



Social movements and the law: the legal group inside the occupation of Porto Alegre city council in 2013

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Abstract

This work is part of the research project developed by the Observatory on New Social Movements and Law in Brazil at La Salle University, focusing in the city of Porto Alegre and on the occupation of the City Council on July of 2013, which is placed in the context of the protests against the increase of bus fares and for free fare, attempting to understand the relationship between the political organization of the Bloco de Lutas pelo Transporte Público and its legal group during the eight days of City Council occupation. We conducted semi-structured interviews with members of the occupation in order to clarify the dynamics in the movement and its understanding of the relationship between law and social movements, highlighting the deferment of the eviction order and the elaboration of two Bills as fundamental moments of the relationship between the collective organization of the occupation and its legal team.

Key words

City Council occupation; Social Movements; Law; Porto Alegre; 2013

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Resumen

Este artículo forma parte de un proyecto de investigación desarrollado por el Observatorio de Nuevos Movimientos Sociales y Derecho de la Universidad La Salle de Brasil. Nos centramos en la ciudad de Porto Alegre y en la ocupación de su ayuntamiento en julio de 2013, en el contexto de las protestas contra el aumento de las tarifas de autobús y a favor del transporte gratuito. Intentamos comprender la relación entre la organización política del Bloco de Lutas pelo Transporte Público y su grupo jurídico durante los ocho días que duró la ocupación. Realizamos entrevistas semiestructuradas con miembros de la ocupación para aclarar las dinámicas del movimiento y cómo entendía la relación entre derecho y movimientos sociales, destacando el aplazamiento de la orden de desalojo y la elaboración de dos leyes como momentos fundamentales de la relación entre la organización colectiva de la ocupación y su equipo jurídico.

Palabras clave

Ocupación del ayuntamiento; movimientos sociales; derecho; Porto Alegre; 2013

Table of contents

1. Introduction	196
2. Social movements in Sociological Theory.....	196
3. Lawmakers and the social movements	200
4. The 2013 protests in Brazil	203
4.1. The occupation of the Porto Alegre City Hall	204
4.2. The legal workgroup inside the City Hall Occupation	205
5. Conclusion.....	214
References.....	215
Appendix: Interviews	219

1. Introduction

In 2013 mass protests filled Brazilian streets with claims against rises in the bus fares, building a heterogeneous participation and social claims scene. While most research about these protests focuses on the cities of São Paulo and Rio de Janeiro, this research focuses upon the city of Porto Alegre in the State of Rio Grande do Sul.

The city of Porto Alegre is seen as significant for the three main reasons:

- The existence, in Porto Alegre, of smaller protest against yearly raises in the bus fare, previous to 2013;
- The creation, in Porto Alegre, of a Bloco de Lutas pelo Transporte Público¹ as an attempt to unite several left-leaning, anarchist and independent organizations in the struggle against the rise in bus fares;
- The Occupation of the Porto Alegre City Hall, in June 2013, which inserts Porto Alegre in the scenario of public space occupations that were going on all over the world (Madrid 2011, Occupy Wall Street 2013, Taksim Square 2013).

The present research focuses upon the week of the occupation of the City Hall, and in particular the relationship between the collective organization of the Bloco de Lutas pelo Transporte Público and Legal Workgroup which was created inside the City Hall occupation with two specific objectives:

- To protect the occupation against ownership reinstatement and forced shutdown by the police or legal action;
- To elaborate and file two Public Transportation Bills which were collectively elaborated inside the occupation, and which were considered a minimal precondition for the disoccupation of the building.

We will initially set out, without meaning to be exhaustive, the sociological debate on social movements. Further, we will briefly present the literature on Social Movements and Law, underscoring the complexity of the relation between the empowerment of movements through the use of law as a tool and the institutionalization of political claims within legal boundaries. Finally, the occupation of the Porto Alegre City Hall and its legal workgroup are presented as a case of study of this relation through the analysis of nine semi-structured interviews (carried out exclusively with members of the workgroup in 2013).

2. Social movements in Sociological Theory

Understanding the 2013 protests in Brazil and the specific connotations these have taken in Porto Alegre, which include the organization of the Bloco de Lutas and the City Hall Occupation, cannot be furthered without first considering sociological reflections about social movements.

Society can be considered as a territory and a result of endless conflicts; relational sociology not only places conflict at the heart of its analysis, as it also seeks to verify its presences in several collective manifestations.

¹ Translator Note: "Collective Union for Public Transportation".

Social conflict is, indeed, something peculiar to societal life itself, and its existence appears, immediately, as a sign of the vitality of collective activity. It almost always opens social change up. Only societies which have been experiencing social stagnation will see an eradication of the social struggle at their heart (...). There is no collective life without change, at the same time that there is no social life without antagonism (...) conflict is ascribed, before everything else, in western societies, to democratic practice itself. (Fernandes 2013, p. 788)

In this sense, social movements are actors within this conflicted social tissue, and this is one of the main reasons we will find definitions of social movements in the sociological field, rather than in theory of law. Zubiría Mutis in his book chapter *Sociedades en Conflicto* (2016) considers social movements as a more precise category of analysis of the idea of “civil society”, as it has a direct link to historical processes of political change in Latin America as well as other parts of the world: the reorganization of political forces in the party systems, the new conceptions of basic institutions and the transformation of cultural elements in society.

Zubiría Mutis characterizes the sociological studies of social movements in three main paradigms: European, North-American and Latin-American. The European paradigm, or “identity” paradigm, has at its core the focus upon agent identity, autonomy and recognition. Touraine further explains such movements as social movements with a specific form of collective action, they not only need to reject domination, but also claim some sort of positive attitude:

If a collective actor cannot define its goals in social terms – if for example a group wants its specificity to be recognized – its struggle for freedom or identity cannot by itself create a social conflict. Even when the conflict is very far from being a zero-sum game, it must be defined by a ‘field’, that is, by ‘stakes’ which are valued and desired by two or more opponents. So all kinds of social conflicts have in common a reference to ‘real’ – that is, organized – actors and to ends which are valued by all competitors or adversaries. Within this broad definition, it is necessary to separate various kinds of social conflicts. (Touraine 1985, p. 751)

This sort of approach defines “new social movements” as those which developed, starting in the seventies, as the products of new conflicts of post-industrial and post-fordist societies. The increase of access to superior education, the inclusion of women in the formal workforce, and other historical changes leave more space for conflict typologies which are less focused on matters of class, focusing instead on, for instance, matters of gender, student proposals, the ecological struggle, among other issues (Melucci 1985, Wieviorka 2003).

