**Reading Henri Lefebvre from the ‘global south’: The legal dimension of his right to the city**

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**Introduction**

A rich and extensive Anglophone literature on Henri Lefebvre’s ‘right to the city’ has explored many theoretical and practical angles with distinct authorities having emerged on this topic. David Harvey (2003, 2008, 2012), Mark Purcell (2002; 2003; 2013; 2014), Peter Marcuse (2005; 2009; 2012) and Stephan Kipfer (2002: 142; Kipfer, Goonewardena et al., 2008; 2013) among many others have held forth in this debate for most of a decade, contributing important explanations and interpretations and analyzing the widening use of this concept. Scholars have identified and in part criticized different schools of thought and interpretations on ‘the right to the city’ (Kipfer, Goonewardena et al., 2008; Souza, 2010; Mayer, 2012). My interest in this paper revolves around a dominant versus an emerging position as to whether Henri Lefebvre’s ideas on the right to the city could and should be translated into legislation. This stems from a broader question as to whether Lefebvre’s urban, spatial and legal ideas, which were developed in a very particular context – urban France in the late 1960s – are transferable to countries such as South Africa. Here the Brazilian application of a right to the city through legal reforms seems instructive. However, in the Anglophone literature a controversy surrounds the Brazilian account, in particular that by Fernandes (2007), and this controversy relates directly to dominant interpretations of what Lefebvre meant with the word ‘right’.

There is very little engagement in the Anglophone literature with Lefebvre’s own justification for his use of the term ‘right’. The common argument is that Lefebvre did not primarily mean an
Marcuse (2009: 192) emphasizes that “‘[r]ight’ is not meant as a legal claim enforceable through a judicial process today (although that may be part of the claim as a step in the direction of realizing the Right to the City)”. Australian legal scholar Chris Butler (2012: 157) argues that “Lefebvre specifically resists framing the right to the city as a legal entitlement because he envisages it as a means for contesting both state power and legal individualism”. From the dominant (or most cited) literature, it is generally understood that attempts to institutionalize the right to the city amounts to a banalization. This is a position that Smith and Jenkins (2012: 153-4) challenge in relation to the Angolan post-war context due to the particular way in which legislation is taken advantage of in Luanda. Brown (2013: 968) challenges it from another angle, namely that “the focus on ‘radical politics’” in much of the literature “threatens to miss out the most vital element of the burgeoning right to the city campaign – its potential for driving fundamental legal and institutional reform to strike a fairer contract between state and citizen, drawing on the experience in Latin America and other progressive local governments”.

Thus the claim, by Brazilian urban legal scholar and expert Edesio Fernandes (2007), that at least the beginnings of a Lefebvrian right to the city has been institutionalized in Brazil through the City Statute of 2001 is a point that is taken up in the dominant Anglophone scholarly debate, but politely dismissed. Notwithstanding an Anglophone ‘south’ (in particular Australia from where Butler writes), one could call this a north-south controversy on the right to the city (already implied by Smith and Jenkins (2012) and Brown (2013)). For a reading of Lefebvre and the wider right to the city literature, from the South Africa, I argue that this controversy matters. Many countries outside of Europe and North America face growing urbanization, an expanding dominance of the market in shaping cities, weakening of human rights frameworks, inconclusive reforms relating to the governance of cities, and as a result a renewed search for answers to persistent urban challenges, including inequality. From this context, one cannot but read Lefebvre as a politics and inspiration for action at many levels. Indeed, Lefebvre’s own rationale was to provide analysis or “‘socio-analytical’ experiences” due to “a possibility of
change” and as a core to “praxis”, which in turn would form part of “the cultural revolution” (Lefebvre, 1968/1971: 188).

This paper analyses Anglophone literature that positions itself in relation to the Brazilian claim of having institutionalized a right to the city in that country. In so doing, it demonstrates how this literature has underplayed the legal side of this right. The paper examines Lefebvre’s own, much ignored writing on freedoms and rights, from which he developed his work on the right to the city. It then reviews how Lefebvre’s work was received in France, including subsequent shifts. The paper also explores the origin and trajectory of Brazilian urban reform movement with its institutionalization more than a decade ago of what was later termed a right to the city. While not entirely conclusive, the paper reviews positions and evidence that suggest a Lefebvrian influence and also a partial parallel in the early stages of the movement on urban reform in Brazil. The paper seeks to encourage greater recognition of the legal dimension in Lefebvre’s urban writings. In this way, Lefebvre’s complex conceptualization of a right to the city gains particular relevance for politico-legal and institutional work in close alliance with social movements in countries such as South Africa.

The Anglophone controversy over Lefebvre’s meaning of ‘right’ and over its institutionalization in Brazil

When Fernandes (2007: 202) asks “what exactly does the right to the city mean in legal terms, and what does it entail?”, this is too readily dismissed in the Anglophone literature as an irrelevant question. Without engaging with the nature of the political tradition within which urban rights which Fernandes writes about were articulated in Brazil, Butler (2012: 148) questions Fernandes’ (2007) text as implying a “positivist road to the implementation of the right to the city”. With ‘positivist’, Butler (2012: 147) means a route towards a “juridically enforceable right”. In Butler’s (2012: 148) words, “[w]hile not rejecting the strategic use of legal mechanisms to further political demands, [Lefebvre] explicitly rejects the idea that the
right to the city can be reduced to a positivist legal right”. To substantiate this, Butler cites a line written by Lefebvre in 1973 (Lefebvre, 1973/1996: 194), four years after his writing of Right to the City and The Urban Revolution: “...the right to the city refers to the globality thus aimed at. Certainly, it is not [as yet] a natural right, or a contractual one”. The emphasis is in the original, but I have inserted ‘as yet’ based on Lefebvre’s treatment of the right here and elsewhere (e.g. Lefebvre: 1996/1968: 179) as one “in the making”.

