

Right to the City, Right to Rights, and Urban Citizenship

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The last half century has been a time of unprecedented global urbanization, democratization, and neoliberalization. In a matter of decades, countries that were mostly rural have become mostly urban. At the same time, the number of electoral democracies has doubled, increasing from one third to two thirds of the world's sovereign states. In many regions of the world, the growth of cities and the invention of democracy has also coincided with the institutionalization of neoliberalism as an organization of state and a rationality of privatization and dispossession. These processes of urbanization, democratization, and neoliberalization are deeply related. Although their combinations are intensely local in combustion, they produce a remarkably similar condition worldwide: enormous numbers – soon approaching a majority -- of the world's population now live in impoverished urban peripheries in conditions of illegal and irregular residence, around urban centers that benefit from their services and their poverty.

Yet these conditions also generate a characteristic response: precisely in the urban peripheries, residents come to understand their basic needs in terms of their inhabiting the city, suffering it, building their daily lives in it, making its landscape, history, and politics a place for themselves. The many meanings of this making often coalesce into a sense that they have a right to the city. This transformation of need into right has made cities a strategic arena for the development of new and insurgent

citizenships. By citizenship I mean membership in a political association or community that articulates a relation, not a dichotomy, between structures of power and social lives. By insurgent urban citizenship, I refer to the political transformation that occurs when the conviction of having a right to the city turns residents into active citizens who mobilize their demands through residentially-based organizations that confront entrenched national regimes of citizen inequality. Not all urban peripheries produce this kind of insurgence of city against state. But enough do to qualify this collision of urban and national, local and imperial, insurgent and entrenched citizenships as a global category of conflict.

The results of these processes in Latin America, Southern Africa, India, and elsewhere have been contradictory. If democratization would seem to hold special promise for more egalitarian citizenships, and thus for greater citizen justice and dignity, in practice most democracies experience tremendous conflict among citizens as principle collides with prejudice over the terms of national membership and the distribution of rights. If cities have historically been the locus of citizenship's expansion, contemporary peripheral urbanization creates especially volatile conditions, as city regions become crowded with marginalized citizens and noncitizens who contest their exclusions. Thus the insurgence of urban democratic citizenships in recent decades has disrupted established formulas of rule and privilege in the most diverse societies worldwide. Yet the result is an entanglement of democracy with its counters, in which new kinds of urban citizens arise to expand democratic citizenships and new forms of urban violence, inequality, impunity, and dispossession erode them.

Today, I want to emphasize that this insurgent right to the city confronts the entrenched with alternative formulations of *citizenship*; in other words, that its conflicts

are clashes of citizenship and not merely idiosyncratic or instrumental protest and violence. I want to emphasize that although brutal political economies of labor, land, and law segregate the urban poor into peripheries and reduce them to a “bare life” of servility, the very same structures of inequality incite these hinterland residents to demand a life worthy of citizens. The incitement that I am talking about takes place in the realm of everyday and domestic life taking shape around the construction of residence in remote urban peripheries. It is an insurgence that begins with the struggle for the right to have a daily life in the city worthy of a citizen’s dignity. Accordingly, its demands for a new formulation of citizenship get conceived in terms of housing, property, plumbing, daycare, security, and other aspects of residential life. Its leaders are the “barely citizens” of the entrenched regime: women, manual laborers, squatters, the functionally literate, immigrants and, above all, those in families with a precarious stake in residential property, with a legal or illegal toehold to a houselot somewhere far from elite centers. These are the agents who, in the process of building and defending their residential spaces, not only construct a vast new city but, on that basis, also propose a city with a different order of citizenship.

