



Qualis A1 - Direito CAPES

Presentation

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We begin the year 2020 with this new edition of *Revista Direito e Praxis*. The first issue of this year (vol. 11, n. 1, 2020, 29th – mar-jun) includes 12 unpublished articles followed by a dossier on the 50th anniversary of the publication of Henri Lefebvre's book "The Right to the City," in addition to translations and reviews.

The general section highlights articles on the critical and materialistic theories of law and epistemological debates. There are also papers on the rights of traditional and indigenous people, women's rights, and gender violence. Finally, this section includes an article on public hearings in higher courts and labor precarization.

The dossier included in this issue was organized by Dr. Alvaro Pereira and Dr. Giovanna Milano, professors at Universidade Federal de São Paulo (Federal University of São Paulo–UNIFESP). Twelve articles were selected through a rigorous process that focused on analyzing and developing the right to the city theme based on the teachings and provocations of Henri Lefebvre's work "The Right to the City," whose 50 years of publication were celebrated in 2018. The dossier brings together law-related discussions in Brazil and abroad in political and urban studies.

Finally, the translation section features an article by Professor Hakim Adi of the University of Chichester titled "The African Diaspora, 'Development' & Modern African Political Theory." We thank Mario Soares for submitting the translation to the journal. Additionally, this edition includes two book reviews: "La construction du 'droit à la vérité' en droit international" by Patricia Naftali, and Maíra de Deus Brito's "No, he is not," which deals with necropolitics and maternity in contemporary Brazil.

We remind you that you may access editorial policies for the different sections of the Journal on our webpage. Submissions are permanent and always welcome! We



thank, as always, the authors, reviewers, and collaborators for the trust placed in our publication.

Good reading!

Team **Direito e Práxis**



Right to the city: contemporary tensions and utopian horizons

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The expression of the right to the city pioneered in the reflections of the french thinker Henri Lefebvre, in 1968, as a power-idea of another urban sociability in which the meaning of the city as an *oeuvre* is affirmed. Enunciated by the author as a utopian project, an operative concept aimed at destabilizing the boundaries between the possible and the impossible and pressing the real towards the virtual, the right to the city, in the terms proposed by Lefebvre, aims to open paths so that one can subvert inventively the dimensions of everyday life captured by the capitalist production of space, challenging the reduction of the urban to private appropriation and the hegemony of exchange value - the city as a product - and affirming creativity, the party, the encounter, the use - the city as an *oeuvre*.

The right to the city is conceived as the key to a project of radical transformation of the existing society, with the horizon of revolutionizing, simultaneously and in an articulated way, the mental and social bases of the “bureaucratic society of directed consumption” and disputing the direction of the “urban society” that advertises itself as virtuality. The “urban” in the thought of this author does not present itself as a reality or representation known and fully accessible to thought, but as a virtuality that can be foreseen from the ruins of the industrial era, a virtual object to be built through the “transduction” method. The passage to what the author calls “urban era” does not



mean that the problems of the industrial era, its representations and utopian projects have been overcome or lost relevance, but that they have become insufficient to understand and transform reality. The problems that emerge from the urban era absorb, reconfigure and overflow those of the industrial era. The challenge for thought and action is to see and move from the “blind spot” that exists on the trail of this transition. Bringing spatiality to the center of reflection is one of the bets made by the author to deal with the theoretical and practical challenges that are imposed in this context.

The formulation of this body of ideas contains expressive traces of theoretical questions and political clashes associated with a specific context, but which remain lit in the contemporary debate. The bet on the right to the city as a utopian project has as background the identification of a need for the renewal of critical social thought, which, in turn, is based on the recognition of the central idea of “production of space” for understanding and transforming reality.

Although the meanings of the so-called “spatial shift” are diverse, some of the developments of this paradigm shift can be clearly delineated. One of them is the questioning of the so-called economicist reductionism. The concept of “production of space” seeks to expand the range of what is recognized as socially relevant by critical thinking beyond the places and relations of production themselves. This implies that the problem of urban society consists of dimensions that go beyond the industrial plant, working conditions and forms of political organization for the working class. The workspace is a partial dimension of everyday life. Exploitation and alienation are not restricted to working time and space but are constituted in and by space in its totality. The constitution of subjects, claims and strategies capable of promoting a comprehensive process of social transformation, in turn, requires the assimilation of real and imaginary elements that transcend the production space itself, and that point beyond the redistribution of a larger share of the socially produced value. The bet on urban space, daily life and the right to the city as central categories for analysis and action in Lefebvre's work represent an attempt to carry out this movement.