Kipfer et al. (2013) share Butler’s skepticism of both the Brazilian ‘institutionalization’ of the right to the city and of the idea of legislating such a right – “…there is a danger that the right to the city becomes fixed in state-centred ways: operationalized in pragmatic-empiricist fashion and translated, for purposes of legal reform or policy evaluation, as a concrete legal right to ‘habitate’ or ‘participate’ in concrete physical spaces called ‘cities’” (Kipfer et al., 2013: 128). While they refine their concern, they underrepresent Lefebvre’s engagement with rights. I attempt to demonstrate this with reference to Lefebvre’s texts below. They too use Fernandes’ (2007) account of Brazil as an example, arguing that “[s]uch operationalizations … miss the central point of the ‘right to the city’, which, far from an isolated right to particular physical spaces, was meant to highlight the ‘strategic importance of the urban’ in social struggle” (ibid.: 128–9).

In efforts to explain what Lefebvre meant with the term ‘right’, Gilbert and Dikeç (2008) as well as Purcell (2013, 2014) refer almost exclusively to Lefebvre’s work on citizenship as yet not translated into English – Du Contrat de Citoyenneté (Lefebvre, 1990) – which Lefebvre wrote towards the end of his life, two decades after writing Right to the City. Gilbert and Dikeç refer to Lefebvre’s rights as “ethical and political projects” (Gilbert and Dikeç, 2008: 259) and his right to the city as “not inscribed on paper” (ibid.:258). To Purcell (2013: 316), Lefebvre’s “new contract of citizenship aims at … a change that cannot in any sense be contained within the traditional idea of rights as legal protections offered by the liberal-democratic state”. Purcell continues:
For Lefebvre a right is not an end goal that we can reach when the state inscribes it into law. Instead for him a right is a beginning. It is a political opening statement, a point of departure from which we begin a generalized struggle for a thoroughgoing renewal of political life ... Instead he thinks of the right as a ‘cry and demand’ (ibid.: 316-7).

The three words ‘cry and demand’ are the most-quoted and possibly misused reference of Lefebvre to his idea of a right to the city. Purcell (2003) prefaced his article with these words. Marcuse (2012: 29), who suggest that Lefebvre was “more provocative than careful” in the use of the “right to the city”, refers to them (and the sentence with which Lefebvre proceeded) as “the best definition he gave”. In an earlier paper he expands: “Lefebvre’s right is both a cry and a demand, a cry out of necessity and a demand for something more” (Marcuse, 2009: 190).

Harvey (2012: x) unpacks this further, implying a particular meaning that aligns with his own approach to the right to the city: “[t]he cry was a response to the existential pain of a withering crisis of everyday life in the city. The demand was really a command to look at that crisis clearly in the eye and to create an alternative urban life...”. For Harvey, this cry and demand “rises up from the streets” mostly without knowledge of Lefebvre, but Harvey nevertheless finds that Lefebvre’s work is “helpful ... because his dialectical method of immanent critical inquiry can provide an inspirational model for how we might respond to that cry and demand” (ibid.: xiii).

In the next section, I explain Lefebvre’s actual meaning of ‘cry and demand’ in the passage in which it appears, showing how these authors have taken it out of context.

Fernandes (2007: 205), in his own explanation of “the Right to the City in Brazil” points among other texts by Lefebvre also to Du Contrat de Citoyenneté of 1990 to provide evidence of Lefebvre’s argument that “the longstanding liberal tradition of citizenship rights” needed to be reformed. In Fernandes’ interpretation,

Lefebvre proposed a contemporary formula for social citizenship, expressing a ‘social project’ which requires a new political contract between the state and citizens in order
to reduce the gap between state and government, and between the institutional power and the power of civil society (ibid.: 207).

Fernandes (2007: 208) reads the “vital link between cities and citizenship” in Lefebvre’s work as calling for “a critical analysis of the role played by the legal-political order in the process of urban development”. For Fernandes “the reform of the legal order is one of the main conditions for changing the exclusionary nature of the urban development process” (ibid.).

Harvey (2012: xii) too refers to the claim that Brazil institutionalized a right to the city.¹ For Harvey (2012: xii), legislating the Brazilian right to the city, and associated mobilization “has nothing to do with Lefebvre’s legacy, but has everything to do with ongoing struggles over who gets to shape the qualities of daily life”. He argues that various social movements on different parts of the globe “individually concluded after years of struggling on their own particular issues (homelessness, gentrification and displacement, criminalization of the poor and the different, and so on) that the struggle over the city as a whole framed their own particular struggles” (ibid.). This seems only in part to capture the Brazilian right-to-the-city trajectory and does not give justice to Lefebvre’s own engagement with rights.