In his recent article, David Harvey eloquently advances Lefebvre’s standard of “The Right to the City” by saying that “the freedom to make and remake our cities and ourselves is ... one of the most precious yet most neglected of our human rights” (2008: 23). I want to make three points with regard to this precious right. First, in the four decades since Lefebvre (1967) published his incitement to change the world by realizing the right to urban life, vast numbers of new residents in impoverished urban peripheries are doing just that. Indeed, the right to the city is not neglected but has been powerfully

reinvented, primarily but not only in cities of the global south. Second, the agents of this reinvention have framed it not in terms of revolution, divine intervention, or even human needs but in terms of legal right and citizenship. This is, perhaps, surprising. While the right to the city may indeed be grounded in an ontology of human nature as a human right, as David Harvey suggests, for many of the urban poor, it became a specific kind of demand of a different sort: a claim of citizens, a citizen right, a right articulated within the framework of citizenship and its legal, ethical, and performative registers. But the initial and primary, ground of this right is the city and not the nation-state.

Thus my third point is that in articulating the right to city as a right of citizenship, the urban poor are also inventing an urban citizenship as distinct from the national. With this urban citizenship, moreover, the right to make and inhabit the city often leads a more general conception of a right to rights, the one being a pathway so to speak to the other. This articulation of rights is a compelling response to one of the urgent political questions of our time: what is the most effective political community to organize the heterogeneity of peoples that most metropolitan regions have become, a heterogeneity in which many residents are not national citizens? Given the multi-nationality of contemporary cities, it cannot be membership in the nation-state, not national citizenship. It could be a planetary organization of human rights. But that realization seems remote and, in any case, fraught with conceptual problems. Is it not rather the city itself organized by a residentially-based citizenship for which nation-state membership and immigration status are irrelevant? This is the kind of urban citizenship that people in Cape Town and São Paulo are inventing in response to neoliberal dispossession and inequality – and also in San

Francisco, as I hope I have time to discuss, with its pioneering initiative to provide preventative and curative health care to its uninsured residents.

To make these points, I first offer a comment on how the global south has changed Lefebvre's conception of right to the city. Using Brazilian examples, I then briefly discuss the dominant formulation of citizenship in which the alternative of urban citizenship develops. Finally, I examine new forms of right to the city as a right and close with a discussion of some of their limitations.

Moving South

That citizenship and its rights have become both the medium and the message of these struggles is a recent and still emerging transformation of urban conflict. It is especially an achievement of the poor in cities of the global south who have posed their struggles of urban life much more in terms of residence and basic everyday resources than in terms of the kinds of conflicts of labor and factory discipline that characterized working-class movements in Europe during the last century. When, in Paris in the 1960s, Henri Lefebvre (1996) published his "the right to the city", he imagined it emerging from the struggles inherent in the daily lives of poor residents. He predicted that the priorities of this struggle would shift from "production to reproduction" as the "urban revolution" overwhelmed the world. Although roundly criticized from within the Marxist tradition in which he wrote for emphasizing this shift, it seems clear today that many aspects of his prediction were correct.

However, the conflicts that consolidated this revolution as a question of rights to the city occurred not primarily in Paris but in cities of the metropolitan south, like Porto Alegre, Caracas and Johannesburg. Moreover, in moving south, so to speak, the

foundations of this right developed in ways that Lefebvre did not suppose. Lefebvre understood the right to the city as a claim by the working classes to a presence in the city that legitimated their appropriation of urban spaces and their refusal to be excluded from them. Although one may argue that Lefebvre's understanding is ultimately based on a Marxist notion of the social needs of humanity trumping the market needs of capital, his right to the city remains nevertheless unmoored to any framework or formulation that would articulate it as a *right*. If a right is a kind of social relation that distributes powers and liabilities between people, then in Lefebvre's conceptualization it seems free-floating and devoid of such relationality. Certainly, it arises as he supposed in the conflicts of flesh-and-blood agents. However, reproducing the Left's traditional distrust of "the egoistic rights of Man" as Marx put it, Lefebvre does not theorize his right to the city in terms of any articulation of social relatedness other than class conflict itself. So why call it "right" if it does not refer to a rule or a frame that generates subjective and objective power or does not articulate needs in terms of a specific set of claims, powers, and obligations sanctioned in law?

