

The Place of Social Citizenship and Property Rights in Brazil's 'Right to the City' Debate

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There has been considerable attention on Brazil's experience in applying the right to the city, influencing the urban reform movement and subsequent legislation including the 1988 Constitution and the 2001 Statute of the City. While much is known about Brazil's urban transformations, this article views this trajectory within debates on social citizenship, expanding the focus to show that property is integral to this debate. Through the lens of social citizenship, property rights and insurgency, this article traces Brazil's right to the city debate through a focus on three issues: (1) the rights dimension of such debates; (2) the role of the social function of property in urban legislation; and (3) the role of insurgent planning evident in urban social movements. While property rights and land rights are often distanced from debates on social citizenship, the Brazil case provides evidence in which the two are clearly intertwined.

Keywords: Social citizenship, social function, right to the city, insurgent planning.

Introduction: implications of the right to the city debate and beyond

Over the past twenty years, considerable attention has focused on Brazil's experience in applying the right to the city at a policy level and through activism, protests and social movements (Fernandes, 2011; Friendly, 2013; Friendly and Stiphany, 2019). French philosopher Henri Lefebvre's (1968) notion of the right to the city as a process and struggle in the realm of everyday life provided considerable resonance to Brazil's social movements between the late 1960s and early 1980s (Huchzermeyer, 2015, 2018). For Lefebvre, the city was an *oeuvre* involving heterogeneous ideas among diverse people struggling over the shape of their city (Mitchell, 2003). Lefebvre noted that 'the right to the city, complemented by the right to difference and the right to information, should modify, concretize and make more practical the rights of the citizen as an urban dweller (*citadin*) and user of multiple services' (translated by Kofman and Lebas, 1996: 34). Brazil's movement around legal reform has been based on two pillars of the right to the city proposed by Lefebvre: the right to habitation, and the right to participation (Fernandes, 2007a). Lefebvre referred to the right to inhabit and the right to housing as aspects of the right to appropriation, including inhabitant's rights to physically access, occupy and use urban space. In particular, the right to participate in decisions producing urban space has been taken up social movements, including in Brazil (Mayer, 2012). Indeed, Lefebvre emphasised the need to fully recognise use values to redress the historical imbalance resulting from an emphasis on exchange values typical of the capitalist production of urban space (Fernandes, 2007a).

In Brazil, such ideas helped to inspire the rights and legal emphasis among the urban reform movement and the Workers' Party (*Partido dos Trabalhadores*, PT). This process eventually led to the approval of a 'citizens' Constitution in 1988, including two articles on urban policy, reaffirming the social function of property, or the obligation for land uses contributing to the common good (Ondetti, 2016). The rights-based approach of the urban reform movement led, ultimately, to the 2001 approval of the Statute of the City (*Estatuto da Cidade*). In recent years, such activities have become bottom-up, starting with the *Jornadas de Junho* protests in June 2013 as people claimed their rights to the city (Friendly, 2017). While such events left an important legacy, recent research shows considerable challenges in applying the rights enshrined in Brazilian law (Klink and Denaldi, 2016). Indeed, the Brazilian case is significant given a disjuncture between progressive urban policies asserting the right to the city and the social function of property, and the reality of unequal urban development producing social exclusion. Nonetheless, Brazil's extensive experience provides lessons for the Global South about how a radical, rights-based approach to urban policy can become institutionalised, despite obstacles and recent events challenging the progress of the past thirty years.