Another fundamental dimension of the spatial shift proposed by Lefebvre is the criticism of abstraction. The author discusses, in several moments of his work, what he sees as a tendency to set aside the body and the practical-sensitive dimension of life in the mental representation schemes of modern society. It is, in his reading, a way of



structuring thought that fragments, hierarchizes and makes dimensions of life and social differences invisible. Once again, everyday life and urban space - in other words, the apprehension of reality from the "concrete" - appear in the author's thought as central categories of a methodological strategy aimed at overcoming abstractions that are regarded by him as reductionist in the analytical point of view and impotent with regard to opening horizons for social change.

Lefebvre's thought appeared as an epistemological opening to a wide range of questions of a material and symbolic nature, having been assimilated in different directions - possibly conflicting with each other - and inspired reflections, research agendas and organizations of political struggles around themes such as right to housing, participation, socio-spatial identities, among others. It is a theoretical proposal that was founded, in its origin, in the effort of critical elaboration in the face of the material condition of segregation and miserability in our cities, and that has gained expressiveness beyond academic circles over the last decades. It emerges, therefore, as an analytical perspective that, beyond carrying the epistemological boldness that confronts the limits of the partial sciences that deal with space, has as its main power the inseparability between theory and praxis, becoming the vocalization of social demands around the urban issue and synthesis of insurgent practices around the world.

It is at the crossroads of these aspects that the dossier "Right to the city: contemporary tensions and utopian horizons" is presented. This collection was organized from an effort to explore the multiple analytical possibilities of the term, the mediations of its incorporation in different political and theoretical contexts and, also, the appropriations by social movements and political struggles whose performance starts to recognize the space not only as a stage, but as an object of claim and dispute. This appeal to the opening of meanings and the diversity of approaches was considered when choosing the texts that make up the present special issue of the journal, with the incorporation of plural contributions in relation to the disciplinary areas, methodological approaches and theoretical perspectives of the authors.

Among the works within the dossier, a first set of articles are characterized by addressing the theme of the right to the city from a markedly theoretical and methodological perspective, bringing immersions and systematic interpretations of Lefebvre's work, placing the idea of the right to the city in the thought of this author



and exploring dialogues and tensions that his formulations may have with other theoretical constructions.

Ana Fani Alessandri Carlos' article highlights the potential of the right to the city as a radical critique of capitalist social relations, characterizing Lefebvre's work as a profound analysis of the present space-time, but which is oriented towards its transformation and for glimpsing possible futures. The author, when resuming the theoretical-practical dialectical movement of Lefebvrian analysis, reinforces the centrality of the production of space as a fundamental analytical category for the recognition of the contradictions that emerge in the reproduction of social relations in the current stage of capitalism, recognizing the right to the city as a mediation between present and future that constitutes a utopian project that goes beyond the question of access to certain goods necessary for the material reproduction of life, pointing to the fulfillment of desires and the possibility of creation.

João Tonucci's article explores possible convergences and articulations between the ideas of "right to the city" and "the commons". Proposing an understanding of the idea of "common" as a process, a mode of social interaction based on appropriation, self-management and overcoming alienation, the author explores similarities between this concept and the notion of everyday life in Lefebvre's work. Pointing as inherent features of a utopian project centered on the idea of "commons" the overcoming of private property and the State, as well as the categories of public and private, the work highlights the points of contact of this formulation with the assumptions and meanings present in the Lefebvrian idea of right to the city.

Mariana Bonadio's article brings critical reflections on Lefebvre's work and the way the author constructs the idea of the right to the city. Based on theoretical contributions brought by studies that focus on issues of gender, race and sexuality, and above all on the concept of dispossession as formulated by Donna Haraway, the author seeks to highlight limits and incompleteness in Lefebvre's work and to expand the possibilities inscribed in the idea of the right to the city. A renewed reflection on corporeality based on theoretical feminist contributions is one of the central aspects of the movement undertaken in the text.