If we follow the development of struggles over city life among the dispossessed of global urbanization since Lefebvre wrote, we discover that indeed an insurgent notion of right to the city emerged among them in circumstances of degradation and peripheralness. However, the right to the city that was for Lefebvre (1996: 158) "like a cry and a demand" in 1967 became moored to a particular articulation that he did not imagine – indeed, that Marxism has consistently criticized if not rejected – that of citizenship and specifically an urban citizenship as I have suggested. Such insurgent citizenship movements have now been described in many regions of the global south. In

most cases, they coalesce through organized movements of poor urban citizens confronting entrenched national regimes of citizen inequality. To date, they have emerged most fully in a number of Latin American countries and in South Africa, where the transformations of urban citizenship unsettle national citizenships as well. However, we also find them documented in Thailand, India, China, Palestine, Holland, the United States, and elsewhere.

I should note that Don Mitchell of course argued for the importance of embedding the right to the city in legislation and “rights-talk”, in his study of public space and the homeless. But, curiously, his rights-talk remains itself with unarticulated with citizenship as the regime of social relations that links state and society and gives rights both their meanings, practices, and conflicts over equality, distribution and etc.

I should also add that the agendas of these insurgent citizenships are by no means necessarily just or good or egalitarian. They may be nativist, racist, communalist, middle class, and elitist, qualities that Lefebvre did not anticipate. But, primarily, they have made many autoconstructed metropolises strategic arenas for the development of formulations of an urban citizenship based on the struggles of residents of the urban peripheries for rights to reside with dignity, security, and mobility.

The idea that global peripheral urbanization produces new kinds of active citizens and citizenships contrasts sharply with the predictions of urban social and environmental catastrophe that have never been in short supply. Their 19th-century versions presented urban problems as diseases of the social body and provided urban reformers justifications for the “Hausmannization” of cities throughout Europe and the Americas. These interpretations turned some urban populations into “dangerous classes” and targeted them

for both scientific study and policing. Recently, a new round of books with alarming titles about city “slums” and their “billions of slum dwellers” feed an evidently large professional and popular appetite for apocalyptic descriptions of planetary degradation due to current urbanization. I do not doubt that many people live and work in miserable urban conditions, suffering brutally from segregation and pollution. My point is rather that the terms of this urban catastrophe genre—especially the lead term *slum*—homogenize and stigmatize a global urban population. It is not only that these terms immediately identify “billions” of people with horrific urban conditions. It is also that the stigma of *slum* leaves little space for their dignity and vitality. It squashes people into totalizing characterizations and, in that reductive way, reproduces an over-determination of urban poverty that has difficulty recognizing *emergent* spaces of invention and agency.

The problem I raise here is not only one of confronting homogenization with anthropological difference, though that confrontation is itself crucial both to undermine imperial regimes of knowledge and policy and to detect potentials for different futures. It is not, in other words, only an empirical question of demonstrating that processes of urbanization are always multilayered, entangled, and contradictory. Although such superimpositions create complex cityscapes, my argument is not only about inevitable anthropological complexity. It is also and most importantly about *showing that sites of metropolitan innovation often emerge at the very sites of metropolitan degradation*. My argument is thus about developing concepts that can discern this kind of insurgence.

To do so requires studying contemporary urban conditions through a combination of ethnography and history generally antithetical to the urban catastrophe genre. The latter has difficulty recognizing “slums” as places in which residents use their ingenuity

to create daily a world of adaptations, connections, and strategies with which to inhabit modern metropolises on better terms than those imposed by the powerful local and international forces that would have them segregated and servile.