While much is known about Brazil's urban transformations and experiences regarding the right to the city, this article views this trajectory within debates on social citizenship (Marshall, 1950; Fernandes, 2007a; Earle, 2017) and elaborates on the connection between citizenship and land (Davy, 2012; Brøgger, 2019). Though not always explicit, property and citizenship are interrelated: citizenship and belonging may be a means to property, while property may reinforce citizenship claims (Lund, 2011). Indeed, clashes over property and citizenship refer to the scope and constitution of political authority, and to resources and membership of polities. For example, Lund (2016: 1204) notes that, 'struggles over property – very often in the form of land – can therefore be seen as struggles for the recognition of a wide variety of rights to access resources in various ways.' As a result, property and citizenship are mutually constitutive and embody social contracts of recognition (Lund, 2016). Based on evidence from Brazil, I show that social citizenship, property rights and insurgency are intertwined. While property rights and land rights are often disassociated from debates about social citizenship, the Brazil case provides evidence in which these debates are related. In this article, I view Brazil's urban transformations and debates on the right to the city through a focus on three issues: (1) the rights dimension of such debates; (2) the role of the social function of property in urban legislation; and (3) the role of insurgent planning evident in Brazil's urban social movements. This article is reflective and exploratory, based on a review of the literature, as well as the author's extensive work on cities in Brazil, urban policies, and the right to the city (Friendly, 2013, 2016, 2017, 2019; Friendly and Stiphany, 2019). The next section traces the rights dimension of social citizenship. In the following section, I focus on the role of the social function of property in urban legislation, followed by an overview of the role of insurgent planning evident in urban social movements. This focus on these three facets, drawing on evidence from Brazil, shows that property and land rights are integral to debates on social citizenship.

The rights dimension of social citizenship

Since the 1980s, citizenship has become a frequent issue in Brazil's political discourse, used by social movements in struggles as a 'right to have rights' against social and

economic exclusion, inequality and in the broadening of dominant conceptions of politics (Dagnino, 2005).¹ In Brazil, the social elements of citizenship are established in Article 6 of the 1988 Constitution. This includes social rights to housing, education, health, work, leisure, security, social security, protection of motherhood and childhood, and assistance to the destitute. In countries with persistent inequality like Brazil, however, citizenship cannot be only understood by focusing on formal attributes. Earle's (2017) work on transgressive citizenship – the way São Paulo's housing movements shape their relationship with the state through acts of civil disobedience and a politics of rights – helps to understand the pursuit of 'substantive' citizenship based on social, economic political and cultural rights. This understanding constitutes the material conditions for survival, an adequate living standard, and the intangible notion of dignity (Earle, 2017).

Within this debate, the right to the city is inevitably linked to social citizenship. As Davy (2009: 231) notes, 'by taking rights into account,' planners 'shape the allocation of land uses and the distribution of the benefits and burdens of property; they define the citizens' right to the city.' Therefore, drawing up a new political contract of social citizenship – thereby widening citizenship rights – requires a recognition of citizens' rights to full and active participation in political and civil society, a precondition for deepening democracy. As Fernandes (2007a) explains with reference to Brazil and other Latin American countries more broadly, Lefebvre asserted a notion of social citizenship expressing contemporary social relations, or new relations between individuals and society. This reading draws on Lefebvre's later notion of a 'contract of citizenship,' driven by the search for transformative potential within existing rights frameworks (Huchzermeyer, 2018).

Brazil's experience finds resonance with Marshall's (1950) conception of social citizenship (Holston, 2008; Earle, 2017). Indeed, Marshall (1950) notes that citizenship is based on ensuring everyone is treated as an equal member of society, making citizenship a rights-based result of the politics of belonging (Davy, 2012). In *Citizenship and Social Class*, Marshall (1950) establishes three elements making up the notion of citizenship – the civil, political, and social. Within each of these elements are a number of basic rights, the fulfilment of which is key to acquiring full citizenship. For Marshall (1950: 8), the social element meant 'the whole range from the right to a modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilized being according to the standards prevailing in the society.' Based on the British case, Marshall (1950) argued that civil rights would lead to political rights, followed by social rights. Critiques of Marshall's work include the role of struggle in acquiring citizenship, the rigidity of his citizenship model, and the determinism of his argument. Some have noted that prioritising social rights could depoliticise citizenship (Roche, 1987). A detailed reading of Marshall, however, reveals social rights as significant in expanding citizenship, illustrating that it is not only a political category. This decouples citizenship from its entirely formal and legal aspects (Earle, 2017; Brøgger, 2019). Therefore, by expanding the legal conception of citizenship beyond the political, Marshall suggests how citizenship mediates the state and society, which helps to characterise the practices, institutions and bureaucracies by which citizenship became substantive (Holston, 2008)

