small-town, redneck, hillbilly prosecutors, concerned only with individual cases. They cannot see the structural causes of crime, they cannot see how a reformed institution might fit into this bigger whole, they cannot see how the MP ought to be reformed so it can be proactive and more efficient in solving big, important social problems. They write legal opinions and move on.

The existence of two distinct—and sometimes antagonistic—factions within a public sector agency should not be seen as an occasional quirk of a unique organization. A similar dynamic can be seen within the DPESP as well.

– Defensoria Pública of São Paulo

The DPESP is a young and still fairly homogeneous organization. However, its story parallels the transformation of the MPSP in many ways that point to a fractured future. Until 2006 São Paulo had two complementary systems of free legal

representation. Most low-income citizens were represented by private lawyers paid for by the state. In addition, some low-income citizens were represented by approximately 300 government lawyers employed by the legal assistance division (Procuradoria de Assistência Judiciária—PAJ) of the state's justice department (Procuradoria do Estado), the same organization that advises the governor and represents the government in legal proceedings. For many years, a group of government lawyers employed by the PAJ complained about their inability to do their job: 'We had no autonomy, we were not committed to popular causes and we could not contest entrenched state interests' (interview, 2012).

In 2002 some of these government attorneys joined forces with scholars, social activists and representatives of social movements, progressive religious groups and NGOs to launch the Movement for the Creation of a Public Defenders' Office in São Paulo (Zaffalon 2010). Gradually, the movement came to incorporate roughly 400 different organizations. After 4 years of seminars, protests and lobbying, they succeeded in convincing the government of São Paulo to create a stand-alone public defenders' office. PAJ lawyers were given the choice of transferring to the new organization but they did not yet know what to expect. At the moment of inception, the DPESP did not have a definite budget, office space, bylaws or established career ladders. Faced with so much uncertainty, only 87 out of several hundred eligible officials took the leap. Unsurprisingly, they were a self-selected group with strong mutual ties and a shared goal of creating an activist public defenders' office.

Between 2006 and 2009, the DPESP expanded its legal staff to 400, and this process put some stress on the organization. As it recruited more public defenders, the 87 'pioneers' wanted to design an entrance exam that selected only those candidates who were deeply committed to social change. However, the recruiters had to comply with strict regulations concerning fairness in public service entrance exams that precluded their preferred approach. The organization remains fairly homogeneous, but some internal cleavages over the proper role of the DPESP and its path forward have already opened. First and foremost, public defenders struggle with a workload that dwarfs the resources at their disposal. As public defenders try to cope, they debate how to balance quality of legal assistance with coverage; how much effort they should devote to frontline work versus support activities; how the DPESP should relate to the private lawyers paid for by the state; and whether public defenders should exclusively represent low-income citizens in court, or whether they should also use class actions and other broad legal tools to confront powerful public and private interests, even if by doing so they alienate potential allies.[1] These disagreements permeate the organization and shape the way it sets its own policies and allocates resources. At the very least, these divisions show that the public defenders who helped create the organization and see themselves as cause-lawyers do not have free rein to identify important social problems and solve them.

To sum up, both the MPSP and the DPESP are composed of distinct but cohesive factions of agents who hold different evaluative principles with regard to their mission and what the law asks of them. Some prosecutors and public defenders favor a reactive, case-by-case approach. Others see themselves as cause-lawyers who must address the structural causes of urban poverty, inadequate housing and social exclusion. Cause-lawyers rarely find the resources they need to be effective within their respective organizations, so they rely on outside agents for guidance and support. To understand how they use the law to accomplish these goals, we must take these external alliances into account.

1 These insights come from interviews and the qualitative analysis of 34 minutes of internal meetings, covering the period May to December 2014 (Defensoria, 2014).

– Porous boundaries: linkages and entanglement

In the same way that public sector bureaucracies are neither monolithic nor internally homogeneous, they are also not strictly separate from civil society. In fact, entanglement between state and society seems to be fairly prevalent in a range of policy domains (Abers and Keck, 2006; Hochstetler and Keck, 2007). Channels of mutual influence go beyond formal complaints, official policy councils and public hearings to include a number of informal connections between public officials and outside agents that can be quite consequential even if not readily visible to outsiders.