To focus on this creativity is not to neglect the impositions of global forces of capitalism, neoliberalism, IMF-styled democratization, and the like. Nor is it in any way to deny factors of class and race in structuring urban life chances. Nor is it to wax romantic about the difficulties of putting new citizenships into practice. But it is to rub these forces, factors, and difficulties against the grain of local vitalities, to show that they do not preclude them, and that they are, often, reshaped by them. In resisting their reductions, it emphasizes the capacity of “slum-dwellers” to produce something new that cannot be readily assimilated into established conceptual frameworks. To emphasize the creativity of practice is also to bring to the surface that very possibility among the many conditions that exist as potentials in the city. In that way, developing a paradigm of analysis of contemporary urbanization that reveals such insurgence is to produce critical research that is not totalizing, reductive, or complacent.

I turn now to a discussion of rights as a basis for insurgent citizen movements. To grasp its significance, we need to understand the existing conditions of working-class citizenship within which alternatives developed. This is a complex historical problem, and I only have time for the briefest outline. I do so using Brazil and specifically São Paulo as my case.

Differentiated Citizenship

The working-class development of Brazilian urban peripheries is grounded in a reiteration of centuries-old political economies of land, labor, and law: in land policies

designed to anchor a certain kind of labor force in relation to specific regimes of production and in illegalities that initiate settlement and precipitate the legalization of property claims. The residential illegalities of today's peripheries repeat these old patterns. But they do so with an unexpected outcome that, ultimately, generates new formulations of citizenship.

To consolidate their rule of the new nation-state at the beginning of the 19th century, Brazil's landed elites formulated a regime of citizenship using social differences that were *not* the basis of national membership – differences of education, property, race, gender, and occupation – to distribute different treatment to different categories of citizens. It thereby generated a gradation of rights among them, in which most rights are available only to particular kinds of citizens and exercised as the privilege of particular social categories. I describe it, therefore, as a differentiated citizenship that uses these social qualifications to organize its political, civil, and social dimensions and to regulate its distribution of inequalities. The citizenship system thus created was universally inclusive in membership but massively inegalitarian in distribution. I hasten to add that most citizenships systematically legitimate the distribution of inequalities. They are designed to do so. In fact, all nations have developed at one time or another this type of citizenship that manages social differences by legalizing them in ways that legitimate and reproduce inequality throughout the social system. Moreover, such regimes of legalized inequalities typically persist under every kind of rule, thriving under monarchy, dictatorship, and democracy

To maintain this differentiated citizenship in response to independence in 1822 and the abolition of slavery in 1888, Brazil's ruling elites developed a two-fold solution.

To control political citizenship, they made suffrage direct and voluntary but restricted it to the literate in 1881. This restriction immediately reduced the electorate to a fraction of the population (about 1%). Moreover, in the Republic's founding constitution (1891), they eliminated the right of citizens to a primary education that would have given them the rudiments of literacy and that had been enshrined (though not much realized) in the independence charter (1824). Enacted with the stroke of a pen, the literacy restriction denied most Brazilians their political citizenship for an entire century, until it was repealed in 1985. To dominate civil and economic matters, elites created a real estate market to legitimate the ownership of private property and finance the immigration of free labor. Adapting the English theorist of colonialism E.G. Wakefield, they kept land prices high and wages low to deny the working masses legal access to land and independent production and to force them, as a result, to remain a source of semi-servile cheap labor. Thus, political and civil citizenship developed in step: both became more restrictive as Brazil changed from an imperial nation based on slave labor to a republican nation based on wage labor over the course of the 19th-century.

Subsequent regimes in the 20th century perpetuated this paradigm of an inclusively inegalitarian citizenship by giving it modern urban industrial form, incorporating new urban workers into a public sphere of labor law without equality or autonomy. As a result of the persistence of this paradigm of differentiated citizenship, most Brazilians by mid century had been denied political rights, excluded from property ownership, estranged from law, incorporated into the labor market as servile workers, and forced into segregated and often illegal conditions of residence in hinterlands that lacked infrastructure.

However, the new densities of urban life in these peripheries facilitated a paradoxical possibility, that of developing a sphere of independence precisely in the interior and – from the perspective of central authority – remote spaces of neighborhoods in the peripheries. There, organized around the social life and necessities of residence, beyond immediate state, party, and employer sanction, a new space of civic participation, rights, and collective imagination emerged.