While Fernandes also uses Lefebvre’s 1990 writings to explain ‘rights’ in Lefebvre’s use, my position in this paper is that whereas Lefebvre may have nuanced his thoughts on rights late in his life, we need to examine in the first place Lefebvre’s thinking about rights at the time that he coined the term ‘right to the city’. Lefebvre wrote two books in 1967, both published in 1968. The second of these two books, Right to the City, leads on directly where the first, Everyday Life in the Modern World, ends.² His concern for the urban and his rationale for framing his argument as a right is contained at length in Everyday Life in the Modern World.

¹ Harvey’s (2012: xii) account about Brazil is inaccurate. He conflates the City Statue of 2001 with the amendment to the Brazilian Constitution in 1988 and implies that participatory budgeting developed in Porto Alegre when in fact it emerged in several Workers Party municipalities through the Urban Reform Movement (Assies, 1993). See also Souza (2010:325) for a discussion of inaccuracies in Harvey’s reference to the Brazilian case.
² Elden’s (2004: 258) listing of Lefebvre’s complete work has Everyday Life in the Modern World preceding Right to the City. This sequence is also evident when one compares the two texts.
Translated into English already in 1971, this work has received very little if any attention in the Anglophone scholarly discussion on Lefebvre’s work on rights, in particular the right to the city. And yet, particularly in the latter half as I will show in the next section, it provides an explanation for choice of framing, in his next book, of a right to the city.

1967: How Lefebvre developed his thinking on rights into articulating a right to the city

In Everyday Life in the Modern World Lefebvre (1968/1971) moves towards an engagement with the city from concerns with housing shortages and standardized mass housing, and towards the question of rights from the perspective of freedom. In a chapter titled “Terrorism and everyday life” he problematizes the diffuse terror of the co-existence of poverty and “ostentatious” privilege enabled through laws, codes and courts, and various forms of violence (Lefebvre, 1968/1971). Thus an “incessant conflict between repression and evasion, compulsion and adaption is the history of everyday life” (ibid.: 145, emphasis in the original). In extremely repressive societies, adaptation, which he likens with creativity, is restricted to the private sphere, the home, which Lefebvre portrays as an “illusion of freedom” (ibid.: 147). Lefebvre points to the role that religions, more or less subtly, play in justifying or explaining away compulsion (ibid.: 146). Lefebvre is interested in how to achieve “change”, “opening” (emphasis in the original) or a “way of escape” into a situation which enables “people to live passionate, intense lives full of happiness and delight, ... humanity and poetry with the human as a starting point” (ibid.: 147,150).

Urbanization (which Lefebvre understands both in the sense of the shift from rural to urban concentrations of population and in the production and expansion of the built environment) brings with it two contradicting processes – “socialization of society” which is “dear to more or less Marxist-inspired reformers” and at the same time an “individualization” (ibid.: 151). This leads Lefebvre into a passage that is critical to understanding his rationale for conceptualizing, in his next book, a ‘right to the city’:
Nobody nowadays would deny a boy or girl of twenty or twenty-five the right to lead an independent life, leave the family, have – and if possible choose – a career, take lodgings and dispose of himself or herself freely; thus in this massification there exists a certain degree of individuation involving problems of rights, freedom of work, of leisure, of careers, of education, of housing; such extensions of *habeas corpus* are not achieved without difficulty, and they tend to take the form of claims, and to be formulated in ethical and legal terms; they are appropriated by and for the state for strategic purposes, but simultaneously recognized and ratified to a certain extent by it – as for instance in the case of the *housing problem* (an early and very incomplete manifestation, the first stirrings, one might say, of a freedom that will soon have to be reformulated as the *freedom of the City*). (ibid., emphases in the original)

In the context in which Lefebvre wrote in 1967, formal housing rights did not exist in France. The French Constitution to date, does not include a right to housing (Gay 2004; Council of Europe, 2010). The *International Covenant on Economic, Social and Cultural Rights* which had been adopted by the UN General Assembly in 1966 and includes in Article 11 a right to housing, came into force only in 1976. However, according to Gay (2004: 127), in France “the treaties proclaiming socio-economic rights in general are not regarded as directly applicable”.

Thus, following the last passage quoted above, Lefebvre writes “housing rights – which could turn building into a public service – are far from being recognized as rights; the state, by intervening in this problem, has modified the practice but not the theory” (Lefebvre, 1968/1971: 151). In his following discussion about the contradictions between culture and the French society at the time (and in which he seems to counter statements like that of Marcuse (2009: 192) that the right to the city “is a moral claim”), Lefebvre (1968/1871: 152) writes about “potentialities” as opposed to

facts, aspirations faintly tainted with assertiveness, ... ‘values’ rather than facts, not even acknowledged as rights (except ethically, which is better than not at all, but does
not go very far), ... for if a crisis occurs or the consequences of this ‘massification’ simply become overwhelming these faintly outlined rights will be swept away... Our arguments would be incomplete and carry very little weight if we did not show how these new values and rights are born and how they develop until social recognition becomes inevitable.