Prosecutors and public defenders committed to solving urban conflicts must overcome two crucial organizational challenges. First, they must devise methods to defend their discretion from the pressures of a large and ever-expanding caseload. And second, activist prosecutors and public defenders must also acquire contextual knowledge of the complex and somewhat unique problems that they face. As a prosecutor I interviewed in 2012 explained, 'It is one thing to indict a hundred stickup artists; it is another thing to bring a hundred cases of environmental pollution against Shell [Oil Company] … You cannot hope that the structure that allows you to prosecute a pickpocket will help you confront the governor'.

Another prosecutor I interviewed in 2006 describes how certain problems seem impossible to resolve, and attempts to solve them may yield perverse consequences:

> Let's say there is an invasion here [she points to a map of on the wall, her finger on the shoreline of a freshwater reservoir]. I take legal action and the squatters are evicted. They move over here [she now points to a different point in the reservoir]. These are the freshwater springs that feed the reservoir, so the problem has got worse. As the prosecutor in charge, I would like to solve this problem, but I do not know how.

To move beyond these perceived limitations, prosecutors and public defenders often rely on a network of outside supporters that includes community activists, mid-level officials from various government bureaucracies and representatives of NGOs, religious groups, neighborhood associations and think tanks. These connections help explain what prosecutors and public defenders do, how they find meaningful legal space to act and how the law acquires a particular meaning in these disputes.

This permeability in law enforcement and policymaking manifests itself in three ways. First, at the simplest level, external actors influence the behavior of public litigation officials by presenting them with formal complaints. Both prosecutors and public defenders have the equivalent of 'office hours', in which they meet with the public. Representatives from various civic organizations know that by bringing complaints they can influence what gets done.

Secondly, prosecutors and public defenders also need pertinent domain-related (i.e. non-legal) data to decide on the best course of action in any given situation. Both organizations have a small team of urban planners, geographers and other experts on their staff, but their ranks are too small to meet the demand. For this reason, prosecutors and public defenders sometimes try to obtain additional support through formal cooperation agreements with universities and research organizations. This is a difficult and unreliable arrangement. The MP, for instance, recently signed an agreement with the Instituto de Pesquisas Tecnológicas (IPT), a state-owned research center. In theory, this should have settled the matter. In practice, the MP has no budget to pay for the IPT's services and cannot provide valuable favors in return. As a result, prosecutors cannot always count on receiving the technical support they need. As an MP staff member I interviewed in 2012 said, 'IPT researchers are not always forthcoming. They do not want to work additional hours for the same pay'.

Fortunately, other organizations are willing to provide prosecutors and public defenders with technical support even in the absence of a formal agreement. For instance, urban planners associated with a local university have recently started a partnership with the public defenders' office to map and publicize ongoing evictions throughout the city. The public defenders identify the cases, and the urban planners plot them using geo-mapping software. Likewise, mid-level technical staff members in government bureaucracies often reach out to prosecutors and public defenders to ensure that their technical opinion will be given proper attention throughout the policymaking process. A mid-level bureaucrat employed by the state, whom I interviewed in 2006, put it like this:

> We know the prosecutors. When the pressure [from hierarchical superiors to defang a critical report or ignore some hard data] gets too intense, we reach out to them. But I do not call them from my work phone. I call them from home.

Likewise, representatives of not-for-profit and community organizations have also learned to cultivate relationships with prosecutors and public defenders. The representative of one of these organizations, whom I interviewed in 2012, explained how these relationships come about:

> I am a fairly well-informed person, but I did not know how these things worked—urban planning prosecutors, environmental prosecutors and all that. They operated on a different plane than me. But then colleagues from other groups who went to the MP showed me how it was done. Now we are partners; [I call on the prosecutors for legal support] and I help them with technical data. The same is true for many other organizations and campaigns in the city. We all join forces with the MP.

Finally, perhaps the most relevant and influential forms of support and influence are not tied to a particular controversy or readily visible from the outside. As recounted earlier, social movements and community organizations lobbied for the creation of the DPESP. Once the organization was created, they made sure that they established links with the public defenders themselves and helped them set up an organization that conformed to the activists' expectations. Thus the Defensoria Pública created a division devoted to housing and urban affairs. 'The division was demanded by the social movements that had supported the creation of the DP', explained a public defender I interviewed in 2012.