Urban Citizenship

The paradigm of differentiated citizenship remains contemporary, having survived – indeed nourished – every political regime in Brazil over the last two hundred years, including electoral democracy. It perdures through its enabling conditions: exclusion from property, denial of political rights, residential illegality, misrule of law, servility. However, these conditions changed after the 1940s as the majority of Brazilians moved to cities and built the peripheries. In the autoconstructed city, these very same historical sites of differentiation fueled the irruption of an insurgent citizenship that destabilized the differentiated, as the urban poor gained political rights by becoming functionally literate, established claims to property through house building, established rights to urban infrastructure, made law an asset through their struggles with eviction, became modern consumers, and achieved personal competence through their experience of the city. These achievements validated their standing as city-builders. Moreover, they produced an unprecedented involvement in law that made their leaders confident to confront the state in its own idiom with legal reasoning.

Instead of domesticating the “dangerous classes,” the material and legal difficulties of autoconstruction politicized them, becoming core issues of grassroots

organizations and movements. In ways that contradict Chatterjee's (2004) arguments about politics among the urban poor "in most of the world", they formed into voluntary associations to defend their residences and to demand the regularization of their property and the delivery of urban services as citizens who have rights to their production of the city. Most of these organizations developed with considerable autonomy from the established domains of citizenship officially available to the working classes. In effect, the very conditions of remoteness in the peripheries enabled an off-work and out-of-sight freedom to invent new modes of association.

In the neighborhoods in which I work in São Paulo, for example, residents have waged campaigns for potable piped water, sewage lines, street paving, public lighting, bus service, trash collection, a preschool, and a health clinic. Remarkably, they achieved all of these objectives – the sole exception being definitive title to their houselots.

The sum of these experiences generated a new urban citizenship among residents in the poor peripheries based on three core processes. The first generated a new kind of participation in an alternative public sphere, one based on residents' own grassroots organizations through which they articulated their needs in terms of rights and in so doing constituted an agenda of citizenship. The second gave them a new understanding of the basis of these rights and of their dignity as bearers of rights. The third transformed the relation between state and citizen, generating new legal frameworks, participatory institutions, and policy-making practices. I consider that these processes constitute an urban citizenship when they develop under four conditions that all refer to the city: when urban residence is the basis of mobilization; when the agenda of mobilization is about "rights to the city"; when the city is the primary political community of comparison for

these developments; and when residents legitimate this agenda of rights and participatory practices on the basis of their contributions to the city itself.

In mobilizing right-to-the-city campaigns, women emerged as some of the most effective leaders of the organized residents, thus achieving a doubly new and unsettling voice. They developed new strategies of protests and politicized motherhood as a means of making demands. Moreover, their engagements in the city yielded an unprecedented knowledge of bureaucracy and law. With some of the men, they became researchers, investigating the requirements for each infrastructure they demanded, conducting extensive archival investigations at municipal departments, courts, and registries into land titles, subdivision plans, surveyors' records, and so forth, in an effort to unravel the tangled history of titles in the area and substantiate their own claims as good-faith buyers who had been swindled. In the process, they gained both a legal education and an idiom for engaging the state and its elites. One of the most active researchers and leaders in Lar Nacional told me how she learned about the courts.

To tell the truth, I couldn't even tell one court from another; I didn't know what their names meant or anything about them. I was a house-wife with a baby. I had only finished elementary school ... I didn't know anything, but I kept learning things after I joined the [neighborhood association].

In becoming knowledgeable and pressing their demands, residents confronted the state with its negligence as provider of the well-being of citizens. In this confrontation, a much more autonomous sphere of self-interested and competent citizens emerged. It challenged a fundamental conception of Brazilian society inherent in the modernizing state that has dominated Brazil, namely, that Brazil's masses are ignorant citizens who are incapable of making competent decisions on their own and who therefore need to be

led into modernity by an enlightened elite. In the insurgent formulation, by contrast, the residents of the peripheries imagine that their interests derive from their own experience, not from state plans, and that they are informed and competent to make decisions.