In this passage, Lefebvre spells out an important sequence from aspirations, weak assertiveness, to values that are not as yet “acknowledged as rights”, from faintly outlined rights, to actual rights, followed by an inevitable “social recognition”. He makes a clear distinction between “ethically” acknowledged rights “faintly outlined”, and actual rights. Lefebvre continues with a section on the “written word” (his emphasis), that is law. “[T]he city, written on mapped space and graduated time, transitions from laws of custom to stipulated laws (that is from habit to conventional codes)” (ibid.: 155). He elaborates that law “is a necessary condition for all institutions” (emphasis in the original). His dialectic on the law includes the danger of supplementing “persuasion with intimidation” (ibid.: 156). However, he emphasizes that law “must be justified before the assembled population”, thus subject to “collective control” (ibid.). He also points to “bureaucracy’s propensity to found its power on” law (ibid.: 159).

Engaging more deeply with rights:

Freedom of speech is not of equal importance with the freedom of work, education, health, housing and the city, and a declaration of the material rights of material man would be neither more or less effective than the former declaration. Freedom of speech might possibly be placed on a par with the freedom of the city as a skyline of civilization, more than as a right claiming institutional recognition; moreover only critical and poetic speech can be considered in this context (ibid.: 161).
My reading here is that Lefebvre implies that a freedom of the city would include the equivalent of, but would also have to go beyond, the freedom of speech. Lefebvre returns to the city in his discussion about “the opening”, the turn to “a new era of urban society”, “already more than a dream”, in which he summarizes much of his ideas subsequently developed in Right to the City – encounter, creativity, festival (ibid.: 188-90). “[T]he city will none the less involve structures (spatial, formal); its practical existence will be practically defined (inscription and prescription) but this morphology will project (inscribe, prescribe) on the field relations whose social and intellectual reality will not be reduced to this projection” (ibid.: 190)

In his “Theses on the City, the Urban and Planning” in Right to the City, Lefebvre (1968/1996: 177-181) elaborates on this progression. He talks of a number of rights which will “find their way”, among them the “right to the city” (ibid.: 179, emphasis in the original). “These rights which are not well recognized, progressively become customary before being inscribed into formalized codes” (ibid.). In the Urban Revolution, published two years later, he directly addresses the subject of “urban laws” (Lefebvre, 1970/2003: 178, emphasis in the original). He first lists “negative laws” – those which would prevent the prevailing order, for instance “segregation” or the “separation between people”. He continues that “[t]hese negative laws in turn imply a number of positive laws. 1. The urban (urban life, the life of urban society) already implies the substitution of custom for contract”. While “contract law” governs “exchange and reciprocity in exchange”, urban life in Lefebvre’s conception emphasizes use over exchange, and “use… privileges custom over contract… This does not, however, imply that the contract system cannot be improved or transformed” (ibid.: 179). This would apply to appropriation, freeing it from “buying and selling”, i.e. the market, and to self-management, resolving the current “incompatibility between state and the urban” (ibid.: 179-80). These points align with the three-pronged “[p]olitical strategy” he puts forward in the same book:

1. “The introduction of the urban problematic into (French) political life by moving it to the foreground”.

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3 See also Elden (2004: 157).
2. “The development of a program that begins with a form of generalized self-management”, with an important interplay between industrial and urban self-management, also involving “markets and the control of investments”.

3. “The introduction into the enlarged, transformed, concretized system of a ‘right to the city’ (the right not to be excluded from centrality and its movement)”.

(Lefebvre, 1970/2003: 150)

It is evident that for Lefebvre, rights play a role in the process of change towards the urban society and town or city he envisages. In a foreword to Lefebvre’s third volume on Everyday life, Trebitsch (2008: xviii-xix) explains that for Lefebvre “[t]he fundamental revolutionary project, which revolved around the notions of festival, rupture in everyday life, and subversion, had the radical reformation of humanity as its ultimate objective”.

In the same book, Lefebvre (1981/2008: 121) responds dialectically to the hypercritic who is skeptical of rights: “.... Yes, human rights have served as a double-edged political weapon, sometimes for imperialism and sometimes for the struggle against imperialism”. His discussion here is about the right to difference, which in Right to the City, he intertwines with his definition of the urban (Lefebvre, 1968/1996: 129), along with other city attributes (the œuvre, complexity, inhabiting, centrality), incorporating them into the right to the city (ibid.: 127).

To the critics from both the Right and the Left, Lefebvre continues:

You of the New Right reject ‘rights’ as negating what, for you, is difference. You set difference up against rights, whereas the introduction of difference into abstract rights modifies and transforms them. You, the hypercritic, reject rights because, according to

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4 In the recent translation of Critique of Everyday Life Volume III: From Modernity to Modernism (Lefebvre, 1981/2008), Gregory Elliot chooses to use the word ‘town’ rather than ‘city’.
5 See also Kipfer, Schmid et al. also underline this point (2008: 293).
6 In contrast, Butler (2012) as well as Gilbert and Dikeç (2008) treat Lefebvre’s right to difference separately from or alongside the right to the city.
you, they are harmful – the naive, vain right to freedom of opinion, property rights that are all too real. You thus refuse what give concrete expression to rights in democracy – that is to say, in the struggle for democracy. ... You reject the concept of democracy, which you judge empty. You have your reasons. And yet critical reason demands another approach, enlarging the conception – classical on both sides, bourgeois and Marxist – of rights and struggles. (Lefebvre, 1981/2008: 121)