According to Touraine (1989), we can identify “new social movements” as this composition of political claims in the post-dictatorial period in Latin America, one comparable to the rise in European mobilization in the 60s and that are less controlled by parties or by political power. Conflicts leave the traditional economic-industrial configuration and institutional relations inside the State, and approach personal identity and everyday life. In this sense, according to Melucci (2010), information is a fundamental pillar in the construction of collective identity as a process that reflects not only in the individual dimension, but also in the negotiation and interaction with the environment.

Zubiría Mutis (2016) identifies this approach as an intermediate level between the European paradigm of identity and the North-American paradigm, the paradigm of “resource mobilization”. Charles Tilly (2010), an emblematic example of the North-American paradigm, regards social movements as a form of “contentious politics”. This contentious politics must necessarily be an object of historical comprehension in order to identify the substantial changes that happen in the organization, condition, objectives and strategies of social movements throughout history. Tilly also identifies some common risks in interpreting and analyzing social movements:

1. Calling a “social movement” any popular collective action;
2. Mistaking a collective action by a movement with the organizations and networks that support the action, or even consider the organizations and networks as that which constitutes the movement;
3. Treating the social movement as an isolated singular actor, forgetting the relations, interactions, differences in strategies, objectives and interest that exist and raise inside the tissue of social movements.

Thus, according to this author, the progress of social movements and the importance they manage to have along the decades is not only dependent upon the actions of each movement, but also dependent upon interactive campaigns taken together by each movement. Each movement will therefore combine three kinds of claims: programmatic, identitarian, and positioned (Zubiría Mutis 2016).

It is important to note how Donatella della Porta and Mario Diani (2006) identify the main questions in the study of social conflict and social movement: the first group of questions deals with whether the relation between structural change and changes in the forms of social conflict (social movements can be considered as expressions of conflicts. If so, which social conflicts and have such conflicts changed?) The second group approaches the role of cultural representations within social conflict (how are the potential objects of collective action identified? How is a feeling of “us”, that is, a sense of collectivity between the actors, developed? How do values within the movements arise?). The third group of questions has to do with the process of transformation in which values and ideas become collective actions (which sorts of organizations? Do identities, symbols and networks allow the persistence of collective action?). The fourth and last group tries to tackle how determinate social/political/cultural contexts influence the probabilities of success of the movement and the forms it takes (how do the strategies and tactics of the movement change over time? Why so?).

This research, which seeks to analyse the relation between the movement against the bus fare hikes in Porto Alegre in 2013, the occupation of the City Hall as a strategy of struggle, and the legal workgroup of the occupation as a space of relation between the movement and the law, will seek to find some common ground in these key issues.

It would be remiss to analyse the case of Porto Alegre without mentioning the intense Latin-American production in the field of social movements. The Latin-American paradigm allows us to interpret a movement that has developed in the Latin-American continent, such as the protests against the bus fare rise in Brazil in 2013, using categories and points of view that are not necessarily Eurocentric. In the words of Marcela Parra, social movements are the “subject”, and not the “object” of study:

This change – from the object to the subject – has been in some way the result of our movement from strategies of communitarian intervention to an interest in the processes of social mobilization. This is both a personal and public movement, one that we share with many fellow researchers (...) such movement could be considered, in fact, an ethical and political principle which is necessary in order to think and do things both with and within social movements. (Parra 2005, pp. 73-74)²

Social movements have been placed at the center of historical and socio-political changes in Latin America, with a large protagonism of women and Native-American groups in the struggle against globalization. Placing such social movements at the center of the studies, then, is to consider them as “subjects” of a research, rather than objects. Adopting such a critical view, which is typical of post-colonial studies, fosters an inclusive and broad environment in which to conduct research.

In Latin America a great part of the debates on social movements is still orbiting the political and economic parameters of western cultures, ignoring the original, non-western, cultures of our continent, their forms of doing and of knowledge, their forms of political organization, etc. The concept of nation, for example, has always cast a shadow over the presence and reality of the subaltern subjects in Latin-American history. (Castro-Gómez and Mendieta 1998, p. 25, quoted in Parra 2005, p. 78)

It is then worth mentioning some of the seminal works for the study of social movements in Latin America: works by Laclau and Mouffe (1985), Escobar (1991), Calderón (1997), Jelin (2001), Zibechi (2003), Svampa (2008), Zermeño (2009), Santos (2009, 2010), Quijano (2011).

It is very important to follow Ocampo Banda (2008) in stressing the core of social movements as:

- a) Autonomous public spaces, new territories and spaces of struggle;
- b) Collective spaces;
- c) Occupations of factories as a symbol of social re-appropriation.

These three points are very important for the analysis of the occupation of the City Hall of Porto Alegre as the creation of a public and autonomous space, a space which understood the notion of collective horizontality, and as a space of debate and political decision making – allowing for the social re-appropriation of a space usually dedicated to the exercise of institutional political power.

Touraine makes direct reference to Latin American sociologists and to the Latin-American context, explaining how in Latin-American sociology social movements are usually defined as protests that remain on the margins of the political system and that go “above the specific and limited objectives that are peculiar to interest groups (...). A part of this ground movements does not translate, however, into demands for the political system” (Touraine 1989, pp. 279-281).

Laclau (1985) stresses that, starting in the 70’s in Latin America, we can speak of new social movements as they start to create and politicize alternative spaces of struggle, while moving away from a more totalizing model of society. In this, as Pereira Goss and Prudencio (2004) point, traditional organizations could have been defined from a set of three main characteristics: 1) the identity of actors, determined by categories related to

² Translation from Spanish.

social structure (peasants, bourgeoisie, and the workforce); 2) the kind of conflict defined by an evolutionary and teleological paradigm; 3) the space of conflict reduced to a closed and unified political dimension (political representation and institutionality). The “new social movements” question this logic: the political is present in every social practice.

3. Lawmakers and the social movements

The objective of the present research is to understand the relations between the social movements and the legal workgroup in the occupation of the Porto Alegre City Hall in June 2013. In order to do so, we will first have to understand how such relations are shaped, and how social movements were able to use legal mechanisms to strengthen their agenda and to protect themselves during the occupation. These relations can also be understood in terms of cooptation, agenda formation and demobilization.

In this section we will review some of the research on social movements before proceeding to study the Occupation of the Porto Alegre city hall, in particular. At first, it is important to understand what are the possibilities and risks to approach certain agendas from the perspective of the sociology of law. Daniel de Mendonça writes that:

Social movements have continuously fought all over the world for the recognition – and not mere tolerance – of their specific demands (...). The known, and most recognized, mode of political conquest by social groups is the translation of their demands in the form of law (...). In many cases, indeed, rights are increased. However, in many other cases the law becomes, effectively, old news (...). The legal norm may serve as a mere instrument of pacification of social movements, thus generating the possible demobilization of such movements. (Mendonça 2002, pp. 56-62)

It seems that the possible results are two: either the law is enforced, or it is filed and becomes old news, and demobilization seems warranted. It would be interesting to add another possibility: if the law is enforced, and the agenda is translated into law and applied, what is the fate of the social movement? Does it disappear? Does it change? Does it continue fighting for different demands? This sort of questions may help us understand that the relation between positive law and social movements is made not only in binary models but in infinite combinations in which emancipatory possibilities, as well as the risks of demobilization or weakening the vigor within the group, are numerous.

At the end of the day it seems we are bound to repeat Boaventura de Sousa Santos' provocation: “Could law be emancipatory?” (Santos 2003). In 2003 the answer the author gave to this question was surely positive, focusing on the possibility of using a hegemonic tool, such as Law, in a non-hegemonic form:

There is, however the possibility that the idea of right and the exercise of rights could be used as non-autonomous and non-exclusive. Such possibility is based on the presupposition of “integration” of right and of rights in the political mobilizations of a broader spectrum, one that allows for struggles to be politized before being legalized. There being a resource to the idea of right and for rights, there must also be an intensification of political mobilization, in order to avoid the depolitization of the struggle – a depolitization that the idea of right and the exercise of rights, if left for their own devices, are prone to cause. (Santos 2003, p. 37)

The author shows a preoccupation regarding the potential for depolitization that the idea of right seems to have as a characteristic, but nevertheless identifies a possibility to avoid such depolitization in the intensification of political mobilization and further integration of the idea of rights in the politicized agenda, allowing for social and political manifestations to retain their own force while resorting to some idea of right and enforcement.

Another question is the role of lawyers. In Brazil, militant popular lawyers in the fields of human rights, in matters of agrarian reform or homelessness are common-place. What is the role of a lawyer in relation to a social movement? Does she remain a law technician? Is she a militant? To what extent are legal matters carried out with and not over and above the wishes of social movements?³

McDougall describes the strategies that lawyers normally use to achieve objectives that are peculiar to social movements thusly:

Lawyers seeking to implement the goals of social movements ('social movement lawyers') use litigation, legislation, and administrative advocacy to get discrete legal responses from the judicial, legislative and regulatory branches of government, respectively. They also use moral confrontation techniques, dialogue and networking to influence government policy and public opinion and to coordinate the three branches of government in the process of policy implementation. (McDougall 1989, p. 3)

However, when can we identify if these objectives are *from* the social movements? In the relation between law experts and militants, for example, which are the various ways in which to achieve the objective? Is the objective the judicialization itself or does appealing to the courts remain a tool among other possible tools? What are the conflicts in the unique relation between the legal council and the movement? This kind of relation is at the heart of the research we are conducting in this paper on the legal workgroup in the occupation of the Porto Alegre City Hall.

Tackling the issue of access to justice, Madalena Duarte's (2007) analysis of previous participatory conditions within social movements in the legal arena is paramount. In the author's opinion new social movements tend to use the legal arena as a territory of struggle more often, as, for example, in the feminist movement fight for the right of abortion:

Through their collective action and struggle, the social movements have come forth as political and legal actors, since they have refused to remain in a public space marked by the absence of rights. In combining protest forms that are more spontaneous and direct with more institutional actions, the new social movements have privileged, more and more, the legal arena to shape their struggle. Such struggle involves from the

³ An example is the RENAP (National Network of Popular lawyers), in its presentation: "The RENAP recognizes the people as the true protagonist of defense and protection of its rights, dignity and citizenship, not working for the people but with the people, without any pretense of vanguardism. The RENAP contributes to the empowerment of its organizations and social movements, NGOs, associations, cooperatives, pastorals, among other forms of defence and or claim for rights. It questions and fight against the present capitalist economic order sustained by a neoliberal ideology that gives to the so-called 'free market' a power stronger than the one of the law and of the State, dominated by a political order disrespecting the social one, at least while not one nor the other are not completely privatized". In: <http://www.renap.org.br>

protection of existing rights to the creation of new rights and even the change in laws which are considered discriminatory. (Duarte 2007, p. 9)

This quote brings some important questions for analysis: if lawmakers have fundamentally contributed to the construction of the State, so much that the State can be considered a *fictio juris*, the tools and the vision of lawmakers can hardly go “above” the possible objectives inside the Rule of Law: recognition, protection or implementation of rights. At the same time, lawmakers have their own capital: the legal discourse technique is a form of cultural capital which allows the legitimate action and the proper habitus of the legal field (Bourdieu 1989).

Social movements have a heterogeneous composition and interest, which comes from ideologies, gazes, strategies and positions that may coincide with those held by lawmakers or not. In the case of some groups, for example, we are not dealing with the requirement for recognition, but with the manifestation of a non-conformation with our representative democracy itself. This is for example the case in some tendencies within the anarchist movement. Taking that in consideration, it is interesting to verify in which cases and with which objectives movements resort to the courts, and whether the space of the Courts, either in case of victory or defeat in decision is the field in which this relationship is manifest.

According to Sarat and Scheingold if, for lawyers, the debate in the courts is the privileged field of struggle, movements may have other strategies:

Causes and movements both invigorate and constrain lawyers. In associating themselves with a movement, lawyers are likely to find that they are called upon to sign over elements of their independence (...) lawyers are by training and temperament comfortable in courtrooms, litigation is for them a line of last resistance (...) grassroots organizing and conducting political campaigns to broaden support for a movement's agenda that lawyers are likely to welcome or to feel well equipped to carry out. (Sarat and Scheingold 2006, p. 2)

At the same time, laws might be a tool for the construction and circulation of the discourse of movements:

Law provides a symbolically rich medium that social movements use to construct and to circulate meaning both within the movement and in relation with actors outside the movement (...). Since Law is neither static nor fixed in its meaning nor its application, the conceptualization of law becomes contingent in part, on the view of the social movement actors themselves and the power they accord that view. (Barclay *et al.* 2011, p. 3)

Once we consider these issues which relate to the difficult but fertile relation between the social movements and law professionals, the relevance of the interviews conducted during the period of 2013 with the legal workgroup of the City Hall occupation becomes clear. As we will show in the next section, the legal workgroup was not composed solely and not even majoritarily by lawyers, but also by law students who participated in the occupation and that were able, in juridical-political debates with the assembly, to translate the demands of the occupation in two bills, and to protect the same occupation from threats of forced removal.

In conclusion, the objectives of this research are:

- To describe the nature and the experience of the occupation of the city hall in Porto Alegre regarding the protests against the bus fare rise in 2013;
- To understand the role of the legal workgroup, its composition, strategies and results;
- To analyze the relation between the occupation assembly and the legal workgroup (or “commission”), the role of the legal workgroup in the processes and dynamics of the movements;
- To underscore how the movement against the raise in the bus fares and the Bloco de Lutas, understood as the organizing core of the movement in Porto Alegre, appealed to a juridical strategy;

4. The 2013 protests in Brazil

The understanding of what happened in Brazil 2013, the protest waves, the thousands that took the streets, is the objective of a research Project that the authors are undertaking within the Observatory of Law Policies and New Social Movements in Brazil, at LaSalle University in Canoas (RS). It is within this project that the present research, with a specific focus in the Occupation of the Porto Alegre City Hall (RS) and the role of the legal workgroup, takes place.

2013 was a peculiar year for political activism in Brazil, the so-called “June Journeys” make direct reference to the massive protests and the violent police repression of the manifestations in São Paulo. The current research on the theme, particularly the work of Maria da Glória Gohn (2014), Geoffrey Pleyers and Breno Bringel (2015), and a series of articles in the Journal Cultural Anthropology *Protest Democracy in Brazil*⁴ (Dent and Pinheiro Machado 2013), focus almost exclusively in São Paulo and Rio de Janeiro. Research on the protests of 2013 in Porto Alegre and the City Hall Occupation⁵ are definitely scarce. In the words of Maria da Glória Gohn:

The manifestations in June 2013 in Brazil are part of a new form of social movement, composed mostly by young, educated, middle class, connected by and in digital networks, horizontally connected, critical of traditional political forms, as they are currently presented – especially parties and unions – they claim autonomy in relation to this old form. (Gohn 2015, p. 12)

From the research that is being conducted with semi-structured interviews with 30 participants in the protest, in the city of Porto Alegre, we can identify some important characteristics of the political and geographical context that differentiates the Rio Grande do Sul capital from the rest of Brazil:

- The existence of protests against the bus fare raises well before 2013;
- The experience and expertise developed since the World Social Forum in Porto Alegre;

⁴ Available from: <https://culanth.org/fieldsights/426-protesting-democracy-in-brazil>

⁵ It is important to mention the work dedicated to the criminalization of the 2013 protests in Porto Alegre written by R. Almeida da Costa, A. Fleck Soares Brandão and G. Doederlein Schwartz (2015): *As respostas do direito e da política às jornadas de junho: uma análise da judicialização e do processo de criminalização na Cidade de Porto Alegre*. There is also a documentary, *Morar na casa do povo* (2016) that shows the experiences and debates occurred during the occupation of the City Hall, of a great value for the present research.

- The creation of the Bloco de Lutas pelo Transporte Público, in January 2013, which connected in one single assembly for debate several political organizations from Porto Alegre;
- The City Hall occupation as a decisive moment to develop the struggle against the bus fare raise (and the broader agenda regarding the rights to city) and the strengthening of the organization and the debate among all souls in the Bloco de Lutas.

The diffusion of ideas and practices connected to anarchism in its preoccupation with self-management, direct action, consensus as a mode of decision, the disconnection from political parties and the critique of representative democracy were also characteristics of the protests in 2013 in Brazil. In the case of Porto Alegre, the organized presence of the Federação Anarquista Gaúcha⁶ and of anarchist militants unaffiliated with the organization must also be noted.

The rise of protests in Brazil and in several other continents shows the “crises of western democracy” (Graeber 2013) in all its force. The images of the occupation of the Plaza del Sol in Madrid, in 2011, the protests in Egypt, in Tunis, the Taksim Plaza in Turkey, and the Occupy Wall Street movement in the USA, in 2013, stresses the ebullition of the “year 2010” protests outside national boundaries. The explosion of social contradictions that have always been present in Brazilian society, as well as the fact that all over the world several plazas and streets have been taken by revolts, occupations of public spaces, and questioning of governmental austerity measures should not be forgotten.

Whether as anti bill proposals (...) or against that demarcation of native Brazilian land, or against the Confederation Cup and mega events in general; whether as part of a struggle for housing and against foreclosures; whether in teacher strikes, protests against media monopoly, or popular revolutions on neighborhoods against the genocide of the black and peripheric youth, one would always seem to see a great deal of people in rebellion (...) many were inspired in the breath taken in June to take the struggle to other questions of social relevance (...) attempting to show that if someone was ‘awaken’ in 2013, it was those who live the reality of the Brazilian periphery, where one does not sleep tight. (Facção Fictícia 2015, p. 10)

4.1. The occupation of the Porto Alegre City Hall

Notwithstanding the huge national and international repercussion that the protests against the bus fares in Brazil generated, the images and reports in the media remained focused in São Paulo and Rio de Janeiro. The lack of attention for the movements in Porto Alegre is even more striking when we think of the three main characteristics of the protests in the Southern Brazilian capital, that were stressed in the interviews:

- The existence, in Porto Alegre, of smaller protests against the yearly raise in the fees, way before 2013;
- The creation of the Bloco de Lutas pelo Transporte Público as a way to unite the several political organizations of Porto Alegre around the topic of public transportation;

⁶ “Southern Brazilian Anarchist Federation”.

- The occupation on July 10th 2013 of the Porto Alegre City Hall by part of the Bloco de Lutas, after the rejection of a bill proposing changes regarding the publicity of the finance of public transportation in Porto Alegre, on July 1st;
- It is our hypothesis that the occupation of the City Hall in 2013 marks an important moment in the protests in Porto Alegre because it was associated with the following:
 - o The occupation of the institutional political decision-making space in the city, developing a new space of discussion, self-government, and debate, which shares many similarities with the occupations of public plaza in Madrid, in 2011, Wall Street, in 2013, and Taksim, in the same year.
 - o The consolidation of a public transportation agenda, through the construction of a political expertise, of debate and creation of two bills proposing transparency for the finance of public transportation companies, and also proposing free transportation for parts of the population;
 - o The work of the legal workgroup, within the City Hall Occupation, as a space of relation between social movements and law, that engendered the two above mentioned bills and a judicial decision in which the forced removal of the protesters was denied, allowing for the Bloco de Lutas to stay in the occupation for a week without confrontation with the police forces, giving the movement time to create its own demands and propositions.

In the documentary *Morando na casa do povo*⁷ (2016), a portrait of the occupation is drawn of the intensity of the meetings, of the debates, of the relations with the city council, of the agendas that were being added on and communicating with the question of transportation. The space of the occupation, the City Hall, becomes the territory in which to articulate a mosaic of debates about the city and the society: the quilombola,⁸ the genocide of black population, feminism, self-government, horizontality, party issues, and rights to the city.

The present research develops an analysis of a specific aspect of the occupation: the creation of the legal workgroup and its relation with the participants of the occupation, its role in writing two bills and in the defense of the occupation against the requirement for forced removal.

The analysis is inserted with a socio-legal interpretation paradigm which aims at understanding the relationship dynamics and the mechanisms of relation between law and society, pointing at the social movements as an essential part in this relation.

4.2. *The legal workgroup inside the City Hall Occupation*

The research project *Observatório dos Novos Movimentos Sociais e Direito no Brasil* has conducted 30 semi-structured interviews with participants in the Bloco de Lutas and of

⁷ "Living in the people's house".

⁸ Historically, the Quilombola question is connected to communities formed by fugitive slaves in the 19th Century. Some of these communities have remained in the urban areas and are still claiming further state recognition.

the protests of 2013 in Porto Alegre. The interviews were recorded in audio and the names of those who wish to remain anonymous were changed.

This work focuses in the occupation of the Porto Alegre City Hall, and in the role the legal group had in the occupation. This analysis is conducted through the specific selection of nine interviews with members of the legal group within the City Hall occupation. Even though a legal group worked on call during the protests of 2013, in order to support the occupation in cases of police violence, and provide legal assistance to those who were arrested, the present analysis takes the point of view and interpretations of those who, in 2013, participated directly in the occupation of the City Hall, and were willing to be interviewed on these subjects.

In order to analyse these interviews, we divided the material in three topics:

1. Reasons for participating in the occupation of the City Hall and the importance of this event;
2. The composition of the legal workgroup and its relation to the collective organization of the occupation;
3. The protection of the occupation against forced removal and the elaboration of the two bill proposals.

4.2.1. Reasons to participate in the Occupation of the City Council and the importance of the event

Each participant of the occupation had personal and biographical reasons which motivated them to be active inside the occupation. In the case of the creation of the legal workgroup at the occupation of the City Council of Porto Alegre, the different profile of the participants is reflected in every single interpretation of the event: law students, activist lawyers, longtime political activists and so on. This heterogeneity shapes a peculiar framework in which life paths and activism cross. Actors who belonged or were close to the SAJU (Free University Judiciary Aid Services)⁹ are very remarkable instances of such crossroads.

The whole situation was triggered by a debate on public transportation:

We occupied the City Council because of the debate on public transportation. And it was amazing, because this was during a section that had nothing to do with the topic – there were no items on the agenda that had anything to do with public transportation. The city counselor was quite impressed, because there were many people in the house, many people that were known in the leftist circles, and they were trying to argue in a more sophisticated ways about the issues, arguing in a more precise way and also acknowledging people who were watching. And then, all of the sudden, we decided to jump the wall separating the audience from the actual assembly hall, and we in fact occupied the city council. (Julio, 2016).

Rafaela, in 2013, was part of the SAJU, and was in the occupation as a participant of the legal workgroup and the Communication Committee:

We formed the workgroups, and I ended up in the legal workgroup (...) inside the legal workgroup there were some lawyers that weren't available to actually occupy the space, such as Claudete, and also some people that were in the occupation, and our

⁹ For more information about SAJU: <http://www.ufrgs.br/saju/>

interest, our idea, was to find out what each person could do. So, as I was inside the occupation, I was collecting the documents that people needed, such as, to work on our defense piece, we will need the drafts for bills and discussion agenda in the City Council, and, since I was also working with the communication group, this was relatively easy. I had contacts that made it easy for me to get these documents. (Rafaela, 2016)

Rafaela mentions Claudete Simas, an activist lawyer that actively participated in the legal workgroup, strengthening, with her work, the occupation and the cause of the public transport. As a lawyer, she wasn't an active member of the Bloco de Lutas, even though she signed the first petition of the group: "The fact is that there are always discussions, but I was actually never a part of the movement, the Bloco de Lutas or any other movement. I just wanted to join forces with this ongoing movement" (Claudete, 2016).

Djeison, a law student and member of the SAJU (GAJUP Group) took part in the occupation because of his own personal struggles, and also because he realized the importance of the development of a procedural strategy to avoid eviction and to protect the occupation. He was also a participant in the Safety Commission which was "a protection of the occupation, really. We just wanted to avoid a reinstatement of property" (Djeison, 2016)

While the legal workgroup was taking shape, Josué describes how the fact that the decision to occupy the City Council had destabilized the "arrogance of the government". Thus, when the decision to occupy the City Council was taken, the legal workgroup was finally necessary in order "to avoid an eventual attack by oppressive forces, which are not only police, but also the courts, those of us in the Brazilian left know very well how the courts really are" (Josué, 2016).

The legal workgroup was created before the occupation, and was mostly based on the SAJU, as a way to support the protests that since the beginning of 2013 were facing a strong police opposition, which included a high number of gunshots during the protests. In this context, it is important to highlight how the legal workgroup kept in constant dialogue with the Bloco de Lutas, in order to create, together, protection and judicial and political defense strategies.

In the SAJU, we had established a transversal group. It was a wide group, formed by several people, a group that was able to create a discipline which we are very proud of, because we had a group that was very plural and heterogeneous and that created this system in which we were able to follow the occupations on a permanent basis, not just the occupations (...). We followed, since the beginning, what was going on in the environment, and from the analysis and the social-political reflection- we also tried to objectively tackle how we were going to behave in and our planning during the occupation; how the conflict was going to take shape, and the kind of legal, technical and political work, inside the institution, and also inside a logic in which we had an established dialogue in a very firm and consistent way with all the organizations that were part of the Bloco de Lutas. The struggle became something more than the Bloco de Lutas, and even had some dialogue with the political parties. (Régis, 2016)

Along the same lines, Leonardo identified a political "paradigm shift" in the occupation of the City Council. It was a breaking of the routine in the political scenario in the city of Porto Alegre. The practice of the occupation of the city council had transformed into a

way of “putting up pressure at the democratic institutions. The concept of democracy itself” (Leonardo, 2016), it had presented itself as a “novelty from a radical-political standpoint” (Ernani, 2016). Régis stresses that Porto Alegre and the occupation of the City Council must be understood in the context of the national, and even Latin-American, political scenario, highlighting, in the first place, how “this occupation organized and raised to a superior level the organization of the left”, and, in second place, how the occupation signed the possibility of working not only in an institutional level, but also from the streets. This was, in fact, a “street level, popular, movement, which was taking advantage of institutionality to conquer whatever it needed, but which was not in itself, an institutional movement. Even though I might not be making myself clear, I think this was the main hallmark of this organization” (Régis, 2016).

In the next item we will deal with the composition of the legal workgroup and its relation with the occupation assembly, trying to bring forth the complexity and richness of this dialogue.

4.2.2. The composition of the legal workgroup, and its relation to the collective organization of the occupation

All of our nine interviewees related how the legal workgroup constituted itself as an open group and, consequently, without a defined number of people. They composed the legal workgroup moving also in other commissions within the occupation. Rafaela describes the evolution in the relation between the legal workgroup and the general assembly in the occupation. The most important result was the elaboration of the two Bills that we mentioned before. In this, the legal workgroup would receive the proposals created in the political debate inside the assembly, and this was a form of supporting the political work done in the occupation:

So, the legal workgroup in one way or another was also inside this commission which wrote the draft of the bill, mostly because of the legal and formal issues that folks would bring forth. Some ideas would not be legally viable, we could later try and fight for these as a social movement, but they were really not legally possible. Inside the workgroup, then, we would advise the movement about the viability of the ideas. I think the legal workgroup, then, had this role which was giving support to the construction of the Bills, and also had another role, further down the road, which was defending the occupation in the courts, and avoiding a tragic conclusion which we were all anticipating. So, the decision to suspend the eviction was unheard of (...). Another thing that was really stressed back in the day was that the legal workgroup was just a support, it was not the legal workgroup that achieved the decision. This was achieved, really, by our struggle. (Rafaela, 2016)

This comment highlights the role the legal Workgroup seems to have had as a formal support to the decisions developed in the occupation assembly while, clearly, and at the same time, the Workgroup only worked upon issues that seemed viable in the legal field, giving a legal form to those issues that had been previously politicized by the assembly. Clearly, in this process of issue formalization, some demands were discarded or re-elaborated.

Conversely, about the importance of the legal workgroup and its relations to other participants, Tiago sees as paramount the fact that in the legal workgroup there were people who were “experienced activists” and nevertheless had never taken part in the

occupation of a City Council before which “was a factor in breaking up the tension” (Tiago, 2016).

As a lawyer, Claudete stresses this idea: the support role of the legal workgroup in a mobilization in which it also takes part. A working “with” and a working “for” without a division of competences and inside a project of collective elaboration which is nevertheless focused upon the “legalist” role – which is something peculiar to the workgroup.

But then, in that context, we also needed to have a legal focus, so we wouldn’t lose right from the outset. As a matter of fact, people were really organized, right? They were really organized politically and legally. When I got in, I was a part of a group that was politically structured (...). The legal workgroup understood itself as part of the occupation (...). Actually, there wasn’t a difference between legal workgroups, the political and the social activists within the occupation. The legal side would not work miracles, it would not solve problems by itself. As a matter of fact, it should work in a group. If we do not work as a group, it doesn’t work. Actually, it was the hands-down approach that was determinant, the fact that drafts for Bills were made – even if in a short time span, and even, let’s say, not in a technically sound way – and made collectively, not only by people in the legal workgroup. There was not a division, like, ‘now the lawyers will sit down and write the draft’ (...). It really is a work ‘with’ and a work ‘for’. (Claudete, 2016)

At the same time, Claudete recognizes a moment of difficulty when the request for conciliation in the eviction notice was signed in the name of the Student Council instead of the Bloco de Lutas. She points at how this fact was not constituted as a political question between those who were against or for a conciliation audience, or a question of legitimacy/representation. It was a purely a technical question.

In this regard, Djeison (2016) recalls how the above mentioned fact caused a problem and an order for the eviction of the movement from the City Council. In this case, an administrative process within the City Council was filed. Several organizations which had signed the judicial files for the law school academic sector as a proxy for the SAJU were sued. Ernani stresses that it was immaterial in what capacity these proxy organizations signed the pieces supporting the occupation:

The legal workgroup gets even more active after the district court files an *in-limine* decision for the eviction of the occupation. This is the moment in which the courts speak, and it says “listen, you have to vacate the space”, right? This is when the need arises for us to answer, procedurally, and then we started this discussion (...). We called all organizations in the city, at least the ones we had contact with: unions, associations, so they could be *amicus curiae* of the occupation, that is, these organizations would be in the passive position during the process. I think that, at this point, we had about sixteen or seventeen unions and associations connected to our plea, such as, the Student Council at the Catholic University, the Student Council at the Federal University, the Bank Employees Union, the Teacher’s Union, the SINPRESI, the Brazilian Institute of Architects, and a number of organizations that understood the occupation of the City Council as important and wanted to, in fact, associate the name of their organizations in support and solidarity (...). I think that starting with this fact we realized that the occupation of the City Council was not only an isolated fact but was also an act that had, that counted upon, the support of several traditional organizations. (Ernani, 2016)

The relation between the legal and the organization of the assembly and the question of the technical defense/political discussion, that is, the relation between the process of political decision and the legal defense, is not exclusively considered as a technical defense. This was approached in the same line as the “work with and work for” the social movements which Claudete (2016) highlighted previously. Recall that the legal workgroup (Tiago, 2016) was also composed by activists. Thus, the Workgroup was careful to build a defense which was not merely technical and that was not placed “above those made by the committee which was indeed the Free Committee, that was, as a matter of fact, understood as more democratic: the general assembly of the occupation” (Ernani, 2016)

The legal workgroup had the possibility of pursuing a good relationship with the collective organization of the occupation, mostly for managing, from the outset, to stop the reinstatement of property, and, afterwards, to elaborate both drafts of Bills. Thus, “the legal workgroup played its role, which was to help formulate these [Bills] and did so together with the participant social movements” (Julio, 2016).

One can note that the constitution of the meaning of the legal workgroup, in constant connection with the Assembly, was one of the main characteristics of the occupation. Régis, regarding this situation, criticizes a merely technical or “cosmetic” vision of the Workgroup, highlighting its conversational function towards the Assembly, which, for him, consolidates the role of a Workgroup established in the political character of the movements in the Assembly as the “heart of the occupation”:

The legal labor, mistaken ideas notwithstanding, is not cosmetic labor, the sort that you can unbound from the political decision-making processes. Actually, it is founded in the very political character of the movements. So, we needed not only to acknowledge but also to protagonize this construction [of a legal workgroup] and from this need it [the legal workgroup] was formed, and not only from this need [of acknowledgement] but also from the need of dialogue with the powers that be, the public power, which in that case was the direction of the City Council – we built a dialogue and negotiation committee with four people and one of these people had to be someone from the legal workgroup, and we thought that it was important that one of these people were also in the SAJU, because of its representativity and its symbolic character. (Régis, 2016)

Régis (2016) adds that the collaboration between the legal workgroup and the movement also suffered from intra-group mistrust, which is typical of heterogeneously composed political groups. This would have affected the work within the occupation were it not for an intense labor of dialogue with the various trends represented within the workgroup.

This fragile equilibrium between the legal arena and the political field, each with its own language, tools, and characteristics, is the very heart of the question. In the words of Leonardo, this was a successful labor: “giving the legal and political fields equal standing within the activist community was the wider challenge, and we managed to do it quite well” (Leonardo, 2016).

On the basis of the conducted interviews, some conclusions regarding the composition of the legal workgroup and its relation with the different political trends present in the occupation of the City Council in Porto Alegre in 2013 are possible:

1. The legal workgroup was mostly composed of law students and professionals, but, as a group, it was not fully formed by such individuals;
2. The SAJU performed a paramount role in the organization of the legal workgroup;
3. The law professionals had an idea of activist labor “with and for” the social movements. Consequently, such labor was not subsumed in legal technicalities and aggregated, as a support and defense for the occupation, a necessary dialogue with the decision of the assembly;
4. The suspension of the immediate eviction of the occupation allowed law to be understood as a means to the ends of the occupation;
5. The dialogue difficulties between those who had legal expertise and those who did not was evident;
6. Intra-group mistrust within the social movements and because of the typical legalist limitations of the legal workgroup were also present; and
7. The differences between law and politics are perceived in different ways by the interviewees. Those who realize these differences are the ones inserted in the political debate, and/or, those who perform more than one role in the legal context.

In the next item we shall pursue in further detail the role of the legal workgroup in the acknowledgment of the reinstatement of property and in the elaboration of both drafts of Bills filed before the disoccupation of the Porto Alegre city council.

4.2.3. The protection of the occupation against the reinstatement of property action and the elaboration of the two drafts of Bills

The aforementioned interviews quite often quote two important events: (a) the appeal of an immediate reinstatement of property and the further ruling for the appeal; (b) the elaboration and the filing of two draft Bills regarding urban public transportation in the city of Porto Alegre as a minimal condition, by the occupants, during the conciliation hearing, in order for them to vacate the occupation of the city council.

Claudete worked as a lawyer in the legal workgroup in both matters. In relation to the first, she acknowledges it as a big victory. She considers it unthinkable, an historic decision in a context of criminalization of social movements. It was groundbreaking in the sense that it legitimized the occupation and made it possible for no one to be forcibly removed from it:

The general office at the Forum actually did not recognize our emergency request for a reconciliation, but when we filed it directly with the main judge at the civil Court, Judge Cristina, she was in favor of recognizing requests for reconciliations. Judge Cristina would say ‘First let us listen, and then decide the proper way to follow suit’ and this made all the difference (...). It is also important to acknowledge the importance of the decision by a State Judge to recognize our request for reconciliation. We did file an appeal, but it was important that she was likely to favor requests for reconciliations. This reception of requests for reconciliations is something I had never seen before, so much so that we were up to five to six hours in the audiences, which really shows the attitude of both the public attorneys and the magistrates towards the conciliation (...). She really cared about listening to the parts and reaching an agreement between both, and this was in fact what happened afterwards (...). This was actually the first time in which we had an occupation of the City Council, and it is noteworthy that there was no

violence during the eviction process. This was the first time we had this experience of an occupation [of a public place] and that people weren't forcibly removed, this was the recognition of the legitimacy [of the movement] (...). She recognized that space [of occupation] as legitimate. (Claudete, 2015)

The decision was surprising. The occupation was then a way in which relations between the participants were strengthened "There were a lot of people in there. A lot of different people. People with different political views, people with different life stories, people in different social conditions. And well, it worked!" (Tiago, 2016). The relation between political action and legal action showed both its potential and its limits:

Each workgroup gave information to the collective and received information and requests from the collective. Each workgroup had technical autonomy in its area, nobody was going to tell folks in the communication workgroup how to do a flyer, nobody was going to tell the legal workgroup how to write a petition. But each decision on what to do was received from the collective, as in, for example, the legislation on the *passé livre* (...). I think the legal workgroup did what it could, but I also think the collective within the legal workgroup could have worked in a better way (...). The assembly decided on the *passé livre*, that is, it decided on the theme. Who was going to do it, and how it was going to be implemented was not decided. The political side requested it, and the legal side would do it. The political side can request whatever it wants, the legal side will deal with the limits of how to do it (...) this brought some conflict forth, because the political may decide it wants to demand *passé livre* while the legal workgroup will look at the administrative side and consider it impossible. The legal workgroup drafts a Bill and tries to achieve it (...) the problem that came forth is that writing a draft for a Bill is not something everyone is equip to do, the legal workgroup will do whatever it can, but it is limited. (Josué, 2016)

The conciliation hearing was decisive because, first of all, it avoided an immediate reinstatement of property followed by use of police force. In the second place, it made possible for the *Bloco de Lutas* to place as a condition for the vacancy of the occupation the filing of the drafts of Bills that were written within the legal workgroup, on the grounds of the discussions of the assembly claims:

What happens, as a matter of fact, when we get into the legal struggle, is that our idea was to delay the process of reinstatement of property so that with this delay we could force a negotiation in which we could at least file the drafts of Bills we were writing, right? So, I was not so focused in the writing of the drafts, which were discussed in plenary, and I was actually focusing on delaying the reinstatement. So, in the end of the day we pulled a lot of all-nighters writing the pieces and negotiating with the courts and even with the police, so that there could be enough time to elaborate and write the Bill. I think that we can say that because of this movement we were able to force a hearing for a negotiation, and in this hearing we agreed on vacating the City Council, as soon as the Bills were filed. (Ernani, 2016)

We can thus affirm that the legal workgroup acted in two wide fronts: (a) in the protection of the occupation against the reinstatement of property, and (b) in the joint-elaboration of both Bills filed in the City Council. The legal workgroup hence took a complex and diverse role: acting in a technical way regarding the continuation of the occupation, neutralizing any requests for reinstatement of property by the City Council, neutralizing eventual violence, state repression and any other form of criminalization; on the other hand, it also had as a role the construction, along with the commission of

the Bloco de Lutas, which is the most politicized commission within the occupation, of the political objectives of the occupation, and in this the elaboration of the drafts of the Bills is included.

The decisive and tense moment was the visit of probation officers (tasked with discussing the reinstatement of property) to the occupation. This moment generated tensions at the heart of the Bloco because not all were in favor of letting the officers get inside the occupation. This was an example of conflict without rupture between the social movements and the legal workgroup, which was solved in time for the visit:

Some organizations didn't want this to happen because they considered this was a way of giving in to the legal focus within the occupation. This was a bad interpretation of what was going on, and we had a hard time convincing folks that they were misunderstanding the situation – but the visit ended up happening. And this visit was decisive because it was the report of these officers which made the review of the decision of reinstatement of property possible. (Régis, 2016)

In the debate for the elaboration of both Bills, according to many of our interviewees, there was an interesting political debate about what public transportation meant: statization or municipalization of the transport. The transparency of the public accounts of the public transport companies was also approached, and this was the topic for the first proposed Bill; the second Bill, on its turn, proposed *passé livre* in the urban public city transportation for some parts of the population: students, quilombolas, native population, retired and unemployed population.¹⁰

Rafaela remembers that the part with the right to demand such legislation in such matters would usually be the mayor, as this demand deals with city finance issues and that there were a number of discussions regarding the possibility of a direct popular demand for the introduction of the Bill and the eventual participation of political parties in the process for a popular demand:

A Bill introduced by popular demand in this case would be of no use. We wouldn't be able to do a thing with it. Only he [the mayor] could propose such Bill. But we would only be aware of this after all the legal questions came forth, and then some of the folks wouldn't understand the procedure. But the fact is that we wrote this Bill, which was the *passé livre* bill, and the most we could do with it was referring the filing process to the mayor. I even think that it was through the legal workgroup, in the hearing about the project, that we were able to refer it to the mayor – if he had any interest in the Bill, he could forward it to the legislative in the City. In this case, he never had any interest in it – it probably ended up in his drawer, or, whatever, was burned in his fireplace. The other project was a Bill about the transparency of the public companies for transportation, I guess, and we wrote the whole thing – and this also brought forth another issue in the filing of the project with the City Council, because a Bill proposed by popular demand needs a 5% quorum, if I am not mistaken (...). I think the most polemic issue was that it established a ten year deadline for the re-nationalisation of public transportation, so public transportation would be entirely administered by the City Hall, and there would be no public concessions to the private sector (...). I also think that in the time we were there we even considered that some political parties –

¹⁰ News about this topic in the media: <http://www.sul21.com.br/jornal/manifestantes-finalizam-redacao-de-projetos-de-lei-na-ocupacao-da-camara-de-porto-alegre/>

because we didn't have enough signatures at that time – could actually propose the Bill. (Rafaela, 2016)

In spite of the collective elaboration and construction of the projects the fact is they remained filed away. How can we then measure the success or failure of the occupation? If the Bills did not produce any final result in the form of legislation, is this enough to consider the result of the occupation as frivolous? The hypothesis of this article is that (a) the occupation of the traditional political space (the City Council) for the promotion of assemblies and plenaries between several participants, for their organization in commissions and for the work of the legal workgroup is proof of its success. Note the recognition of the appeal against the reinstatement of property and the elaboration of Bills in the interest of the common good, and, in some sense, the ongoing development of debates within the occupation for eight days, broke with the usual state of political affairs in the local scenario, as declared by the Bloco de Lutas in a public declaration:

On the eve of the general strike on July 11th, we occupied the City Council, and elaborated Bills which seek to assure the transparency of accounts related to public transportation and the *passé livre* for students, unemployed workers, native populations and quilombolas without raising the fees for other users. During the occupation we have also shown in practice that another kind of social organization, self-managed and without relations of exploitation is viable and desirable, and we count upon the solidarity of unions and individuals for this recognition. However, until today, the Bill that deals with the transparency of the finance of public transportation has not been brought to a vote, in direct disregard of the agreement signed at the moment of the vacancy of the occupation. Also, the project dealing with *passé livre* was not forwarded to the City Council by the mayor. We know that the memory of the occupation and the existence of these projects is present, as well as the fact that students and workers know, every time they take a bus, that the reduction of the fees was achieved by popular demand, against the will of the mayor and the entrepreneurs – and this causes profound distress to both the government and the private sector, as it materializes a threat to its power arrangement. These events have made the Bloco de Lutas a real political force, one that is feared by those who benefit from the current economic-social arrangement, in the state and in the private sector. (Bloco de Lutas, n.d.)

5. Conclusion

The occupation of the Porto Alegre city council in July of 2013 can be considered one of the hallmarks of the protests along the year in the city. The occupation of a space normally dedicated to the normal forms of politics and administration with the development of horizontal debates and the autogestion of this same space gives Porto Alegre in 2013 similar characteristics to those large occupations of public spaces in Spain in 2011, Turkey 2013, and United States 2011-3.

We must stress, however, that the movements present in the street in Brazil in 2013 may and must be also read from a Latin-American perspective, acknowledging the general crisis in the progressive governments in the region. In that sense, it is the protests in 2001 and 2002 in Argentina, the student movement in Chile, and the crisis of the progressive and neo-developmental model of the Lula da Silva and Rouseff governments in Brazil. The protests do not necessarily fit in a specific identity claim, be it student, labor, native, feminist, and so on. They connect, however, in the same streets and in the same spaces,

historical claims and an indignation that, from several points, were emerging in Brazilian society.

In this context, the Law and the Lawmakers that follow the protests – the occupation of the City Council in particular – had a fundamental role: protecting the occupation and, with it, the development of “another way of doing politics”, through the appeal of the reinstatement of property. They also were pivotal in translating the political claims of the occupation into two Bills: the *passé livre* and the transparency of the accounts of the companies that deal with urban public city transportation.

One must not forget that the political field has limitations in its relations with the social-political movements. The limit of the state as the horizon of the success or failure of political action. One must remember that lawmakers are key players in the construction of the State and its action. Consequently, the political critique, shaped by the legal field, necessarily faces this contradiction. Following this line of thought, the political demands translated into normative text, has its own, legally shaped, language, creating an invisible and yet “palpable” wall between professionals and laypeople who do not command the same discursive techniques.

At last, can lawmakers and lawyers legally shape the political field? The conclusion of this article is positive, Law is a fundamental engine in the advances of social movements; at the same time, this relation has contradictions and limitations that are yet to be solved and which need further study, debate and deepening so we can fulfill political movements which are *with* and *beyond* and, at the same time, lawmakers that can work *with* and *for* the social movements.

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Appendix. Interviews

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- Djeison. Interview I. [2016]. Interviewer: Fiammetta Bonfigli. Porto Alegre, 2015. 1 3gp file (31 min.).
- Ernani. Interview I. [2016]. Interviewer: Fiammetta Bonfigli. Porto Alegre, 2016. 1 m4a file (33 min.).
- Josue. Interview I. [2016]. Interviewer: Fiammetta Bonfigli. Porto Alegre, 2016. 1 m4a file (70 min.).
- Julio. Interview I. [2016]. Interviewer: Fiammetta Bonfigli. Porto Alegre, 2016. 1 m4a file (47 min.).
- Leonardo. Interview I. [2016]. Interviewer: Fiammetta Bonfigli. Porto Alegre, 2016. 1 mp3 file (42 min.).
- Rafaela. Interview I. [2016]. Interviewer: Fiammetta Bonfigli. Porto Alegre, 2016. 1 3gp file (42 min.).
- Régis. Interview I. [2016]. Interviewer: Fiammetta Bonfigli. Porto Alegre, 2016. 1 m4a file (72 min.).
- Tiago. Interview I. [2016]. Interviewer: Fiammetta Bonfigli. Porto Alegre, 2016. 1 m4a file (41 min.).