The neighborhood associations also forged new horizontal confederations of citizens concerned with housing, land conflicts, infrastructure, human rights, and urban administration that became city-wide and even national movements. The most significant was their massive participation in framing the 1988 Constitution at the end of military rule. This movement turned the insurgent citizens of the urban peripheries into key protagonists in a national struggle over the democratic imagination of a new charter for Brazilian society. They fought not only to make the constitution formally democratic. They insisted on participating directly in its elaboration. Their objective was to insure that it embody their experiences – those of modern urban working classes with a hard-won right to their cities – as a basic source of substantive rights and social justice.

-- tremendous consequences for urban policy and citizenship, especially having to mandating citizen participation and with property: social function and adverse possession

This participatory citizenship so strongly marked the development of a democratic imagination among residents in the peripheries that almost ten years after the Constitutional Assembly (the *Assembléia Constituinte*), I still noticed a striking lexical phenomenon in my interviews. One woman in Lar Nacional told me: “It’s beautiful to read, look, I have this right. If you take the *Constituinte* to read – I have read various parts – you look at it and say: Wow, can this be a fairy tale? Is it true? But if I don’t use it, I won’t know if what is written really works.” I first thought this use of *Constituinte* was an idiosyncratic error in syntax. But after transcribing many interviews, I realized

that this switching of terms is consistent: When residents talk about the *Constituição*, they frequently use the word *Constituinte* instead. That is, they often refer to the text of the national charter by the agency – their urban insurgent agency – in making it.

Let me now emphasize the change in conceptions of rights that is fundamental to this agency.

Rights

“Why do you think you have rights?” I asked a pioneering resident of one neighborhood in São Paulo’s urban peripheries, a retired textile worker and former neighborhood association president:

Well, one part is just what we were saying. I am an honest person, thank God. I don’t steal from anyone. I am a worker. I fulfill my obligations at home, with my family. I pay my taxes. But today I think the following: I have rights because the *Constituinte* [i.e., Constitution] gives me these rights. But I have to run after my rights. I have to look for them. Because if I don’t, they won’t fall from the sky. Only rain falls from the sky. You can live here fifty years. You can have your things. But if you don’t run after your rights, how are you going to make them happen?

The public spheres of citizenship that emerged in Brazilian peripheries forced the state to respond to their new urban conditions by recognizing new kinds and sources of citizen rights. These rights concerned issues of both substance and scope that the state’s existing laws and institutions had generally neglected. In that sense, they developed on the margins of the established assumptions of governance: they addressed the new spaces of daily life of the poor in the urban peripheries; they concerned women and children as well as men; they established duties to provide state services. Without doubt, the greatest innovation of these rights is that they initiate a reconceptualization: their advocates began to conceive of them as entitlements of a general citizenship based on,

first, producing the city and from that the nation, rather than of specifically differentiated categories of citizens, such as registered worker. In these ways, the emergence of new participatory publics in the peripheries not only expanded substantive citizenship to new social bases. It also created new understandings and practices of rights.

Yet, as the statement above suggests, this foundation of rights remains a mix of new and old formulations. As one of the failures of research on “urban slums” has been to neglect changing conceptions of rights, I want to emphasize their importance. When I ask residents in the neighborhoods why they think they have rights and on what basis, they consistently invoke an amalgam of three conceptions. As the textile work stated, they speak about rights as privileges of specific moral and social categories (“I am an honest worker”), as deriving from their stakes in the city (“I pay my taxes,” “I built my home and helped build this neighborhood”); and as written in the Constitution (“the *Constituante* gives me rights”). In other words, they present a hybrid of what I call special treatment rights, contributor rights, and text-based rights. This typology has a temporal organization, following the strategies residents deploy in their housing and land conflicts.