Referring to the Gétulio Vargas dictatorship years – the *Estado Novo* – starting in the 1930s, Santos (1979) referred to 'regulated citizenship' (*cidadania regulada*) to designate the first systematic recognition of social rights by the state in Brazil through an 'idealized'

form of citizenship (Fischer, 2008).² This version of citizenship was ambiguous given its combination of a recognition of workers' social rights with state control over workers. It also promoted an exclusionary approach to citizenship, facilitating an urban underclass among people for whom economic prosperity nor citizenship was fully within reach (Dagnino, 2005; Fischer, 2008).³ Because social rights in this era were conferred in a period with little political participation, they were understood as 'favours' instead of rights, a process inexorably linked to informality as a precursor to such rights.

A gradual process of political liberalisation from authoritarian rule – the *abertura* (or political opening) – began by the mid-1970s as an elite, top-down project (Mainwaring, 1986). By the late 1970s and early 1980s, neighbourhood-based social movements emerged in the urban peripheries of Brazilian cities affirming a 'right to have rights,' a struggle against an omnipresent culture of social authoritarianism (Dagnino, 2005).⁴ While the movements did not initiate the return to democracy, 'the ensuing outburst of popular mobilization' certainly increased the momentum of this process (Earle, 2017: 108). By reinventing the political contract through specific struggles and concrete practices, this established an environment for the urban social movements to redefine citizenship as a more egalitarian framework for social relations, implying the embodiment of citizens as active social subjects in rejection of the populist model under Vargas (Paoli and Telles, 1998; Dagnino, 2005). With a wider arena for debate, there was therefore a growing perception of the notion of citizenship and its constituent rights as the objective of their struggles, leading these emerging movements to embrace a discourse advancing needs as social rights (Earle, 2017). As Holston (2008: 241) notes, these rights-based arguments 'constituted their proponents as bearer of the right to rights and as worthy of that distinction as any other class of citizen.' In 1982, the National Movement for Urban Reform (*Movimento Nacional de Reforma Urbana*, MNRU) was formed, composed of popular movements, neighbourhood associations, NGOs, unions, and professional organisations to develop a proposal for a rights-based approach to urban development with the recognition that urban reform requires legal protections for citizen rights (Fernandes, 2007a; Friendly, 2016).

These events ultimately culminated in the movements' participation in crafting the new Constitution in 1988, grounded in discourses of rights and citizenship. The Constitution that resulted following the 1986–87 Constituent Assembly (*Assembléia Constituinte*) expressed both a social demand and the legal foundation to fulfil these demands, constituting a guarantee that Brazilians could use to establish new dimensions of citizenship through mechanisms of popular democracy (Fischer, 2008). According to Earle (2017), the social movements have developed a powerful rhetoric linked to the progressive aspects of the 1988 Constitution, which established the social function of property, and explicitly recognised the right to the city as a collective right. As Fernandes (2007a) notes, the right to the city would involve the right of all city dwellers to fully enjoy urban life – the right to habitation – and to take direct part in the management of cities – the right to participation.

Tracing the construction of social citizenship in Brazil also requires an understanding of the way the right to the city has been both understood and appropriated. Indeed, Huchzermeyer (2015) points to the importance of Lefebvre's writings – and even visits – between the late 1960s and early 1980s in Brazil which inspired a rights and legal focus in the work of the social movements that later aligned with the Workers Party.⁵ Lefebvre's ideas provided considerable resonance across Latin America (Machado, 2008; Omena de

Melo, 2017). As Fernandes shows (2007a), these actors in Brazil and other Latin American countries came to understand that urban reform is possible only with legal-political reform asserting a new set of citizenship rights. While the social movements had been able to incorporate two principles into the Constitution – the democratic management of urban policy and the social function of property – these were subordinated to the requirement of elaborating a master plan. Following a thirteen-year battle over the content of the urban policy directives, the law that became known as the Statute of the City was adopted on July 10, 2001, formally incorporating the right to the city into national law (Bassul, 2005; Friendly, 2013). Interpreted in the Brazilian context, the right to the city means a combination of the principles of the social function of property and the democratic management of cities (Fernandes, 2011). Thus, cities were provided with the tools to regulate the Constitution's two articles on urban policy, and its commitment to reducing urban inequality. In the next section, I explore the idea of the social function of property in urban legislation.