Lefebvre’s clear statements about legal rights do not lend themselves to an interpretation that he did not intend the ‘right to the city’ to be understood in legal terms, or that he intended it merely as a ‘cry and demand’. Lefebvre’s (1968/1996: 158) use of the words ‘cry and demand’ is embedded in a brief discussion about a “pseudo-right”, namely the “right to nature”, which “leisure” introduced into “social practice”, commodifying or commercializing it. In so doing this right or claim to nature was threatening to destroy nature itself, while the pursuit of commodified leisure was also displacing the right to the city (ibid.). Thus Lefebvre contrasts this pseudo-right to nature on the one hand with the right to the city as a “cry and demand” on the other (ibid.), i.e. the right to the city is underpinned by a real desire rather than one produced by a market (in Lefebvre’s example the leisure market). This discussion on the pseudo-right to nature is preceded directly by a very explicit engagement with the necessity for legal rights, showing that Lefebvre could not possibly have intended the right to the city be only or primarily a ‘cry and demand’ in the sense that some of the Anglophone literature portrays it:

Rights appear and become customs or prescriptions, usually followed by enactments. And we know how, through gigantic destructions, World Wars, and the terror of nuclear threats, that these concrete rights come to complete the abstract rights of man and the citizen inscribed on the front of buildings by democracy during its revolutionary beginnings ... [Lefebvre lists a number of rights including those of children, women, the elderly and those to work, to health and to housing]. The pressure of the working class has been and remains necessary (but not sufficient) for the recognition of these rights,
for their entry into customs, for their inscription into codes which are still incomplete (Lefebvre, 1968/1996: 157).

My reading here is that alongside pressure from the working class, there is a need for legal experts to apply their minds to the kinds of codes, statutory processes (including urban planning) and regulations that can give concreteness to a right to the city.

The influence in France of Lefebvre’s work on cities

In the late 1960s, the economically weak and in particular foreign-born workers of Paris were being displaced from the centre through redevelopment processes of the state and the market, bringing problems of urban violations to the fore (Kofman and Lebas, 1996: 42; Gilbert and Dikeç, 2008: 254). Lefebvre was not alone in finding fault with such developments. As Kipfer (2002: 137) notes, Jane Jacobs and others had already articulated concern over similar processes in “postwar urbanization”, but Lefebvre’s critique went further in serving “as a linchpin in his broader concerns about theory, daily life and political practice” and as an “indispensable linchpin in revolutionary strategy”. Lefebvre’s university at the time, Nanterre, was built in close proximity to “slums”, and it is assumed that “through his writings and classroom discussions on the right to the city” Lefebvre “nurtured the student movement towards subversion and rebellion against the established order” in 1968 (Sugranyes and Mathivet, 2010: 15). Lefebvre’s Right to the City (1968/1996) and The Urban Revolution (1970/2003) also had significant influence among urban practitioners and politicians in France in the 1970s, finding appeal even among “technocrats” under the right/centre-right governments, though not to Lefebvre’s approval (Kofman and Lebas, 1996: 35,38).

French urban policy in that decade, implemented as of 1974 “echoed many of the themes of Lefebvre’s writing” (ibid.: 35). Inspired by Lefebvre, the Left and the Right at the time “lamented the lack of the fête, around which inhabitants could unify, and the disappearance of
the ludic [or playful] element” in the urban (ibid.). Trebitsch (2008: xxi) refers to this period as the “the years of changer la vie, changer la ville” both on the Left and the Right. To the Left, the slogan stood for “democratic participation, self-management (autogestion) and urban change” (Kofman and Lebas, 1996: 35) and the Commune Programme (Kofman and Lebas, 1996: 35; Trebitsch, 2008: xxi) which involved Communist and Socialist parties gaining control over many French municipalities before the Socialists under Mitterrand won national elections in 1981 (Kofman and Lebas, 1996: 35). The Right in the 1970s understood changer la vie, changer la ville as captured in the new urban policy in 1974 of the centre-left government (Trebitsch, 2008: xxi).

In the left government of François Mitterrand in the 1980s, Michele Delebarre as “Minister of towns” is “reported to” have kept “a copy of Le Droit á la ville on his ministerial desk, not hesitating to cite it” (ibid.: xxiii). He would also brandish it “in front of the media” (Kofman and Lebas, 1996: 36). Lefebvre was also called upon to advise the Mitterrand government (ibid.), which turned its focus from historic centres and small towns to suburbs or banlieus (ibid.). A 1983 “Banlieu 89” programme attempted to give meaning to Lefebvre’s ideas of centrality, “the right to the city, the struggle against exclusion, and a renewed sense of urbanity” (ibid.). France’s urban or city policy politique de la ville of 1988 “owed much to a Lefebvrian sensibility” (ibid.).