The work of Anibal Alejandro Rojas Hernández, Paula Harumi Kanno and Carlos Frederico Marés de Souza Filho addresses the theme of the right to the city from a critical reflection on Western modernity, stressing its oppressive dimension, as well as



its ideological performativity. The paper shows how this criticism is also present in the Lefebvrian thought, emphasizing the meaning that the right to the city assumes in this author's work as a utopian project that opposes itself to the homogenizing and oppressive tendency underlying the ideology of modernity and performed through the State. Thus, it exposes the existence of an epistemological tension between the Lefebvrian right to the city and propositions towards its "effectiveness" through the State and dogmatics, also bringing the concern to inscribe the socio-environmental issue at the heart of the concept of the right to the city.

Although there is no doubt about the incorporation of the right to the city into the field of law and urban policies, it is also certain that such entry occurs with ambiguities, impasses and disagreements, which are the object of the second block of articles. On the one hand, the reflection that the juridification of this idea - in national legislation or in international urban agendas, for example - would result in its trivialization and in the emptying of the critical and transforming potential that gives meaning to the Lefebvrian elaboration. The right to the city would thus end up being normalized and reduced to a synonym of demand for access to rights in the city, addressing the state sphere in its agency through public policies and services. In another perspective, within the legal field itself, the notion of the right to the city finds areas of dispute about its content in the interpretations conferred by the legal system for the application of the norms that invoke it.

Bianca Tavorari's article, which was translated into English in this special issue, was dedicated to reconstituting the paths through which the notion of the right to the city passed since its original elaboration, passing through the international debates in the field of urban studies and its assimilation by different subjects during the period of redemocratization in Brazil. The author reinforces the specificity of the Brazilian context, in which the expression gained popularity when it was incorporated in the midst of social movements for urban reform and in the discourse of professionals and intellectuals linked to this policy agenda. The recognition of this concept in the Brazilian context, however, allowed not only its appropriation by the political subjects of the struggles in the cities, but also resulted in the incorporation of the expression in the legal system and in the field of urban public policies, affecting its rules, institutions and discourses.



Looking at this issue, Carla Maria Peixoto Pereira and Mario Vasconcelos Sobrinho discuss the conceptions of the right to the city mobilized by agents from different organs of the justice system in the Brazilian Amazon's context. The analysis starts from three cases of conflicts registered in major urban drainage interventions in the city of Belém, state of Pará, aiming to capture the multiple meanings that the concept takes - both in the imaginary of the law operators and in its objective invocation in socio-environmental disputes and developmental projects in the region.

The tensions and oppositions between the right to the city and the notion of urban development are at the heart of the paper of Isabella Madruga da Cunha and Luana Xavier Pinto Coelho. Departing from the assumption that they are intrinsically irreconcilable concepts, the researchers argue that such a link - currently invoked in the legal and political sphere - ends up emptying the critical horizon of the Lefebvrian proposal, neutralizing the possibilities for transformation that may emerge from it. Building on the de-colonial criticism, the paper discusses the path of consolidation of the notion of development, unraveling its strongly colonialist and racist character and exposing its implications for modern urban planning and the respective crusade in the hierarchy of ways of life, territories and bodies desired or prohibited in urban life. The right to the city, on the other hand, would mean the possibility of denying the homogenization of existence and betting on the cracks that open the way from the experience of these invisible and subordinated subjects for the creation of another urban society. Finally, as stated by Lefebvre, it would mean the possibility of a call to non-conformism that is transmuted into "radical criticism with its feet on the ground".

The tensions between the utopian project of the right to the city and the contemporary expressions of the political economy of the urbanization of the capitalist city constitute the central discussion of a third block of papers. The Lefebvrian contribution to critical thinking, founded on the dialogue between Marxist dialectics and experience, is the analytical key of Guilherme Petrella and Gustavo Prieto when reflecting on the structural crisis of neoliberal capitalism - in the friction between its negativities (identified in the dismantling of social conquests and in radicalization and expansion of expropriation) and positivities (with the unlocking of pathways and the possibility of creating and experiencing new forms of life in the emergence of urban society). The combinations of these premises allow the development of the fundamental argument of the authors, which relates the centrality of private property in



the capitalist production of space and the essentially violent character contained in the reproduction of capitalist social relations. In this sense, in neoliberal capitalism, the interdiction of the right to the city would have a deep connection with the generalization of the property form and its invariably violent expression - genocidal, expropriating - apprehensible in the reading of the production of urban space.