The social function of property in urban legislation

In some contexts, such as in Brazil, constitutional provisions include social obligations within property rights, known as the social function of property, or the obligation to use property in ways contributing to the common good (Fernandes, 2007a; Ondetti, 2016). Originally put forward by French jurist León Duguit of the late nineteenth and early twentieth centuries, Duguit argued that property is not a right but a social function; therefore, the owner has an obligation to make it productive because property should enrich not only the owner, but society.⁶ This view recognises that the wealth controlled by owners should be available for the community through economic transactions (Foster and Bonilla, 2011). As a result, the state should protect property when it realises the social function as owners should not use their property to harm others. This idea, part of a broader critique of an absolute right to property, was based on a social reality recognising solidarity (Foster and Bonilla, 2011; Ondetti, 2016). Although the idea does not imply a rejection of private property (Mirow, 2010), it stems from a belief that the interdependence between people requires limits to be placed on private ownership.

In Brazil, as in other parts of Latin America, the social function of property has played an important role, entering the Brazilian legal system with the 1934 Constitution with the objective to democratise access to the goods and services produced in cities (Bassul, 2005). As Ondetti (2016) notes, the idea of the social function was adopted across Latin America because it fit with demands to divide large landholdings, often driven by a combination of economic and redistributive motives. Brazil's 1934 Constitution protected the right to property, provided it did not exercise against social or collective interests. In this understanding, the social function became an external limitation that the government imposes on the exercise of property rights (Cunha, 2011). Subsequent Brazilian Constitutions since that time have included statements about the social function of property.

Following the 1986–87 Constituent Assembly, the 1988 Constitution – ratified three years after the return to civilian rule – recognised that private property has a social function, included an explicit discussion of what realising the social function entails and tools to promote the social function. Thus, local governments can advance the use of urban land through expropriation, forced subdivision, and progressive taxation to fulfil the

social function. Cities of more than 20,000 inhabitants were required to define an approach to enforce the social function within their municipal master plans. Although the social function principle had been included in Constitutions since 1934, the 1988 Constitution established a consistent formula: private property was recognised as a fundamental right if it accomplished the social function, which would be defined by municipal master plans and other urban and environmental laws (Fernandes, 2007b). This result, however, came following heated debates over the principle of the social function. Effectively, this meant that the social function was subordinated to elaborating a master plan (Friendly, 2013). While ironically the idea of the master plan was absent from the urban popular amendments submitted to the Constituent Assembly, the urban social movements were forced to accept that the enforcement of the social function would be subject to municipal master plans, despite rejecting it as totalising and elitist, a conservative strategy to make it merely rhetorical (Fernandes, 2007b; Caldeira and Holston, 2015).

The constitutional provisions regarding the social function of property required complementary legislation to define it more precisely, and to create mechanisms for its implementation. The approval of the Statute in 2001 thus defined the social function through substantive guidelines as the Statute's conceptual dimension, including a list of tools available to enforce it (Caldeira and Holston, 2005; Friendly, 2013). To that end, like the 1988 Constitution, Article 39 of the Statute stipulates that 'urban property fulfils its social function when it meets the basic requirements for ordering the city set forth in the Master Plan, assuring that the needs of the citizens are satisfied with regards to quality of life, social justice and the development of economic activities.' The Statute establishes that the objective of urban policy is to realise the principle of the social function by following a set of guidelines (Article 2). The most important include guaranteeing 'the right to sustainable cities' (para I), the 'democratic management by means of participation by the population' (para II), using planning 'to avoid and correct distortions caused by urban growth' (para IV), producing a 'fair distribution of the costs and benefits resulting from the urbanization process' (para IX), and 'tenure regularization and urbanization of areas occupied by low income populations' (para XIV). The Statute thus establishes the production of social equality in urban space as a key objective of urban planning and policy and additionally, makes planning an instrument to equalise social disparity and to realise social equality (Caldeira and Holston, 2005).