None of the 87 public defenders who created the agency had any experience with housing laws or urban planning laws, but one of them took over this division and embarked on what he termed an eye-opening journey into the problems of the city, in which local activists played the role of teachers and guides. This public defender explains the process of discovery:

> I was introduced to this sad reality that I did not know existed. One knows about poverty and all that, but I did not have a sense of the city without citizenship, the *favelas* and *cortiços*. It was a powerful introduction. Marcos [pseudonym for a local housing activist] took me by the hand and showed me around. He became more than a friend, he became like a brother to me.
>
> Our beginnings were very humble; I did not even have an office. But I had this alliance between the idealist lawyer and the pragmatic activist. It was a discovery. He took me around and showed this world that I did not know. Next

> thing you know, activists started to avail themselves of the institution, and we initiated large joint projects that are fundamental to our mission, such as the Dignified Housing Conferences (Jornada da Moradia Digna).

Thanks to this kind of relationship and public support, the office kicked off its activities with 'an explosion of litigation. There was no day or night. We used legal tools to defend everyone who was at risk of losing their home, from a small favela of 500 people to a massive eviction of 30,000 people. It was so intense that I am still exhausted [several months after stepping down]' (interview, 2012).

To sum up, a rich network of interlocking ties connect social groups to these two public litigation organizations. These connections create a form of distributed intelligence that gives formally autonomous agents direction and thrust. They also create a set of impromptu devices for motivation and accountability that no internally cohesive, stand-alone bureaucracy could produce on its own.

The law in action

In São Paulo, prosecutors and public defenders interested in resolving urban conflicts operate within a limited legal space. In the abstract, they are empowered by fairly progressive national laws (Bassul, 2010). Since 1988 the national constitution has determined that private property must fulfill a 'social function', and in 2000 an amendment listed 'housing' as a constitutionally protected social right. In addition, the 'Statute of the City' (*Estatuto da Cidade*, approved in 2001) defines the city as a public good and creates several legal instruments for municipalities to implement this idea. A community organizer I interviewed in 2012 commented, 'Brazilian laws are very modern. From 1988 onwards, our laws became a reference all over the world thanks to their emphasis on redistribution and the democratization of the access to urban land'.

And yet seemingly broad legal mandates are often cut short by conservative judges. As a disappointed urban activist I interviewed in 2012 put it, 'the courts do not value the right to housing'. A public defender drew on his experience to substantiate the point:

> In the courts, we lose; we lose in the lower courts, and if we appeal the decision it is even worse. Judges refuse to acknowledge the 'social function' of property. Instead, they think that the right to property is absolute. It is very difficult to find a judge who is sensitive to our claim.

Existing research confirms this impression. For instance, Coutinho (2010 and personal communication) examined approximately 500 decisions concerning the right to housing issued by the São Paulo Court of Appeal (*Tribunal de Justica*) between 2000 and 2010. She found that, in the overwhelming majority of cases, judges systematically rule on behalf of property owners (and against squatters), and refuse to instruct the executive branch to change its housing policies. Similarly, Nassar (2011) analyzed all 50 civil actions initiated by the DPESP against the municipal government of São Paulo to defend the right to housing and that resulted in at least one court decision. He found that DPESP lost 70% of all preliminary injunctions, 80% of bills of review, 90% of trial-court decisions, and 100% of appeals (Coutinho, 2010: 117).

Based on these data, a naïve observer could conclude that laws might have been written in ambiguous language, but the courts clarify their intention so laws act either as an algorithm or an epiphenomenon. This conclusion would be wrong. In practice, prosecutors and public defenders have more room for maneuver than meets the eye, and their actions show that law is an instrument with multiple purposes. For instance, instead of pursuing court-ordered policy change, prosecutors and public defenders strive to delay the proceedings, create negative publicity for the defendants, and increase the

transaction costs until they can extract a better settlement for the affected population. As noted by a public defender I interviewed in 2012, 'these cases [of eviction] are tough to win, but we try to stall for time until a permanent solution can be found'.