The paper of Luís Fernando Massonetto, João Paulo Bachur and Eduardo de Moraes Carvalho, in turn, explores the emergence of the ideology of so-called smart cities, seeking to unravel some of the implications that the processes of technological change centered on big data and algorithm have on the production of space and life in cities, as well as their consequences in terms of subjectivation processes and social control. The work depicts a scenario of increasing interdictions to the realization of an emancipatory project along the lines of the Lefebvrian conception of the right to the city, showing a tendency towards the proliferation and sophistication of reproduction devices in the capitalist city.

Finally, the last set of articles refers to researches whose center of reflections lies on urban conflicts inscribed in the capitalist production of contemporary space, with an emphasis on resistance, insurgencies and the creative overflow of these experiences. In these analyzes, the right to the city appears as an agglutinating motto of social struggles in / for / of space, and its potentialities are explored based on praxis (concrete utopias). In this way, the discussions address the forms of organization of the collective subjects that lead such struggles, the spatial centrality of their demands and the expansion of the repertoire of political actions mobilized in a horizon of social transformation.

This group of papers includes the work of Adriana Vieira Nogueira Lima, Liana Silva de Viveiros and Oliveira and Maria José Andrade de Souza, in which the analysis of three cases of ongoing conflicts in the cities of Feira de Santana (BA), Salvador (BA) and London serve as an input for capturing the meanings attributed to the right to the city in popular political strategies employed to resist the spoliative and expropriating nature of interventions operated by corporate urbanism. This set of case studies shows situations which may be inscribed in quite different contexts, but converge due to the fact of holding within themselves the dialectical tension of the “possible-impossible” announced by Lefebvre, inventively producing a right that is born in the city's trenches (in its conflicts, contradictions) and brings it closer to the sense of human work.



The relationships between the right to the city and the resistance processes are also the focus of the paper of Ana Cláudia Milani e Silva and Leandro Franklin Gorsdorf, which analyzed the events of #NotHim protests (#EleNãO), held in more than one hundred cities during the period of the Brazilian presidential elections of 2018. The hypothesis defended by the researchers is that the occupation of the city in such demonstrations realizes the rescue of the city as an *oeuvre* by providing a political environment of occupying the streets with bodies whose right of appearance is prohibited by neoliberal capitalism, which labels them as threats to the achievement of homogeneity and a single way of existence established as desirable. In addition, the political acts investigated were carried out by women, organized by social networks and carried out in public spaces - dimensions questioned as a motor for reflection on political subjectivities, freedoms and the renewal of democratic exercise in urban spaces.

Closing the analysis about the insurgent practices, the paper of Francisco Sá Barreto and Izabella Medeiros addresses the issue of political articulation in the concrete disputes over the city in the 21st century, emphasizing the potential and limits of digital agencies in the constitution of other possible urbanities. Using the sources of the archives of the Urban Rights Group, from Recife (PE), the work explores the strategies of new social movements that use digital media to organize political action. In the proposed reflection, the empirical approach corresponded to the resistance initiatives organized by the Ocupe Estelita Movement in the face of the set of gentrifying interventions in the capital's urban center, articulated in the Novo Recife Project since the 1990s.

The set of articles gathered in this edition gives meaning to the challenge launched when preparing the dossier. These are works that allow us to revisit Lefebvrian reflections about the right to the city in its radical critique of the socio-spatial injustice experienced in the present, without losing sight of the perspectives of overcoming the current urban life and achieving other possible futures. This is the dialectical dimension of contemporary tensions and utopian horizons, structuring the author's thought and reproduced in the title of this collection.

In spite of the papers adopting different theoretical and methodological approaches, they share the affiliation to critical social thought and the spatial turn as a strategy for understanding society in its myriad of relationships. This contribution is



equally important for the renewal of critical legal thinking, which certainly benefits from a materialistic perspective of law that challenges frequently reproduced abstractions and ideological reifications of modernity. The reflection on the theme of the right to the city allows, in these terms, to approach the law from a spatialized perspective, in which the mere statement of normative propositions conceived in abstract terms starts to be tensioned as a methodological procedure, giving rise to reflections on the legal phenomenon referenced in concrete social processes.

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