Given that the idea of the social function in Brazil has unfolded since the 1930s, this evolution did not stop with the approval of the Statute. Indeed, the approval of the 2002 Civil Code – which replaced the 1916 Civil Code that had reinforced the long-held tradition of individual property rights – enabled the concept of the social function of property to gain strength, permeating the Brazilian legal system (Cunha, 2011). The 2002 Civil Code broke with mainstream Brazilian legal thought by connecting the exercise of property rights to economic, social, and environmental goals. As Cunha (2011: 1180) notes, 'the Code internalizes the social function of property by imposing a duty of solidarity upon the owner.' While the implementation of the social function of urban property has been modest (Ondetti, 2016), Pimentel Walker and Arquero de Alarcón (2018) show that the Brazilian Supreme Court has interpreted the 1988 Constitution and the 2001 Statute of the City in ways that limit the profits of real estate developers and landowners. Overall, while an understanding of the social function in urban legislation is critical to appreciate the social obligations within property rights, also important is the role of insurgent planning in Brazil's social movements, which I turn to next.

Insurgent planning in Brazil's social movements

The idea of insurgent urbanism gained currency through the idea of Holston's (1998) notion of insurgent citizenship and work in Brazil, referring to new sources of legitimacy in opposition to a modernist political project, further articulated by others within planning (Friedmann, 2002; Miraftab and Wills, 2005; Miraftab, 2009). In introducing insurgent citizenship, Holston (1998) highlighted the development of new kinds of practices and narratives referring to belonging and participating within a society. Likewise, insurgent urbanism referred to the spatial mode of insurgent citizenship. For Sandercock (1999), the calls for insurgent urbanism were part of a radical planning for the twenty-first century, acknowledging the socio-cultural and economic aspects of globalisation. Such an understanding calls attention to the varied citizenship spaces and the insurgent urbanism practices emerging in response to neoliberal urbanism (Purcell, 2002; Miraftab and Wills, 2005).

The differentiated citizenship articulated by Holston (2008) produces inequalities, vulnerabilities and destabilisations and the means to confront them through 'insurgence.' This distinctly Brazilian version of differentiated citizenship is inclusive in membership, yet extremely unequal in distribution due to income inequalities (Watson, 2012). For Holston (2008: 34):

Insurgence describes a process that is an acting counter, a counterpolitics, that destabilizes the present and renders it fragile, defamiliarizing the coherence with which it usually presents itself . . . It bubbles up from the past in places where present circumstances seem propitious for an interruption.

Inspired by discussions of insurgent urbanism, insurgent planning practices are counter-hegemonic in that they disrupt the normalised order, and transgressive and imaginative, meaning that they transgress time and place by positioning historical memory and transnational consciousness at the centre of their practices (Miraftab, 2009). Such a perspective offers material evidence of citizens' insurgencies to both plan and address their livelihoods through situated citizenship practices (Miraftab and Wills, 2005), which theorise insurgent practices as forms of planning (Friedmann, 2002; Meth, 2010). Indeed, this response reflects a scaffold to understand how people manoeuvre outside formal planning practices through resistance and counter-hegemony (Friendly and Stiphany, 2019), and a theoretical construct to support planning in the face of spatial injustice (Miraftab, 2018). Such insurgent practices emerge through processes of peripheral urbanisation highlighting the role of residents in producing urban space as a mode of urbanisation. While this process operates inside formal modes of planning, it works in transversal ways through which people 'make themselves into citizens and political agents, become fluent in rights talk, and claim the cities as their own' (Caldeira, 2017: 3).