One of their preferred tactics is to contest whether the proper legal procedures have been followed. An advisor to the Ministério Público I interviewed in 2012 provided two examples:

> You may argue that the authorities in charge did not hold a public hearing. If there was a public meeting, it may not have been sufficiently participative to qualify as a public hearing. It may have been a farce, with no opportunity for real participation. You see it a lot. They say 'we held ten public hearings'. But did these hearings count? There was no consultation. The local authorities organized one-sided presentations in which they brought a computer, a projector, a powerpoint presentation, showed the plan, but did not ask for people's opinions, did not engage anyone. So you challenge them on this point.
>
> In other cases, the problem resides in the expert testimony. Nowadays, Brazilian public universities are so underfunded that academic departments have created foundations on the side.[2] Faculty members get hired by these foundations to work as consultants or to provide expert testimony. These written testimonies come under the letterhead of a respected public university, but they represent the personal opinion of an individual who makes a living as a consultant. So we send a letter to the university's president to ask whether the expert speaks for the institution. The university obviously disowns the report, and we motion to expunge the testimony from the record.

Both Coutinho (2010) and Nassar (2011) report that practically none of the lawsuits initiated by either the MPSP or DPESP since 2000 have reached the Brazilian supreme courts for final resolution, so dilatory tactics seem to work. Yet delay does not equal resolution. To understand how prosecutors and public defenders use the law to resolve urban conflicts we must look beyond the formal legal proceedings and examine the process through which they strive to settle the case. A geographically located case study, discussed below, illustrates the general pattern.

– Reconciling the right to housing and environmental protection in São Bernardo do Campo

São Bernardo do Campo is a municipality of 765,000 inhabitants in the Metropolitan Region of São Paulo (IBGE, 2010). Approximately 53% of its territory lies in the catchment area of the Billings Reservoir so construction is either restricted or banned by environmental laws. From the 1970s to the mid-1990s, deceitful real estate developers ignored these restrictions and parceled large plots of land which they sold to low-income residents.

In theory, the MPSP—alongside other government agencies—should have stopped these parceling schemes (*loteamentos ilegais*). In practice, the MPSP was extremely ill-suited to the task. For most of this period, prosecutors based in São Bernardo were overwhelmed with petty but time-consuming casework. Moreover, separate prosecutors enforced environmental and urban planning laws and this arbitrary division of responsibilities hindered efforts further. In the end, the environmental desk was often vacant and the MPSP produced meager results. A prosecutor I interviewed in 2014 told me:

2 Foundations have more flexibility to hire and fire, sign contracts and pay consultants at market rates than a public university.

> We used to initiate legal action to stop deforestation, but deforestation did not stop; we used to demand an end to illegal allotment schemes, but they did not stop; we used to order that the water reservoir be protected, but tons of fish would show up dead, again and again, because of pollution.

Prosecutors recognized the problem, but did not agree on how to proceed. Some wanted to handle their individual caseload without making waves, with an eye towards moving to a better posting as soon as possible. Others wanted to be proactive, work in teams, find the root causes of these complicated problems and solve them, but they did not have the organizational support or guidance to proceed.

A turning point came in 1995, when frustrated prosecutors based in São Bernardo proposed, and a reform-minded chief prosecutor agreed, that a single prosecutor should enforce both urban planning and environmental laws whenever the environmental damage was caused by an illegal allotment scheme. Soon afterwards, a young and idealistic prosecutor agreed to take over the environmental and housing desk in São Bernardo. Like many other prosecutors, she opened her tenure with a fusillade of lawsuits against the real estate developers who caused the damage and the municipal authorities who failed to monitor them. And yet, she admits that the chances that these lawsuits would deliver results remained slim: 'the [newly elected] mayor was an experienced and skillful politician … I suspect he was unfazed by MP's attempts to blame him for anything' (interview, 2014).

Meanwhile, this newly elected mayor named experienced and idealistic technical experts to both his housing and environmental directorates. One of these mid-level bureaucrats took it upon herself to establish links to the prosecutor. As explained by the prosecutor in charge:

> Prosecutors avoid getting close to other institutions for fear of losing their independence. To gain the confidence of a prosecutor is not easy … It takes persistence and skill. Soon after the new head of the environmental directorate took office, she started visiting me to explain her job, and how she wanted to work with me. I was often rude to her, but she insisted (interview, 2014).

Slowly the prosecutor and the mid-level city bureaucrat developed a trusting professional relationship and proceeded to work together. Other members of this informal network included the municipal official responsible for housing policy, an experienced infrastructure engineer employed by a private contractor, and the environmental inspectors employed by the state government. Together they agreed on a two-pronged strategy for how to reconcile the growing demand for housing with the need to protect the reservoir: first, prevent new illegal allotment schemes; and second, mitigate the environmental damage and upgrade the urban infrastructure of those allotment schemes that could not be removed.