Despite the influence of his writings in urban policy, or in Kipfer’s (2002: 146) words its “selective appropriation” (his influence on French social movements is not addressed in any detail in the literature cited above), Lefebvre’s intellectual influence waned. “[S]tructural Marxism had a strong hold in urban sociology in the early 1970s” sidelining Lefebvre (Kofman and Lebas, 1996: 37). He was also maginalised in the shift away from structural Marxism (ibid.). Kofman and Lebas (ibid.) suggest that “[p]erhaps his critical stance was too difficult to face from those who now wanted to shake off the intellectual rigidity of structural Marxism”. In the 1980s, his “thinking became partially inaudible”, both due to his “paradoxical” decision to rejoin the Communist Party PCF and “the ideological assault on Marxism” (Trebitsch, 2008: xxiii). Thus
“the Communist press was virtually the only one to attend to Lefebvre in the 1980s” (ibid.: xxiv).

Attempts to give (and at the same time avoid) legal meaning to the right to the city in France – still under Mitterrand till 1995 – only emerged in the early 1990s, the “French Ministry of Equipment and Housing” preparing and adopting an “Urban Development Law” in 1991 (Gilbert and Dikeç, 2008: 250). With an “opening article” on “the right to the city”, it sought to address segregation and exclusion and to “encourage diversity through the provision of social housing” (ibid.: 251). However, the Ministry at the time clarified that no “normative content” was intended with the reference to “right to the city” (ibid.). Gilbert and Dikeç (2008: 251) argue that this was to avoid having to reconsider “immigration policy and principles of citizenship, and the ethics and politics of urban society, including the socio-spatial dynamics that make the city”.

Critiques of Lefebvre’s texts by David Harvey (in his seminal 1973 Social Justice and the City) and by Lefebvre’s former student Manuel Castells appear not to have engaged with Lefebvre’s meaning of ‘right’, thus not representing the hypothetical (or perhaps real) ‘hypercritic’ that Lefebvre (Lefebvre, 1981/2008: 121) addressed, as cited above. Instead, Harvey and Castells questioned whether industrial society or industrialization would be surplanted by urban society or urbanization (Smith, 2003: xviii). These critiques focused on The Urban Revolution (1970/2003) in which Lefebvre further developed his ideas on the right to the city.

It was only after The Production of Space (Lefebvre, 1974/1991) had been translated into English in 1991 – this coincided with his passing away at age 91 – that a greater interest in Lefebvre emerged in the Anglophone academic world (Trebitsch, 2008: xxv). Primarily this was an interest in space and the everyday (ibid.). A year after Lefebvre’s death, Habitat International Coalition or HIC for the first time debated the right to the city among its members from different parts of the globe, this in preparation for the Earth Summit in Rio (Mathivet, 2010: 22). In France, a resurgence of academic interest in Lefebvre culminated in several
publications in 1994 (Kofman and Lebas, 1996: 40). *Right to the City* was translated into English only in 1996 and *The Urban Revolution* in 2003.

1960s to 2001 – how Brazil came to institutionalize a right to the city

The collective movement for urban change in Brazil predated Lefebvre’s writing of *Right to the City* in 1967. Marcelo Lopes de Souza (1993: 208) writes about the *favela* mobilization in the 1950s, with sufficient pressure placed on the state for first concessions in the form of state funding for grassroots associations in *favelas* as early as 1963. The casualties of land slides in 1966 focused the *favela* movement on a critique of real estate speculation (ibid.). Ermenia Maricato (1996: 8) explains how the 1959 Cuban revolution and Fidel Castro’s urban reform had inspired a movement of progressive professionals concerned with Latin American urban future. “Housing and Urban Reform” was the title of a 1963 seminar of progressive Brazilian architects. The call, however, was for “centralized planning and strong intervention by government to ensure access to land and housing for the low income population” (Huchzermeyer, 2004: 108, citing Maricato, 1996). With some irony, these proposals found their way into the national housing policy of the military regime of 1964 to 1985, although the regime did not implement the policy in the terms it spelt out. During the strongest years of repression, in which political parties were banned, the progressive arm of the Catholic Church organized and politically conscientized ordinary people in the workplace and in communities, a practice that had begun in the early 1960s and included setting up ecclesiastic base communities in *favelas* (Mainwaring, 1984; Holston, 2008: 349; McCann, 2014: 3). The work of the Church involved the defense of human rights while also developing “democratic participatory practice” (Mainwaring, 1984.: 98,100, cited in Huchzermeyer, 2004: 110-11). In relation to *favelas* or informal settlements, the Church was concerned with social rights, setting up judicial services to defend against relocations, insisting on implementation of existing socially responsive laws, the proposal of new laws at municipal level, and the promotion of housing as a human right
(Huchzermeyer, 2004: 111). Thus a legal component, alongside democratic practice, was central to the philosophy of urban reform at the time.

The formation of the Workers Party (PT) in 1980 resulted out of “an alliance between labour unions and other progressive and radical groups in Brazilian society, including the progressive arm of the Catholic Church” (Huchzermeyer, 2004: 113, citing Abers, 1996). Grassroots autonomy was central to its philosophy, as was internal democracy, accountability to members, their direct and active participation, and the political expression of worker and poor people’s interests (Keck, 1992; Wolf, 1994). Grassroots conscientization under structures aligned to the PT addressed practices of clientelism and patronage, but also extended to “a broad anti-capitalist sentiment through an awareness of the exclusionary process of capital accumulation in Brazil” (Huchzermeyer, 2004: 114, citing Seidman, 1994).