In these three formulations, people use the same concept to describe the realization of rights. They speak of “looking for your rights” or “running after them.” However, doing so generally means something different in each case, with a different outcome. The conceptualization of rights as the privilege of and special treatment for certain kinds of citizens has grounded, in various incarnations, the entrenched system of differentiated citizenship. As long as it prevails, citizenship remains overwhelmingly a means for distributing and legitimating inequality throughout the social system.

The new urban citizenships confront this core formulation of privilege with two new conceptualizations of rights. The first refers to what I call contributor or stakeholder rights in the city because residents advance them as legitimate claims on the basis of their contributions to the city itself – to its construction through their building of homes and neighborhoods, to city government through their payment of taxes, and to the city’s economy through their consumption. They are stakeholder rights because residents ground their legitimacy in the appropriation of the city through these means.

Contributor/stakeholder rights are, therefore, based on three right-to-the-city identities unprecedented for most of the urban poor: property owner, tax payer, and mass consumer. These identities engage an agency of self-determination entirely different from that embedded in rights-as-privilege. Yet, as not all Brazilians share these statuses, they also ambiguously perpetuate some elements of special treatment citizenship.

However, as rate of homeownership in São Paulo’s peripheries is remarkably high, varying between 70 and 90%, the identity of homeowner is predominant. Moreover, squatters often own their homes, many of which are well equipped, and most residents pay a variety of service fees and taxes as residential consumers. Thus, although the identity of stakeholder is without doubt strongest among those who claim to own their houselot in the peripheries, residents very generally view homeownership, tax paying, and consumption as evidence of their stakes in the city, for many a first substantive understanding of their agency in the city.

In the stakeholder conceptualization of rights, “municitizens,” as residents sometimes say, merit respect not because they are good honest workers or family providers. They do not have to prove personal moral attributes individually to an official

or have them acknowledged by the state to “find their rights.” Rather, urban citizens find their rights by demanding them, without relying on the quid pro quo of deference and favor. “If he pays taxes, he is a citizen and must be respected wherever he goes” is an assertion I hear routinely. -- We may have an ideological distrust of tax contributions as evidence of citizenship. But we should see the consequences when people do not contribute to the state: when people don’t pay taxes (education disaster in CA), when citizens don’t serve in the military but rely on mercenaries ... --

Contributor rights thus promote a citizenship based on an agency of that is “autoconstructed.” Ironically, as city-builders, tax payers, and consumers, these urban citizens have inverted the real-stakes argument that 19th and 20th century liberals used to exclude the working classes from citizenship rights.

On occasion, I have seen people at neighborhood meetings pull a concise edition of the 1988 Citizen Constitution from their back pocket or purse to make a point. More frequently, I hear them refer to what it “says in the Constitution.” This reference to the constitution and the legal codes deriving from it secures the second new understanding of rights to emerge in the peripheries. It is based on textual knowledge. To residents, text-based rights are evident, clear, accessible, and above-all knowable precisely because they are written down for all to see. People access them in three ways. They read them in inexpensive paperback editions of the Constitution; some consult them on-line; many also utilize new government institutions associated with innovations in the Constitution that aim to increase access to and information about rights as a matter of policy. Hence, residents frequent Small Claims Courts, consumer rights offices, and various departments of public administration that are now more numerous in the peripheries. As one resident

put it, these institutions constitute “a source for you to go to and get a return for your effort.” It is no small historical irony that this confidence in text-based rights has turned the popular classes of São Paulo into enthusiastic positivists, not so distant from the positivism that some of Brazil’s 19th century nation-builders venerated.

The keystone of this new foundation of rights is access to knowledge. If, in the past, it was almost impossible for a poor person to know her rights without the intercession of a superior, today’s access to this information is practically self-evident. It is common in the contemporary peripheries to hear people speak about law in terms of researching its texts. If they have a problem, they search for the legal text that establishes their rights.