These agents worked as a closely knit informal team for nearly 10 years and produced numerous results. In 1998 municipal and state authorities, alongside the prosecutor, stopped the establishment of a new allotment scheme known as 'Jardim Falcão'. It was a traumatic event in the history of the city, but it stemmed the tide of illegality (Bere, 2005; Lopes, 2009). That same year, municipal, state and federal authorities, with additional funding from international donors and the backing of the prosecutor, converted a dense maze of shacks on stilts that sat on top of a polluted stream into a development of brick houses with adequate water and sanitation (Neves, 2003). In another noteworthy accomplishment, environmental inspectors employed by São Paulo state empowered the prosecutor to confront intransigent environmental activists who wanted all illegal allotment schemes removed (interview, 2014). Instead of trying to remove residents, the prosecutor and her allies convinced them to replace paved surfaces with

grass and pervious concrete to decrease runoff and facilitate groundwater recharge. In turn, the city connected their houses to water and sanitation networks. In one instance, residents were too far from the network, so they agreed to pay for their own wastewater treatment plan (Bere, 2005; Lopes, 2009).

These initiatives were not always successful, and interventions that were initially celebrated sometimes relapsed. Still, a proper accounting of progress must consider intangible gains such as increased popular mobilization around housing and environmental protection, the strengthening of community associations, and the mutually beneficial alliances that connect government agents to each other and to formal and informal groups in society. Progress often follows a zigzag trajectory and São Bernardo seems to fit the pattern.

Conclusion

This article challenges a number of prevailing assumptions about the role of law in public affairs, particularly the complementary views that laws are either straightforward or irrelevant, and that law enforcement organizations are textbook bureaucracies that engage in transmission but not in creation. The ethnographic methods used here suggest a new four-part perspective.

First, the meaning of law cannot be derived from the text alone. Rather, the law tends to present itself as a web of contradictions whose practical meanings depend on how it is used.

Second, neither the Ministério Público nor the Defensoria Pública can be accurately depicted as 'actors' or 'bureaucracies' in the sense that they take unified and purposeful action towards a given goal. Instead, like the law, they are riddled with internal contradictions, in which different factions try to impose their vision concerning the role of the state in regulating urban affairs. This is fortunate because chronic social problems are anything but straightforward and heterarchies are more likely to confront uncertainty than conventional bureaucratic forms (Stark, 2009).

Third, and in contrast to those who suggest that state 'capture' is a problem to be avoided, this article suggests that concrete actions by law enforcement organizations can only be understood if one takes their relationship with social movements, community groups, non-governmental organizations and mid-level government bureaucrats into account. To put it simply, the state does not present itself as a set of clearly delineated offices with defined interests and responsibilities, but as a network of channels of information and influence. These channels help explain what these organizations do and how they impart a certain meaning and thrust to the law.

Finally, and as the case study demonstrates, some public officials and social activists have a clear sense of this distinction so they become 'sociological citizens' (Silbey *et al*., 2009) who see relational interdependence where others perceive disembodied rationality. And, as examined by Abers and Keck (2013) in the context of water management councils in Brazil, agents who see entanglement as a resource instead of a hindrance seem to be the most effective in harnessing the inherent ambiguities of the law and producing social change.

Salo V. Coslovsky, Robert F. Wagner School of Public Service, New York University, 295 Lafayette Street, 3rd floor, New York, NY 10012, USA, salo.coslovsky@nyu.edu

References

Abers, R.N. and M.E. Keck (2006) Muddy waters: the political construction of deliberative river basin governance in Brazil. *International Journal of Urban and Regional Research* 30.3, 601–22.

Abers, R.N. and M.E. Keck (2013) *Practical authority: agency and institutional change in Brazilian water politics*. Oxford University Press, Oxford.

Amengual, M. (2014) Pathways to enforcement: labor inspectors leveraging linkages with society in Argentina. *Industrial and Labor Relations Review* 67.1, 1–49.

Azuela, A. (1987) Low income settlements and the law in Mexico City. *International Journal of Urban and Regional Research* 11.4, 522–42.

Bassul, J. R. (2010) Estatuto da cidade: a construção de uma lei [The Statute of the City: the construction of a law].