The National Urban Reform Movement, later National Forum for Urban Reform (Cymbalista, 2005: 22), emerged in the early 1980s as a counterpart to an agrarian reform movement (Maricato, 1994). The PT was in control of individual municipalities since 1982 (initially only Diadema in the industrial heartland of Sao Paulo) and began developing progressive municipal instruments. Saule Jr. and Uzzo (2010: 248) explain that the Urban Reform Movement by 1986 “defined the concept of urban reform as a new social ethic which rejects the use of the city as a source of profit for a few while conversely subjecting many to poverty”.

In 1988, at the same time that the PT was preparing for municipal elections and applying its principles to an approach for municipal governance, with a central role for popular councils (Abers, 1996), the Urban Reform Movement successfully mobilized for key demands on the Constitution. This included the re-introduction of a social function of land and property, which had been curtailed by the military dictatorship (Fernandes, 1995: 54), a social function of the

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7 Housing was included as a ‘social right’ into Article 6 of the Brazilian Constitution through amendment 26 in 2000. In the original 1988 text of the Constitution, Article 5 already protected the home against violation and intrusion (Chamber of Deputies, 2010; see also Favery, 2014: 92).

8 It is interesting that Lefebvre 1968/1971: 205) wrote “an urban reform could assume today the role and the significance that were, for half a century, those of the agricultural reform” (emphasis in the original).
city as well as popular participation in policy making and implementation (Lago, 1992). An ongoing politicization of the urban question was required for PT to gain and hold on to individual municipalities (Huchzermeyer, 2004: 126), allowing it to strengthen its support until electoral victory at federal level in 2002. The National Forum for Urban Reform continued mobilization after adoption of the 1988 Constitution. It had to counter stiff opposition from land owners, the real estate and construction industry against the adoption of a City Statute, which regulated the urban chapter of the 1988 Constitution and provided support to municipalities for implementation (Fernandes, 2001).

The Forum for Urban Reform participated in international events and forums in the early 1990s, including those of Habitat International Coalition (HIC) and UNESCO, and as of 1995 began adopting the slogan of a ‘right to the city’ (Saule Jr. and Uzzo, 2010: 251). The World Social Forums, as of 2001 formed a basis from which to begin formulating a World Charter on the Right to the City (Oritz, 2010).

Many may judge the approach of the Urban Reform Movement/Forum by the current policies, programmes and urban conditions in Brazil. Rolnik (2011: 244) explains how the multi-party coalition into which the PT had to enter led to compromises that allowed for a return to mobilizing the “resources traditionally used in Brazilian politics...: distribution of government positions in ministries, punctual compliance with investment requests in Representatives’ districts [rather than adhering to democratic principles] and, often, the purchase of votes”. Fernandes (2007: 218) makes it clear that work towards “a new legal-urban order ... is a process full of contradictions and challenges”, a project that is by no means complete.
Did Lefebvre have direct influence on the philosophy of the Urban Reform Movement in Brazil?

The question remains, whether Henri Lefebvre’s writing in the late 1960s and early 1970s inspired the Brazilian Left at the time. Marcelo Lopes de Souza (1993: 74) explains that French sociologists and their academic trends and critiques had a far stronger influence in Brazilian academic debates than did those from the UK and the US, David Harvey having been an exception. However, somewhat critical, Souza (ibid.) speaks of Brazil as a “mirror” of the “First World”: as long as French Marxists sociologists were taken seriously in Europe and France in particular, they found fertile ground in Brazil, but as soon as critiques emerged in the north, these were embraced also in Brazil. This suggests that if Lefebvre had an influence on the urban reform trajectory in Brazil, it would have been in the late 1960s and the 1970s.

These were the years of strongest state repression in Brazil, during which progressive formations aligned to debate the urban question (Mainwaring, 1984: 98). From where did this broad front derive its ideas and enthusiasm for popular participation or base democracy with self-management or *autogestão*, the politicization of the urban question, its efforts to concretize rights that would curtail land speculation and challenge the existing, conservative legal order (in essence Lefebvre’s three recommendations)? In Kipfer (2008: 206) we may read a suggestion that Gramsci may have inspired some of these approaches in the Brazilian Workers Party, in contrast to the less statist “redirection of Gramsci” by Lefebvre. Elsewhere, Kipfer (2002: 133) explains that both Gramsci and Lefebvre “insisted that” strategies such as “rights to the city/difference, self-management … adopt complex temporal and spatial horizons”.

Whether Brazilian interpretations of either theoretician contemplated this remains a question. Indeed, as Stanek (2011: 256) remarks in an endnote, “[w]hat is particularly missing is an account of the readings of Lefebvre’s work in Latin America, especially Brazil”. With reference to University of São Paulo sociologist José de Souza Matins, Stanek (ibid.) however seems to point to Brazilian sociologists’ use of Lefebvre’s writings in the 1990s rather than the late 1960s.
and the 1970s in which the philosophy later embraced in the formation of the Workers Party, was formed.