Given these diverse meanings of insurgence from a range of contexts, calls have emerged for empirical analyses to understand strategies within diverse political and economic environments (Meth, 2010; Watson, 2012). As Irazábal (2008) shows, cities across Latin America function as the site in which insurgent planning practices and claims to citizenship increasingly take place in response to contemporary urban problems. In Brazil, Holston's (2008) work in peripheral neighbourhoods of São Paulo shows how residents organise to defend their rights to land and property in the face of disputes over

ownership through tactics of resistance and appropriation based on manipulating a rights-based discourse to claim urban land and services. Thus, practices of insurgent planning can be seen in the social movements and grassroots organisations from the peripheries that generated new discourses of rights and made demands. These practices are central to the rise of new forms of citizenship, the new Constitution, experiments with new forms of local administration, new approaches to social policy, planning, law, and citizen participation (Holston, 2008; Caldeira and Holston, 2015). Such insurgent practices, in fact, bolstered the early radical transformation of Brazilian urban reform (Klink and Denaldi, 2016). Indeed, Souza (2006) refers to insurgent spatial practices as 'critical planning agents,' a genuine grassroots urban planning of social movements based on examples of favela activism of the 1960 and the *sem-teto* (literally 'roofless') movement of the early 2000s.

Earle (2017) adds to this ongoing debate, showing that what is impelling the mobilisation among some of Brazil's poorest populations is a demand for equality, to be achieved through constitutional rights, and especially social rights. Based on research on São Paulo's housing movements, Earle (2017: 7) calls this 'transgressive citizenship,' the ability of the movements 'to promote, defend and implement this right' to the city. In this view, insurgent planning refers to the ability to expand citizenship rights for vulnerable groups. In that sense, it is clearly aligned to the right to the city debate, especially given the scepticism towards capitalist modes of urbanisation, and the move towards spatial justice and social transformation.

Insurgent planning in Brazil has also been evident in the protests that began in June 2013 around the issue of rising bus fares and ultimately, the 'urban question,' or the nature of the social process of production of urban space in Brazil (Fernandes, 2014; Maricato, 2017). The protests – initiated long before 2013 – included reminders of forgotten promises and demands for basic social rights with a distinctly urban dimension, which continued well beyond the first protests around transportation (Friendly, 2017; Vicino and Fahlberg, 2017). The protests raised issues in the public debate regarding citizenship, including listening to the 'voice of the street', taking the grievances of everyone seriously, and improving the quality of democracy (Braathen *et al.*, 2016). Although the future of such insurgencies is unknown in Brazil's current climate, they represent a legacy with the possibility of both strengthening collective action and stimulating political debate about the future of Brazil's cities (Friendly, 2017). As Swyngedouw (2018: 130) notes in reference to a range of urban insurgencies that sparked around the world in response to discontent with the state of affairs, 'a much more politicized if not radical mobilization, animated by urban insurgents, is increasingly choreographing the contemporary theory of urban politicized struggle and conflict.'

Conclusion: paradoxes along the road towards the right to the city

In this article, I explore Brazil's urban transformations and right to the city debate through the lens of debates on social citizenship, property rights and insurgency. I show that three issues are intertwined within the right to the city debate: (1) the rights dimension of such debates; (2) the role of the social function of property in urban legislation; and (3) the role of insurgent planning evident in Brazil's urban social movements. Based on a review of the literature and evidence from Brazil, property rights and social citizenship are intrinsically related. Indeed, Davy (2009) underscores the connection between social

rights, citizenship and property, noting that when planners account for rights, they also respond to both property – or spatial exclusion – and social citizenship – or spatial inclusion. Moreover, as I have shown in this article, insurgent planning and social citizenship are also connected as, at its core, insurgent planning underlines the ability to expand citizenship rights for vulnerable groups, given the rights-based nature of the claims.

In recent years, all eyes have been on Brazil amid ongoing scandals around corruption, economic stagnation, an outpouring of protests, and a move to the radical right of the political spectrum in late 2018. As most observers and participants will likely point out, the coming years are uncertain for Brazil. Yet even before the instability that rocked the country in 2013, an ongoing discussion surrounded a profound ambivalence towards Brazil's democracy as a result of its failure to escape its legacy of unequal citizenship (Hagopian, 2011). Indeed, Brazil's urban history has been marked by deep paradoxes (Holston, 2008; Friendly and Stiphany, 2019). Fischer's (2008) work on a 'poverty of rights' in Rio shows, paradoxically, that hope in the power of progressive law and citizenship has acted as a counterweight to inequality, anger, and cynicism driven by successive economic crises and consistently unequal rights. While aggressive investments have been made in housing, sanitation and urban transportation over the last thirty years, Brazil's 'land conundrum,' including a concentration of landownership, continues to undermine efforts at urban reform (Maricato, 2017). While inequality, social exclusion, spatial segregation and crime endure in contemporary Brazilian cities, this paradoxical nature of Brazil's democracy has been an evolving theme. The idea of disjunctive democracy, therefore, is helpful to account for the contradictory processes that are a feature of Brazilian society in which the expansion of citizenship rights is uneven (Holston, 2008).

Beyond the on-the-ground reality and the conundrum for Brazil's cities, Brazil's experience over the past thirty years is enduring. Despite apparent obstacles and even more compelling challenges to the implementation for urban reform, this detailed reading of the Brazilian case from the perspective of social citizenship and property – based on a review of the literature and the author's extensive experience on urban issues in Brazil – shows that they are intertwined. This perspective on social citizenship highlights the battles waged in cities to negotiate social rights, the battles already conquered through legislation, and insurgent practices used by social movements. As Hagopian (2011: 217) reminds us, 'if citizenship in Brazil is a recurring problem, a glaring manifestation of an imperfect and incomplete democracy, it is also the equally permanent hope of a solution.' Overall, the lens of social citizenship offers a window into the links between social rights, property and insurgency and provides a useful lens in which to view ongoing urban transformations and the right to the city in Brazil.

Notes

- 1 This definition of citizenship has been attributed to Hannah Arendt (Schaap, 2011).
- 2 Holston (2008) notes that the idea of regulated citizenship misconstrues the idea, noting that the defining feature of Vargas' use of social rights was its differential distribution. Rather than creating a new ideal, Vargas sustained Brazil's paradigm of inclusive egalitarian citizenship, yet in a new, modern form through adaptations to modern industrial society.
- 3 Vargas, known as 'Father of the Poor,' benevolently steered workers in their dealings with industrialists and the state (Wolfe, 1994). See Fischer (2008) for more on how the poor in Rio viewed Vargas.

4 Mobilisation began in the 1950s among neighbourhood associations (*sociedades de amigos do bairro*) and during dictatorship years through ecclesiastical base communities (*comunidades eclesiais de base*, CEBs) in which the Catholic Church worked with the popular sectors to disseminate equality, citizenship, and neighbourhood organising (Jacobi, 1982). These CEBs were extended into *favela* communities through progressive pastoral agents, an opportunity to discuss issues related to informal settlements but also to question ideas about social rights, land, housing, and the legal position of favelas.

5 In addition to Lefebvre's writings, Holston (2008) notes that this 'rights turn' in the urban social movements was influenced by Castells' (1977) work on the urban question and grassroots movements and Harvey's (2009) social justice and the city, captivating the planners, architects, lawyers and social scientists, who promoted the urban social movements and ultimately became leaders of NGOs and local government (Holston, 2008). The role of classically liberal arguments for the rule of law, property rights and political citizenship helped to frame a broad coalition in opposition to the dictatorship and legitimated a rights discourse within a national democratisation project.

6 Cunha (2011) notes that Brazilian legal culture was not influenced by these French origins. Rather, the social function was influenced by Italian jurists Pietro Cogliolo and Enrico Cimbali, who exerted considerable influence in Brazilian private law.

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