In C.S. Carvalho and A. Rossbach (eds.), *O Estatuto da Cidade comentado* [Commentaries on the Statute of the City], Ministério das Cidades and Aliança das Cidades, São Paulo.

Ben-Joseph, E. (2005) Facing subdivision regulation. In E. Ben-Joseph and T. Szold (eds.), *Regulating place: standards and the shaping of urban America*, Routledge, New York and London.

Bere, C.M. (2005) Legislação urbanística: a norma e o fato nas áreas de proteção aos mananciais da região metropolitana de São Paulo [Urban planning law: the rules and the facts in the protection of freshwater springs in the São Paulo metropolitan area]. PhD dissertation, Faculdade de Arquitetura e Urbanismo, Universidade de São Paulo.

Biderman, C. (2008) Informality in Brazil: does urban land use and building regulation matter? *Lincoln Institute of Land Policy Working Paper WP08CB1*, Lincoln Institute of Land Policy, Cambridge, MA.

Brodkin, E.Z. (2012) Reflections on street-level bureaucracy: past, present, and future. *Public Administration Review* 72.6, 940–9.

Caldeira, T.P.R. (2001) *City of walls: crime, segregation, and citizenship in São Paulo*. University of California Press, Oakland.

Conselho Nacional do Ministério Público (2014) *Ministério Público: um retrato, dados de 2013* [The Ministério Público: a profile, data for 2013], Volume III. Conselho Nacional do Ministério Público, Brasilia.

Coslovsky, S. (2011) Relational regulation in the Brazilian Ministério Publico: the organizational basis of regulatory responsiveness. *Regulation and Governance* 5.1, 70–89.

Coslovsky, S. (2014) Flying under the radar: the state and the enforcement of labour laws in Brazil. *Oxford Development Studies* 42.2, 190–216

Coslovsky, S. and A. Nigam (2015) Building prosecutorial autonomy from within: the transformation of the Ministério Público in Brazil. NYU Wagner working paper [WWW document]. URL http://wagner.nyu.edu/files/faculty/publications/Coslovsky_and_Nigam_MP_24_July_2015.pdf (accessed 30 December 2015).

Coutinho, M.L.d.S. (2010) Ativismo judicial: uma análise a partir do direito à moradia [Judicial activism: an analysis on the basis of the right to housing]. Master's thesis, Fundação Getúlio Vargas, São Paulo.

Defensoria (2014) *Defensoria informa: sessão do Conselho Superior* [Public Defenders' newsletter: minutes of Superior Council's meeting], various issues.

De Soto, H. (2000) *The mystery of capital*. Basic Books, New York.

Di Tella, R., S. Galiani and E. Schargrodsky (2007) The formation of beliefs: evidence from the allocation of land titles to squatters. *Quarterly Journal of Economics* 122.1, 209–41.

Donaghy, M. (2014) Confronting dislocations: strategies and outcomes of resistance in São Paulo, Brazil. Paper presented at the conference 'Catching Up to the Future? Advances and Challenges in the Politics, Society, and Social Policies of Contemporary Brazil, The Watson Institute for International and Public Affairs, Brown University, Providence, RI, 14–15 November.

Fernandes, E. and A. Varley (1998) Law, the city and citizenship in developing countries: an introduction. In E. Fernandes and A. Varley (eds.), *Illegal cities: law and urban change in developing countries*, Zed Books, London.

Field, E. (2005) Property rights and investment in urban slums. *Journal of the European Economic Association* 3.2/3, 279–90.

Field, E. (2007) Entitled to work: urban property rights and labor supply in Peru. *Quarterly Journal of Economics* 122.4, 1561–602.

Galiani, S. and E. Schargrodsky (2010) Property rights for the poor: effects of land titling. *Journal of Public Economics* 94.9, 700–29.

Glaeser, E.L., J. Gyourko and R. Saks (2005) Why have housing prices gone up? *American Economic Review* 95.2, 329–33.

Glaser, B.G. and A.L. Strauss (1967) *The discovery of grounded theory: strategies for qualitative research*. Transaction Publishers, Piscataway, NJ.

Guo, Z. (2013) Residential street parking and car ownership: a study of households with off-street parking in the New York City region. *Journal of the American Planning Association* 79.1, 32–48.

Hochstetler, K. and M.E. Keck (2007) *Greening Brazil: environmental activism in state and society*. Duke University Press, Durham, NC.

Holston, J. (1991) The misrule of law: land and usurpation in Brazil. *Comparative Studies in Society and History* 33.4, 695–725.

IBGE (Instituto Brasileiro de Geografi a e Estatística) (2010) *Censo Demográfico 2010* [Demographic census 2010]. IBGE, Rio de Janeiro.

IBGE (Instituto Brasileiro de Geografi a e Estatística) (2011) *Produto Interno Bruto dos Municípios 2011* [GDP of municipalities, 2011]. IBGE, Rio de Janeiro.

IBGE (Instituto Brasileiro de Geografi a e Estatística) (2014) *População dos municípios das capitais (população presente e residente)* [Population of the boroughs of the capital cities: present and resident population]. IBGE, Rio de Janeiro.

Kuyuku, T. (2014) Law, property and ambiguity: the uses and abuses of legal ambiguity in remaking Istanbul's informal settlements. *International Journal of Urban and Regional Research* 38.2, 609–27.

Lipsky, M. (1980) *Street-level bureaucracy*. Russell Sage Foundation, New York.

Lopes, R.C.A. (2009) Ação civil pública e ajustamento de conduta em área de proteção aos mananciais na região metropolitana de São Paulo [Public civil action and deferred prosecution agreements in the protection of freshwater springs in the metropolitan region of São Paulo]. Master's thesis, Faculdade de Arquitetura e Urbanismo, Universidade de São Paulo.

Malpezzi, S. and S.K. Mayo (1997) Getting housing incentives right: a case study of the effects of regulation, taxes, and subsidies on housing supply in Malaysia. *Land Economics* 73.3, 372–91.

Mangla, A. (2015) Bureaucratic norms and state capacity in India: implementing primary education in the Himalayan region. Harvard Business School working paper [WWW document]. URL http://www.hbs.edu/faculty/Publication%20Files/14-099_6cc76b8e-87f7-4eb6-97c1-3d39a6fae15b.pdf (accessed 13 December 2015).

Maynard-Moody, S. and S. Portillo (2010) Street-level bureaucracy theory. In R.F. Durant (ed.), *The Oxford handbook of American bureaucracy*, Oxford University Press, Oxford.

McAllister, L.K. (2008) *Making law matter: environmental protection and legal institutions in Brazil*. Stanford University Press, Stanford, CA.

Ministério da Justiça (2009) *III Diagnóstico defensorias públicas* [Third diagnostic assessment of public defenders' offices]. Secretaria da Reforma do Judiciário, Brasília.

Ministério Público do Estado de São Paulo (2013) Municípios e população por promotoria de justiça e área regional [Municipalities and population by prosecuting authority and region]. Spreadsheet, see Relação das comarcas e municípios [Relations between districts and municipalities] [WWW document]. URL http://www.mpsp.mp.br/portal/page/portal/Promotorias_de_Justica/regioes_adm/com_relacao_comarcas_municipios (accessed 30 December 2015).

Molotch, H. (1976) The city as a growth machine: toward a political economy of place. *American Journal of Sociology* 82.2, 309–32.

Monkkonen, P. (2013) Urban land-use regulations and housing markets in developing countries: evidence from Indonesia on the importance of enforcement. *Land Use Policy* 34, 255–64.

Monkkonen, P. and L. Ronconi (2013) Land use regulations, compliance and land markets in Argentina. *Urban Studies* 50.10, 1951–69.

Nassar, P.A. (2011) Judicialização do direito à moradia e transformação social: análise das ações civis públicas da Defensoria Pública do Estado de São Paulo [The judicialization of the right to housing and social change: an analysis of the public civil actions initiated by the Public Defenders' Office of São Paulo State]. Master's thesis, Fundação Getúlio Vargas, São Paulo.

Neves, E.M.S.C. (2003) Carminha Project: urban and socio-environmental rehabilitation of a watershed protection area. *CAIXA Program Case Study*, Brazilian Institute for Municipal Administration, Brasília.

Observatório de Remoções (2014) Mapeamento de Remoções c/Projetos [Mapping displacements in projects] [WWW document]. URL https://www.google.com/fusiontables/DataSource?snapid=S701830ZJbu (accessed 13 December 2015).

Pamuk, A. and D.E. Dowall (1998) The price of land for housing in Trinidad: the role of regulatory constraints and implications for affordability. *Urban Studies* 35.2, 285–99.

Pasternak, S. (2002) Espaço e população nas favelas de São Paulo [Space and population in the favelas of São Paulo]. Paper presented at the *XIII Encontro da Associação Brasileira de Estudos Populacionais*, Ouro Preto, Minas Gerais, Brasil, 4–8 November.

Perdomo, R. and T. Bolivar (1998) Legal pluralism in Caracas, Venezuela. In E. Fernandes and A. Varley (eds.), *Illegal cities: law and urban change in developing countries*, Zed Books, London.

Perlman, J. (2010) *Favela: four decades of living on the edge in Rio de Janeiro*. Oxford University Press, Oxford.

Pires, R. (2008) Promoting sustainable compliance: styles of labour inspection and compliance outcomes in Brazil. *International Labour Review* 147.2/3, 199–229.

PwC (PricewaterhouseCoopers) (2014) Cities of opportunity 2012 [WWW document]. URL http://www.pwc.com/us/en/cities-of-opportunity/assets/cities-opp-2012.pdf (accessed 11 December 2015).

Quigley, J.M. and S. Raphael (2005) Regulation and the high cost of housing in California. *American Economic Review* 95.2, 323–28.

Quigley, J.M. and L.A. Rosenthal (2005) The effects of land use regulation on the price of housing: what do we know? What can we learn? *Cityscape* 8.1, 69–137.

Rapoza, K. (2013) Brazil's high flying real estate prices outpace all countries. *Forbes* [WWW document]. URL http://www.forbes.com/sites/kenrapoza/2013/03/30/brazil-high-flying-real-estate-prices-outpace-all-countries/#32cfc1a16438 (accessed 11 December 2015).

Rose, C.M. (1988) Crystals and mud in property law. *Stanford Law Review 40*, 577–610.

Roy, A. (2009) Why India cannot plan its cities: informality, insurgence and the idiom of urbanization. *Planning Theory* 8.1, 76–87.

Schrank, A. (2009) Professionalization and probity in a patrimonial state: labor inspectors in the Dominican Republic. *Latin American Politics and Society* 51.2, 91–115.

Shih, M. (2010) The evolving law of disputed relocation: constructing inner-city renewal practices in Shanghai, 1990–2005. *International Journal of Urban and Regional Research* 34.2, 350–64.

Silbey, S.S. and E. Bittner (1982) The availability of law. *Law and Policy* 4.4, 399–434.

Silbey, S.S., R. Huising and S.V. Coslovsky (2009) The 'sociological citizen': relational interdependence in law and organizations. *L'Année Sociologique* 59.1, 201–29.

Stark, D. (1996) *Heterarchy: asset ambiguity, organizational innovation, and the postsocialist firm. CAHRS Working Paper Series, #96–21*, Center for Advanced Human Resource Studies, Cornell University, Ithaca, NY.

Stark, D. (2011) *The sense of dissonance: accounts of worth in economic life*. Princeton University Press, Princeton, NJ.

Tendler, J. (1997) *Good government in the tropics*. Johns Hopkins University Press, Baltimore, MD.

UN-Habitat (2010) *São Paulo: a tale of two cities*. United Nations Human Settlements Programme, Nairobi.

Universidad del Rosario. (2011) Ranking de ciudades Latinoamericanas para la atracción de inversiones [Ranking of Latin American cities by attraction of investments] [WWW document]. URL http://www.urosario.edu.co/urosario_files/e0/e079b4c6-742b-4dfc-a51b-b06d5fc05cc4.pdf (accessed 13 December 2015).

Van Gelder, J. (2009) Legal tenure security, perceived tenure security and housing improvements in Buenos Aires: an attempt towards integration. *International Journal of Urban and Regional Research* 33.1, 126–46.

Weber, M. (1978) *Economy and society: an outline of interpretive sociology,* Volume 1. University of California Press, Oakland, CA.

World Bank (2014) Population in largest city [WWW document]. URL http://data.worldbank.org/indicator/EN.URB.LCTY (accessed 13 December 2015).

Zaffalon, L.C.L. (2010) *Uma fenda na justiça: as inovações democráticas construídas na Defensoria Pública* [A crack in the judicial system: democratic innovations in the Public Defenders' Office]. Editora Hucitec, São Paulo.