The access to text-based law and the sense of empowerment it brings have thus fundamentally changed the meaning of “look for your rights” for working-class citizens. Today, they not only emphatically say that “a person has the right to look for his rights,” echoing precisely Hannah Arendt’s notion of justice. The important point, they overwhelmingly agree, is that “if you look today, you find them” because are accessible, tangible, look-and-point at, written text. These battle-seasoned residents know that knowing rights does not insure getting justice. But as a director of one neighborhood residents’ association observed, “without knowing the laws, one cannot know justice.”

In sum, a crucial change occurred in the urban social movements and organizations when residents began to generate rights-based arguments to justify their demands, when they began to see that their needs would be best served by understanding them as rights. Rights-based arguments appealed to residents of the peripheries not only because they provided a strategy with which to fight the massive inequalities and disabilities of city

life they suffered. Discourses of armed revolution do that as well. They also appealed because they offered a strategy of countering not furthering illegality and marginalization through the demonstration of competence (“know your rights”) and a new power to use the law rather than be its victim, that is, as a means to negate its traditional humiliation (“for enemies the law” as Brazilians say) through the dignity and power of participating in the public sphere as bearers of rights. Are their right-claims effective? Often not, that’s why they their encounters with entrenched inequalities “the struggle.”

Moreover, the rights arguments of the urban social movements transcended a specific reference to law to signify a change of subjectivity. That is, their articulation is like a performative that changes the status of performers, in this case from subjects historically denied rights, whom the state and its elites did not recognize as national citizens who intrinsically bear rights, to citizens who do so regardless of other attributes. In other words, the rights arguments constituted their proponents as bearers of the right to rights and as worthy of that distinction as any other class of citizen. In this performance, they produced a transformation in the understanding of Brazilian citizenship itself of great social consequence, from a distribution of privilege to particular categories of citizens to a distribution of the right to rights for all citizens. The right-to-the-city arguments was the means to struggle for this recognition of being citizens who bear the right to rights. This change in citizen subjectivity was neither linear nor without contradiction. It continues to be entangled with justifications of need, clientalistic relations, and special treatment rationalities – limitations that I see I don’t have time to discuss but that in the seminar tomorrow we can explore. I stress that older conceptions of differentiated citizenship are still vital.

Yet, the equality of inclusion the new conceptions demand is insurgent, even though it also elbows into the existing system. It is insurgent because the *right-to-rights* that citizens claim is not minimal. It already assumes the totality of possible rights. Hence the recognition of these citizens as right-to-rights bearing members creates a radical opportunity to remake Brazilian citizenship for a democratic society.

Especially in the Global South, the politicization that emerged through processes of peripheral urbanization and urban citizenship I have discussed is quite different from the kind of politics postcolonial nationalism structured. Peripheral urbanization established a space of opposition – the peripheries – within city-regions. This space confronts the state and its culture of citizenship with a new imagination of democratic values. Its insurgent citizenship opposes the modernist and developmentalist political projects of absorbing citizenship into a plan of nation-building monopolized by the state. Such state projects homogenize the multitude of social and cultural identities of modern society to produce formally commensurable national subjects, most of whom have little substantive citizenship for citizens and none for the many city residents are not nationals. Urban citizenship does the opposite. It typically has no formal standing in the sense that it is not recognized in constitutions. Rather, it is a *de facto* regime of new identities and claim-making. Having little if no formal status, urban citizenship is all substance. Rather than homogenize and dematerialize difference to arrive at a formal national identity, urban citizenship takes as its substance the heterogeneity and materiality of urban practice.

Yet, in many places, mostly in the global south and increasingly in Europe, urban citizenship is being recognized and institutionalized – in French and Dutch cities that

give all residents regardless of immigration status the right to vote locally, in San Francisco's pioneering initiative enacted by its Board of Supervisors to give all its uninsured residents health care – as the most effective political means to achieve social justice in the city.

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