Elden (2004: 6) testifies to Lefebvre’s “many readers in Brazil”, but does not expand. Holston (2008: 349), in an endnote, points to the “importance” (alongside “classical liberal arguments for the rule of law and respect of rights to property and political citizenship”) of both of Lefebvre’s 1968 books (Everyday Life in the Modern World and Right to the City, which I suggested above need to be read together) “for the ‘rights turn’ in the urban social movements” in Brazil. This had “framed the broad coalition against dictatorship and helped to legitimate rights as a currency of a national project of democratization” (ibid.: 349-350). Clearly this would have been between the late 1960s and mid-1980s, and aligns with Fernandes’ (2007: 208) point that

[p]erhaps more than anywhere else in the world, Lefebvre’s concept of the ‘right to the city’ has been extremely influential in Latin America, and since the mid-1970s a consistent socio-political mobilization has tried to realise it in both political and legal terms.

While at the time, “many leaders of the favela movement were well versed in social theory”, including Lefebvre’s work on rights (McCann, 2014: 204 – also an endnote), neither this mobilization or movement, nor Brazilian academics, saw the need to package these concepts under a ‘right to the city’ banner or to apply ‘right to the city’ as a slogan. In that sense, their appropriation of Lefebvre’s work might have been more in Lefebvre’s intention than much of the perhaps less Lefebvrian use of a ‘right to the city’ slogan in the new millennium.

Lefebvre was well travelled, giving “conferences across the world” and advising “communist politicians” (Elden, 2004: 6). He visited Brazil and stayed in favelas, as Shields (1999: 183) mentions in an endnote but with no further leads as to when and how he came to do so.
Merrifield refers to Lefebvre’s postcards from Brazil\(^9\) as part of a body of correspondence with Norbert Guterman\(^{10}\) which reached from the mid-1940s to the latter’s death in 1984 (Merrifield, 2006: xxxi). In *The Production of Space*, Lefebvre (1974/1991: 373-4) engages with Latin American “shanty towns” as a high order of “appropriation” – implying that his favela visits occurred in the early 1970s, shortly before his writing of this text. Indeed, a glance beyond the Anglophone literature into the footnotes of Rémi Hess’ 1988 French biography of Lefebvre confirms this. A voyage to Venezuela, Peru and Brazil in November and December of 1972 is listed as one of his many “missions officielles” from 1966 to 1973 (ibid.: 274-5). Hess does not expand, neither on the influence of these visits on Lefebvre’s work, nor Lefebvre’s influence in the countries he officially visited. The mission to Brazil occurred eight years prior to the launch of the Workers Party and the subsequent formation of a National Urban Reform Movement. It is likely that Lefebvre had contact with banned political formations at the time and with the leadership of movements including the ecclesiastic base communities which would have arranged for him to experience high levels of appropriation in *favelas*. The evidence is there, but in the absence of focused archival work, the nature and extent of Lefebvre’s influence in Brazil and the degree to which this was enhanced by his official visit in 1972 and possibly lectures on the right to the city, remain a speculation.

**Conclusion**

Henri Lefebvre’s work on towns, cities or the urban is articulated across many dimensions, often in dialectic relation to one another. In this paper I have argued that the legal dimension is underplayed in much of the literature that analyses and comments on Lefebvre’s urban work, with an overemphasis by some on a dimension one could call ‘cry and demand’. I show how the legal dimension is present very concretely not only in Lefebvre’s 1968 book *Right to the City*. It

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\(^9\) Merrifield (2006: xxxi) makes interesting observations about Lefebvre’s hand-writing but does not comment on date or content of the Brazilian postcards.

\(^{10}\) Merrifield (2006: xxix) mentions an extensive Lefebvre-Guterman correspondence in the Guterman Collection of Columbia University’s Butler Library.
is developed particularly in the work he wrote in the lead-up to that book, but also extended in his subsequent urban texts, though my own exploration for this paper is limited to those translated into English. In some of this writing Lefebvre evidently anticipated his readers’ skepticism about rights. Close to the end of his life he returned to this topic to articulate rights more clearly in relation to citizenship. I argue that chronology matters, and in understanding his choice of the word ‘right’ in the phrase ‘right to the city’ it is necessary to read the lead-up to *Right to the City*, in which he calls for a ‘freedom of the city’, but also the necessary progression from housing to the city, and from freedom to rights.

The reception of Lefebvre’s writing in France shifted, the political embrace of his work, albeit selective, outlasting his hold on French intellectuals. The period of his intellectual leadership in France up to the early 1970s was also the period in which he was invited by political or intellectual groups across the globe. Towards the tail-end of this period, Lefebvre was brought to Brazil. This was at a time when opposition parties were banned and the left arm of the Catholic Church had begun providing space for democratic political organization and conscientization at the base. Lefebvre, in text or in person, is understood to have inspired a rights and legal emphasis in the work of the social movements that later aligned to the newly formed Workers Party. Here too the trajectory or chronology matters. The much later, internationally inspired adoption in Brazil of the phrase ‘right to the city’ for this legal work is less important than the long trajectory of socio-political mobilization hand-in-hand with careful socio-legal work which produced constitutional proposals and amendments, then collectively pressurized for the adoption of regulations required for implementation, and in the context of a compromised Workers Party government, continues to mobilize for more democratic and responsive implementation. This trajectory makes Henri Lefebvre’s urban texts, including his right to the city relevant for countries in the ‘global south’ at the various stages they find themselves in, progressing or regressing, in a struggle towards greater freedoms in rapidly expanding and changing cities.
References:


