

OUVIDOR 63 ARTISTIC OCCUPATION: ART AND LIFE BEYOND THE NORM

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According to São Paulo regulations, empty or disused buildings are not fulfilling their social function and, therefore, can be occupied by homeless people. The case analyzed in this text goes even further: to the housing is added a community of artistic production. Which, in terms of the law, is precisely what puts the building again at risk, since by having more than one activity, it could be argued that it is not fulfilling its ‘social function.’

Using the case of Ouvidor 63 – a cultural occupation in the center of the city of São Paulo, Brazil – we seek to understand how normative concepts on urban space and its use contrast with the effective use given by the social group that inhabits said building. For this, we confronted the appropriation of an abandoned property through a type of non-institutionalized artistic production – characteristic of this object – with the instances of power: both the Strategic Master Plan¹ and the art system. Thus, we propose to debate situations where popular artistic practice can reach the potential for social transformation. Drawing from the *in situ* experience of the authors of this text,² as well as the study of the demand for ownership of the property under analysis, we can consider the insurgency as the predominant theme to understand this production.

History

Ouvidor 63 is the address of a thirteen-story building located in the central area of the city of São Paulo that was abandoned for several years. Former headquarters of the Ministry of Culture of the State of São Paulo, this property was vacated by the government in the



early 1990s, remaining empty for more than seven years. Between 1997 and 2005 there was a residential occupation commanded by families of the Movimento Moradia do Centro (MMC), being subsequently evicted by judicial action and, once cleared, granted to the Housing and Urban Development Company (Companhia de Desenvolvimento Habitacional e Urbano, CDHU). When CDHU left, the building was abandoned for the last time. Then, on May 1, 2014, it was occupied again; this time, by a group of artists from southern Brazil.

Thus, an empty public property became fertile ground both for the experimentation of alternative ways of life and for the development of artistic-cultural works without institutional support. Artistic freedom could be exercised in its purest form; the occupation not only

1 Ocupantes en azotea de edificio Ouvidor 63, São Paulo 2018 / *Occupation dwellers in the Ouvidor 63 building top, São Paulo 2018.*
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2 Ocupantes de Ouvidor 63, Laboratorio de Vestuario Consciente, 4° piso del edificio, São Paulo 2018 / *Ouvidor 63 dwellers and contributors, Vestuario Consciente Lab, 4th floor, São Paulo 2018.*
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3 Desfile inaugural 11
Bienal de Artes Ouvidor,
puente Terminal Bandeira,
adyacente al edificio de
la ocupación, São Paulo
2018 / 11 *Biennial of Arts of
Ouvidor, Inaugural parade,
Terminal Bandeira bridge,
next to the occupation, São
Paulo 2018.*
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originated a residential place for more than 120 people – including local self-taught artists, immigrants, children, and the elders – but also a space for artistic production.

However, the social group that inhabits this building today, better known as *Ocupação Artística Ouvidor 63*, has experienced not only the uncertainty regarding its permanence in this place but also what it means to live the insurgency. Yet, what exactly do we mean by this?

Insurgency: New Uses for a Democratic Space

The idea of insurgency is understood here as the search for new models that challenge the hegemonic structures of power which dominate the narrative of who and how should urban environment appropriation be accomplished. This insurgency – or insurrection – can be made explicit through speeches or actions of disobedience in the face of certain disciplinary mechanisms – which, in America, range from the colonization process of the 16th century to today's neoliberalism – and through this deconstruction, it is possible to create new modalities of dialogue between the dominant and dominated.

In 2014, the inhabitants of *Ouvidor 63* faced a possession lawsuit filed by the owner of the property, that is, the State. The artists would have to leave the building since none was its owner. In the middle of the legal debates, a point alleged in the Judicial Action No. 025334-69.2014.8.26.0053 called our attention: it was argued that the property was not fulfilling its social function, that is, underutilized.³ In relation to the center of São Paulo, this point is one of the most discussed: as in most Latin American cities, the centers have become



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obsolete and, therefore, have hundreds of vacant buildings, such as this one, abandoned for years. In this way, by failing to comply with what the law determines as a social function, these buildings are merely at the mercy of real estate speculation, since the city center is one of the richest valued regions, with full access to public transport, education, and health. In this case, and considering the property was taken by homeless people, they could have given them the property, since by inhabiting it they were giving it an active use. However, this did not happen. Why?

According to the resolutions issued in the Ouvidor case, the social function of a property would be, by law, limited exclusively to housing. Therefore, since in addition to living there, the inhabitants of this building are using it to produce art, under the law the occupation would not be legitimate. But why can't art be understood as a way to make use of a publicly owned property? Could, eventually, artistic work re-signify underutilized urban space?

From a legal point of view, we can observe that State instruments operate in the territory in a controversial manner. On the one hand, the act of occupying a privately-owned building may be considered illegal, since the right to property is violated under Article 5, subsection XXII of the Federal Constitution. But this same instrument, specifically through the Strategic Master Plan of the Municipality of São Paulo (Law 16.050/2014), defines that one of the fundamental points that must be fulfilled by any property and landowner is the already mentioned social function of urban property:

The inactivity of land or buildings located in regions with adequate infrastructure, can cause detrimental effects to their environment (such as degradation and abandonment) and to the entire city, since it reduces the supply of areas suitable for urbanization or use, causing the rise of real estate and the expulsion of large portions of the population to more remote and environmentally sensitive regions.

4A Artista morador de origen colombiano en su lugar de residencia, 5º piso del edificio, São Paulo 2018 / *Colombian dweller and artist in his place of residence, 5th floor, São Paulo 2018.*
© Paula Monroy

4B Felipe Chianca, artista morador de la ocupación en su lugar de residencia y taller de trabajo, 4º piso del edificio, São Paulo 2018 / *Felipe Chianca, occupation dweller and artist in his place of work and residence, 4th floor, São Paulo 2018.*
© Paula Monroy

4C Hall de acceso 9°
 piso del edificio, São
 Paulo 2018 / *9th floor hall
 access of the building, São
 Paulo 2018.*
 © Paula Monroy

4D Lola, artista trans
 chilena, residente
 temporal del 9° piso del
 edificio, São Paulo 2018 /
*Lola, Chilean trans artist,
 temporal resident of the
 building's 9th floor, São
 Paulo 2018.*
 © Paula Monroy



[...] The owner of an unbuilt or underutilized land will have a period of one year to present a project to develop or build on their properties. The same term applies to those already built, but not used, however here the obligation is to give them effective use. (Municipal Secretary of Urban Development Cidade de São Paulo, 2014)

As a squatted territory, Ouvidor 63 existence implies permanently dealing with conflict. From the urban point of view, the conflict appears in the dichotomy between appropriation and eviction. But from the sociocultural point of view, this clash of perspectives can be understood as a synonym for democracy; after all, the debate between the various agents that make up the city is part of its own construction (Wisnik, 2015). However, in the Brazilian context after 2016,⁴ we have not only been able to note that the divergences pull away from constructive dialogue, but also the way the country is approaching an increasingly homogenizing and authoritarian scenario, where the hegemony of the neoliberal State determines what is possible and what not.

Going deeper into legitimacy in these kinds of contexts, we observe that it is subject to the visibility or silencing of conflicts, demands or the social body itself. The power that is exerted on the bodies of a community, 'biopower' (Foucault, 1976), is related to the application of sovereignty by a limited group of dominant actors and taken to its maximum expression. We are referring to authority mechanisms whose focus is not that of promoting the construction of social autonomy, but the instrumentalized formatting of the existence of certain social groups in the territory, where the human being really becomes subject, through struggle and work, to face death itself. In this light, the exercise of living itself becomes a political act, an act of resistance (Mbembe, 2016). Here we identify a clear point: the State chooses not to assist the residents of Ouvidor 63 in the interest of guaranteeing their property rights over the building.

This type of oppressive actions on citizenship – here represented by the right to dignified housing – by certain





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hegemonic economic agents have been criticized by a progressive group of theorists, activists, and social movements. For them, the policy of destitution of rights is a permanent practice and seeks to protect a condition of individual sovereignty over freedom, collectivity, and democratic social welfare. Aware of this clash of forces so present in the contemporary city, it is observed that:

4E Vista de la ocupación Ouidor 63 desde el puente Terminal Bandeira, São Paulo 2018 / Ouidor 63 occupation view from the Terminal Bandeira bridge, São Paulo 2018.
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The increasing polarization in the distribution of wealth and power is indelibly etched into the spatial forms of our cities, which increasingly transform into cities of fortified fragments, of gated communities, and privatized public spaces kept under constant surveillance. The neoliberal protection of private property rights and their values become a hegemonic form of politics, even for the lower middle class. [...] Yet there are in fact all kinds of urban social movements in evidence seeking to overcome the



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4F Espacio común y huerta comunitaria en la azotea del edificio, São Paulo 2018 / *Common space and community garden in the building top, São Paulo 2018.*
© Paula Monroy

4G Yebora, artista moradora de la ocupación en su lugar de residencia y taller de trabajo, 2º piso del edificio, São Paulo 2018 / *Yebora, occupation dweller and artist in her place of residence and workshop, 2nd floor of the building, São Paulo 2018.*
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isolations and to reshape the city in a different social image from that given by the powers of developers backed by finance, corporate, capital, and an increasingly entrepreneurially minded local state apparatus. (Harvey, 2014:48-49)

As in the construction of urbanity, the clash of perspectives is an important survey of resources for contemporary artistic production, functioning as a great articulator in the dialogue between the work and the public. In fact, “art is precisely something that always causes programmed strangeness in the context of what made it a habit [...] is an effective deprogrammer of mental habits, to which people offer inevitable resistance” (Tiburi, 2017). It is through this key that we understand the potential of artistic practice, because it questions speeches or realities ruled by the norm. This potential reaches an even greater dimension when it is transferred from the traditional exhibition space to the urban space.

Art, City, and Legislation in São Paulo. Is it a Crime?

In the 20th and 21st centuries we have observed how the relationship between art and city (the latter understood as a public place of relations, historical conditions, political perspectives, and collectivity) has gained importance in the deconstruction of the power devices that operate on the territory, on institutions and, consequently, on society. It is what we may call ‘dissident art’ or ‘counterculture.’

In the Brazilian case, the counterculture has been manifesting itself from the modernist generation – with artists such as Tarsila do Amaral, Anita Malfatti, and Oswald de Andrade, all participants of the renowned Modern Art Week of 1922⁵ – through speeches that sought to break the traditional artistic patterns of that time. But it was in the late 60s, even during the Brazilian military dictatorship, that the artistic insurgency strongly expanded.

Tropicália⁶ – musical revolution initiated by Caetano Veloso, Gilberto Gil, Gal Costa, and Os Mutantes, among other artists – was born as “a proposal of ‘universal sound’ that considered all the sounds produced by mankind to be valid” (Murgel, 2018:120). In addition to calling for a certain universality, the movement occupied festivals and public spaces – mainly in São Paulo – responding to both the strong US cultural influence that already prevailed in much of Latin America and the oppression of the military regime that ruled Brazil for more than 20 years. The members of Tropicália found in the musical expression their battle tool, which in 1969 ended up costing Veloso and Gil to be exiled.

Currently, with the expansion of internet access in Brazil, its decentralized and fluid information system promoted the creation of a network of artistic collectives and social movements that occupied the streets of the main cities of the country between 2010 and 2015, mixing art and political activism. In the specific case of São Paulo, these public space manifestations⁷ provided both a desire to claim the ‘right to the city’⁸ and new artistic circuits, parallel and independent, built from appropriation and collaboration (Campbell, 2015). It is within this scenario of effervescence and debate where the Artistic Occupation Ouvidor 63 was born.

In this sense, we believe that the recent wave of socio-political protests that have taken the streets

5 Instalación «Ferida Aberta» del artista Sirius Amén en su lugar de residencia y taller, expuesta durante la 11 Bienal de Artes Ouvidor 63, 8º piso del edificio, São Paulo 2018 / “*Ferida Aberta*” installation, by artist Sirius Amén in his place of residence, as exhibited during the 11 Biennial of Arts of Ouvidor 63, 8th floor of the building, São Paulo 2018.
© Archivo Ouvidor 63



6 Taller de modelo vivo en el marco de la 11 Bienal de Artes Ouvidor 63, São Paulo 2018 / *Live model drawing workshop during the 11 Biennial of Arts of Ouvidor 63, São Paulo 2018.*
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of various cities in Latin America,⁹ where the civilian population has made artistic-cultural manifestations facing the repression of the armed forces, may come to question what was established by a highly unequal system in various aspects, forcing to rethink urban, economic, gender and human rights policies in favor of a truly democratic sociocultural configuration.

At this point, it is worth exploring a legal concept that, in the socio-cultural context, addresses the ambiguity between the legal and the illegal, the formal and informal. 'Cultural criminology' is a criminological theory that seeks to understand why certain artistic manifestations are considered as crimes while others are not. Coined in the United States by Jeff Ferrell, this new perspective of criminology arises to understand the presence of graffiti on US walls. In short, the author concludes that graffiti was criminalized for being associated with a part of the immigrant population: the Latino minority located in urban peripheral areas (Shecaira, 2018). That is, both the art and the social group that produced these drawings suffered legal censorship.

Thus, cultural criminology is presented as a contribution of critical criminology, which aims to relate issues of cultural ideology, migration in the urban context, and expressions of group identity, with criminal and administrative responses that restrict the freedom of artistic production in the contemporary city.

From this concept, it is possible to build a parallel vision in Brazil, where we can identify a legal similarity in the behavior of the State: criminalize the formats that do not fit the previously established legislative framework, without giving space to local singularities and specificities. That is the case of the Artistic Occupation Ouvidor 63.

It should be noted that, throughout its existence, Ouvidor has established some alliances with institutions. But these associations have not changed the situation of illegality and questioning that this community suffers. For example, an association articulated in 2018 with the Red Bull brand – whose cultural headquarters is close to the occupation – allowed for the realization of the Second Biennial of Arts Ouvidor 63,¹⁰ bringing its artists notoriety and media presence. Another example was the invitation made by Sofia Borges, one of the artists that curated the 33rd São Paulo Biennial,¹¹ to two Ouvidor resident artists.

Both were called to develop a performance within the installation *A infinita história das coisas ou o fim da tragédia do um*, being somehow embraced by the institution. Finally, in 2019, an invitation from the curatorial team of the São Paulo Cultural Center (CCSP) was made, so that, for the first time in the history of Ouvidor 63, a group of residents would be part of a collective exhibition in this renowned public institution.

It is important to clarify that these projects were carried out in the midst of internal discussions: it is recognized that institutionalization can contribute in financial terms, but also that it opens space for the co-optation of the occupation image and the banalization of popular resistance art, which happens to be exploited as cool, outsider art with all the merchandising that this



entails. As we well know, the market is powerful and it will always tip the scales in its favor.

This situation raised a strong debate towards the construction of new models of housing and organization, which finally ended up triggering the migration of some members of the occupation to other dwelling and production spaces. The actions, works, and performances carried out by the Ouvidor 63 community have much more to do with a process of political resistance in an extremely unequal country – where art is understood as a battle tool – than with a final product that can become a market asset for museums and galleries.

Therefore, from our field research, we understand that the productions developed here – ranging from ephemeral actions, workshops, and conversation forums to artist-residency programs, all free of charge – acquire a revolutionary strength from the moment in which they challenge the cultural industry and the urban law by democratizing the access to art and by bringing it closer to everyday life. We talk about people who, in situations of illegality and criminalization, keep producing and occupying spaces. The socio-political impact inherent in the squatting movements, as well as the resilience in the face of the discursive limitations of a self-taught practice, make us think about the value of this occupation within a context that is constantly trying to make it disappear. Here lies its insurgency.

Legal or illegal, scholarly or popular, legitimized or unrecognized, the Artistic Occupation Ouvidor 63 is presented as a strategic alternative to contribute both to the active social function of an unoccupied property and to new ways of producing and exchanging knowledge in a context of social inequality, legal ambiguities and uncertainties about the future of Brazilian artistic practices.¹² **ARQ**

7 Acceso del edificio visto desde el puente Terminal Bandeira, durante una jornada colectiva de trabajo / Building access viewd from the Terminal Bandeira bridge, during a day of collective work.
© Archivo Ouvidor 63

- 1 The Strategic Master Plan of São Paulo city (PDE) “is a municipal law that guides urban development and growth until 2030. Prepared with the participation of society, the PDE directs the actions of urban space producers, public or private, so that the city development is done in a planned manner, attentive to the collective needs of the entire population, taking care to guarantee a city that is more modern, balanced, inclusive, environmentally responsible, productive and, above all, with a high-quality life. It must regulate some planned urban instruments and revise existing ones, in order to make São Paulo more adherent to the pre-existing royal city and more attractive for economic activities that reinforce its global city profile, and to the condition of being the 3rd biggest metropolis of the world.” Source: <https://gestaourbana.prefeitura.sp.gov.br/marco-regulatorio/plano-diretor/>
- 2 We, as academic colleagues, have developed our research, around this object of study, from the concepts of art-city and cultural criminology, respectively. Between 2018 and 2019, we conducted a field investigation through periodic visits to the Ouvidor 63 occupation, using methodologies such as participant observation, interviews, and action research. This experience provided us with a primary database for the construction of this article.
- 3 According to article 12 of the Directive Strategic Plan of São Paulo of 2002, totally unoccupied or underutilized lands that have not reached the minimum utilization coefficient, or properties with 80% or more of unused area, do not fulfill their social function.
- 4 In 2013, various social manifestations massively took the streets in São Paulo and other Brazilian cities with an important political role. However, the initial demand for the decrease in the value of public transport was lost amid a scenario of collective dissatisfaction with the national economy. This economic crisis triggered a political crisis that, in turn, culminated in the impeachment of President Dilma Rousseff in 2016. A controversial and authoritarian process: after years of a policy considered leftist – Rousseff being the first one in history who set out to make the rich pay taxes – Brazilian investors and businessmen made an agreement to remove the president from office, taking advantage of the established crisis context. From this movement, a national conservative wave was born, which in 2018 elected President Jair Bolsonaro, a fan of censorship and an executioner of critical thinking.
- 5 Event of visual and performing arts that took place in São Paulo in February 1922 and was strongly influenced by European artistic avant-garde (Dadaism, Expressionism, Cubism, and so on). It caused a great deal of strangeness in Brazilian society at that time given its challenging nature in the face of traditional molds of what was understood as art. Its main intention was to establish new aesthetics, formats, and reflections on national artistic creation.
- 6 A term that arises from the penetrable installation of the artist Hélio Oiticica, who sought to represent the freedom and creativity of Brazilian popular culture in opposition to the censorship of the military regime initiated in 1964. The work was exhibited at the Museum of Modern Art in Rio de Janeiro (MAM/RJ) in April 1967.
- 7 Collaborative initiatives such as *A Batata Precisa de Você*, *Movimento Parque Augusta*, occupations in Roosevelt Square and *Voodoohop* parties in abandoned spaces, stand out.
- 8 Concept created in 1968 by the French philosopher and sociologist Henri Lefebvre, who defines it as the right of democratic access to urban resources and the exercise of collective power to reshape urbanization processes.
- 9 In 2019, various South American countries experienced a wave of demonstrations and social crises against the political regimes that govern them. These demonstrations have been strongly repressed by the police and military corps, threatening even the lives of citizens.
- 10 Parallel event to the renowned São Paulo Biennial and whose second version was inaugurated in September 2018. Under the title *Outros mundos possíveis*, the project sought to address the concept of counterculture from different genres, prioritizing the construction of physical works, projections, installations, and performances. The main guidelines were media economics as well as networking and knowledge sharing between professionals and self-taught people from different areas.
- 11 Contemporary art event that since 1951 has functioned as one of the largest platforms worldwide for the exhibition and dissemination of national and international works. After the Venice Biennale, it is considered the second most relevant within the world's art

circuit. The 2018 version, *Affective Affinities*, proposed for the first time a collective curatorial system, directed by the Spanish Gabriel Pérez-Barreiro.

- 12 From the *coup d'état* against President Dilma Rousseff in 2016 to the current government of Jair Bolsonaro elected in 2019, the Brazilian Ministry of Culture has gone through processes of progressive divestment, content censorship, and even its suppression. With this, it ceased to be a ministry and became the Special Secretariat of Culture, an agency under the Ministry of Citizenship.

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