



A luta pelo direito à cidade: contribuições do debate da derivação do Estado

The fight for the right to the city: contributions from the State derivation debate

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Resumo

O presente artigo tem por objetivo compreender os limites e as possibilidades da luta pelo direito à cidade tendo como referência as recentes contribuições do debate da derivação do Estado. Essa investigação se faz por meio do método histórico-dialético, considerando aspectos teóricos e histórico-sociais da luta pela transformação do espaço urbano. Verifica-se que as formas jurídicas e políticas ao derivarem da forma mercadoria são essenciais para a reprodução da atual sociabilidade. Conclui-se, portanto, que a redução da luta pelo direito à cidade às demandas institucionais pela positivação de direitos e por políticas públicas reduz seu potencial emancipatório ao aprisioná-la as formas sociais do capital.

Palavras-chave: Direito à cidade; Debate da derivação do Estado; Marxismo.

Abstract

This paper aims to understand the limits and possibilities of the fight for the right to the city taking into consideration the recent contributions from the State derivation debate. The methodology utilized was the dialectical historical method, considering theoretical and historical-social aspects from the transformation of urban space fight. It was possible to verify that legal and political forms are essential for the reproduction of the current sociability as they derive from the commodity form. Thus, as a conclusion, the struggle for the right to the city based only on institutional demands by the positivation of rights and public policies reduces its emancipatory potential by restricting it to the social forms of capital.

Keywords: Right to the city; State derivation debate; Marxism.



Introduction

Beyond a normativistic understanding, it is understood that the right to the city, in the conception created by Henri Lefebvre and currently developed by David Harvey, has two dimensions: the overlap of the use-value of urban space in relation to the exchange value and the utopian dimension. These dimensions would place this right in the anti-capitalist struggle, which has as its necessary horizon the overcoming of the hegemonic sociability of the commodity.

In recent years, the right to the city has been claimed by different collective subjects and gained more space in institutional discussions, especially in public policies and legislation of different levels of government. However, it is understood that the affirmation of this right and its reduction to state benefits eliminates its emancipatory potentiality by imprisoning it to political and legal forms. Therefore, the question is what are the limits and possibilities of the struggle for the right to the city with the aim of overcoming capitalist sociability?

In order to understand the limits and possibilities of the struggle for the right to the city, this investigation uses the historical-dialectical method, through bibliographical research of works located in the field of Marxian and Marxist thought, especially the recent contributions of the debate about the derivation of the State, to answer the guiding question of this work.

Research on political and legal structures is important, together with the apprehension of the limits of the struggle in the institutional field for public policies and laws that aim to promote the right to the city. Central to this analysis are the studies situated within the state's derivationist debate (CALDAS, 2014, p. 12) and their contributions to understanding “issues related to the problem of value, accumulation and social forms of capitalism” (MASCARO, 2018b). The state derivation debate began in the 1970s in Germany and later in England as a way of criticizing illusions about the welfare state and the traditional theories of the state as well as overcoming the dichotomy between economicism and politicism (CALDAS, 2014, p. 27). In the context of this debate, the idea that State and Law are neutral instruments, that is, that they can be used for any purpose, is rejected (CALDAS, 2014, p. 192).

This article is structured as follows: at first, we present the methodology of this research that uses the references of Marxist critical theory. What follows are the main



considerations of the derivation debate about social forms, in particular, the commodity, value, political and legal forms. These are analyzed through the legacy of Karl Marx himself and former and current interlocutors in the sphere of Marxist thought.

Then, in a third moment, we rescue the struggle for the right to the city in its theoretical and historical-social aspects, as well as the main questions regarding its limits and possibilities through dialogue with the derivationist debate of the State. Finally, we present the conclusion of this investigation.

Methodology

This research uses the references of Critical Theory, identified according to the understanding below:

Critical Theory always has as one of its most important tasks the production of a certain diagnosis of the present time, based on structural trends of the current social organization model, as well as on concrete historical situations, which show both the opportunities and potentialities for emancipation and the real obstacles to it (NOBRE, 2004, p. 1).

The critical theory emerged as an opposition to the traditional ways of producing science in modernity. Critical of idealism, the thinkers who identify with it, such as Max Horkheimer and Theodor Adorno (1985), sought to overcome the theory-practice dichotomy, because knowledge should enlighten people about the established order to reorganize society. Moreover, they intended to break with the uncritical production of scientific knowledge. Research, for critical theory, is determined by “tasks to accomplish” and these tasks have a specific objective: “the changing circumstances that condition misfortune” (HORKHEIMER, 2011, p.42).

The orientation towards overcoming the hegemonic sociability of the commodity, through the elements of reality itself, makes those who commit themselves to critical theory not content merely to describe the observed object. It is also necessary to: (i) identify the potentialities in reality itself of what may come to be according to the elements it provides; and (ii) check what are the obstacles that prevent the world from being as it should be. It is important to note that for critical theory historical becoming is not an abstraction since the potentialities for emancipation are verified in concrete reality itself.



The scientific method that conducts the present research is the dialectical-materialist (MARX, 2011, p. 129). In this sense, we intend to point out the limits of the institutional use of the right to the city through critical thinking using bibliographic research in works located in the Marxian and Marxist fields.

The derivationist debate of the State and social forms

Understanding the limits and possibilities of the struggle for the right to the city requires a theoretical effort to verify what are the structures imbricated in the production of space that impact the struggle for its radical transformation. These structures are the social forms, practices repeated daily that condition the attitudes and expectations in life in society, including in the constitution of specific institutions.

In the words of philosopher and jurist Alysson Leandro Mascaro, “social forms are relational modes that are constituents of social interactions, objectifying them. It is a process of mutual imbrication: social forms come from social relations but end up being their necessary beacons” (2013, p.21). It is important to emphasize that the analysis of social forms cannot be done without using the historical research tool, given that the ways of relating in society change according to the social structures of each epoch, not being about merely abstract categories.

In antiquity, the established social bonds were given by slavery through direct domination, and in the Middle Ages, serfdom ensured social reproduction. In Modernity, with the beginning of the development of capitalist relations, the generalization of exchange relations constituted the main social form of the current hegemonic sociability: the commodity. The commodity-form crosses all things, transforming them into something that can be traded, deriving from it all other social forms (MASCARO, 2013, p.22).

The constant repetition of exchange makes it a regular social process, which is why, over time, at least a portion of the products of labor must be intentionally produced for exchange. From that moment on, on the one hand, the separation between the utility of things for immediate necessity and their utility for exchange is confirmed (MARX, 2011, p. 162).

In capitalist sociability work becomes abstract, that is, it becomes generalized as a commodity that can be sold to those who own the means of production. From the



exchange relation between commodities and wage labor itself, another social form is derived: the value-form. This “is not a quality that is intrinsic to the commodity, because it only establishes itself in the equivalence of all commodities with each other (...) its form always presents itself in a relational way” (MASCARO, 2013, p.23). In this context, money is constituted as an element of equalization between the goods.

For these social forms to operate, it is necessary to establish an apparatus outside the economic agents themselves that guarantees the social reproduction of exchange. If in previous sociabilities, such as slavery and feudalism, it used direct domination through the use of physical force, for example, in capitalism it is necessary to establish social forms that guarantee the security of exchange relations and reproduction of the value independently of the agents of the relation. In this context, the political form and the legal form derive from the commodity form.

The guarantee of reproduction of value promoted by State and Law was already observed by the young Marx who, in 1842, criticizes the law on the theft of wood of the Rhineland in former Prussia. This law prohibited local customs of the population who collected fallen wood from private forests for their vital needs. By denouncing this law, as it goes against the “customary right of the poor” (MARX, 2017, p.84), Karl Marx also exposes the contradictions of the state that acts in the defense of the owners' interests, arrogating for themselves the defense of the right of private property.

This logic, which turns the forest owner's employee into state authority, transforms state authority into the forest owner's employee. The structuring of the state, the determination of each of the administrative authorities, all need to be disjointed in order to be downgraded to the condition of the forest owner and for his interest to appear as the determining soul of the whole mechanism. All organs of the state become ears, eyes, arms and legs that the interest of the forest owner uses to listen, spy, protect, grasp and run (MARX, 2017, p. 104).

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The political form arises from the need to guarantee the reproduction of capitalist sociability in a sphere other than individuals. This form establishes a specific social apparatus: the State. The State ensures that political power is not exercised directly by the economically dominant class. The State is born of concrete social



relations, marked by conflicts and contradictions, and its apparatus and its institutions are structured starting from the commodity form. From the latter, the political form is derived following the general precepts of the sociability of capital.

Understanding that the State originates from the commodity form and operates through the political form demystifies the idea that the State is an instrument of the ruling class or a field that can be transformed through class struggle. This understanding is recurrent in the Marxist field, which envisions the transformation of present sociability by the progressive conquest of state apparatus. Considering the structural relationship between the commodity and political forms, this transformation would not be possible, since state apparatuses and institutions are the materializations of the political form generated by the mercantile relations and it is necessary to surpass the State itself (MASCARO, 2013, p.30).

Regarding the existence of political intuitions in pre-capitalist times, it is important to emphasize that these institutions only acquire specificity in the current system of production and cannot associate their genesis with what existed in earlier times.

It is not because a given political institute has existed before capitalism that it is the causal embryo of the State. The state form is born of capitalist production, the exploitation of wage labor, the conversion of all things and people into commodities. The social and political institutes of capitalism are created or transmuted in a process of convergence with form (...). It is not because the Romans called their political institution the Senate that the modern Senate institution in the Legislative Powers is materially, structurally, and functionally equal to that of the past. Institutions are reconfigured by social forms, in a structural intertwining (MASCARO, 2013, p.31).

The structural intertwining of the social forms that condition State institutions is not linear, but permeated by conflicts and discontinuities driven by class struggle. This justifies the fact that these institutions, permeated by contradictions, often act against the production of value and have singularities and different modes of constitution without, however, failing to operate by political form.

It is important to warn that the political form is not limited to state institutions although they condense in the State. In other words, "The State is the material core of the capitalist political form. Government is the leading nucleus of the state and public administration is its bureaucratic body" (MASCARO, 2013, p.38).



The political form, as well as the legal form, derives from the same social dynamics, forming a complex political-legal phenomenon. Although they have specificities, they operate in a conformational relationship: the State outlines the Law whose logic already operated socially through categories such as “the subject of rights” and “autonomy of will”.

In the tradition of positivist legal thinking, for example, Law is understood as a phenomenon instituted by the State, reducing it to the notion of state legal norm (MASCARO, 2015, p.53). However, the emergence of the legal form is not in the state, but in exchange relations.

The structural relationship between the capitalist system of production and the legal phenomenon is first made by Evguéni Pachukanis in the early twentieth century, in a context in which it became even more essential to think about the role of post-revolution Law of 1917. For the Russian jurist, the correspondence between the mercantile form and the juridical form in the capitalist society is verified through the analysis of the historical conditioning of the juridical phenomenon that occurs in the economic relation itself. The purpose of the legal order is the circulation of goods, disregarding the idea that the legal phenomenon occurs through unconditional submission to an external authority.

Capitalist society is first and foremost a society of commodity owners. This means that social relations between people in the production process here take on the reified form of labor products, which relate to one another by value. Commodity is an object whereby the concrete diversity of useful properties becomes a simple reified casing of the abstract property of value, which manifests itself as the ability to be exchanged for other commodities to a certain extent. This property manifests itself as an intrinsic quality to things themselves thanks to a kind of natural law, which acts on people completely independently of their will (...) Therefore, at the same time that a product acquires property of commodity and becomes the bearer of a value, man acquires a value of the subject of rights and becomes the bearer of rights (PACHUKANIS, 2017, pp. 119-120).

The juridical form only came to cover social relations in capitalist sociability, when a certain stage of the development of the productive forces and the division of labor was reached, this form being fundamental to intermediate the relationship between the capitalist and the wage laborer through the contract. In the sociability of the commodity, for the circulation of products to be possible, the figure of the subject of rights is fundamental.



The legal phenomenon creates the abstract figure of man, the subject of rights who, by autonomy of will, is free to negotiate his products, including his workforce. The human being embodies the abstract and impersonal juridical subject, the “atom of the juridical theory”, being “every juridical relation a relation between subjects” (PACHUKANIS, 2017, p.117).

Two aspects of the exchange are highlighted: the relationship between things (commodities) and the relationship of the will between two different people (subjects of rights). Quoting Marx, Pachukanis demonstrates that it is at the moment of the exchange that the legal relationship is established, that is, in the economic relation itself.

For Pachukanis, overcoming the capitalist system of production necessarily passes through the end of the legal moment. It is not just a matter of resignifying the content of bourgeois Law through the creation of a proletarian Law, since the annihilation of Law means the suppression of the juridical moment of human relations (PACHUKANIS, 2017, p.78).

Thus, knowing some of the social forms derived from the commodity, we can conclude that the current capitalist sociability is not overcome without the confrontation of political and legal forms.

The arguments presented for deriving State and Law from the specificities of capitalist political economy - from its inherent economic relations - imply rejection of the idea that they are merely neutral instruments - usable for any purpose - freely managed by the political decisions of certain occupants within the state apparatus. At the same time, the idea of the state as a generic apparatus of ruling class domination, whose form is indifferent in all periods of history in which one class is exploited by another, is refuted. This also implies the recognition that peripheral changes - election of new rulers, new composition in courts, nationalization of economic sectors, expansion of rights, etc. - do not result in any deconstitution of the capitalist mode of production and all the socio-economic consequences that result from them, including at the political and legal level (CALDAS, 2014, p. 192).

The struggle for the right to the city: theoretical and historical-social aspects

In 1968, exactly 50 years ago, the expression “right to the city” was central to Henri Lefebvre's essay. At the time, the Marxist philosopher observed the changes that the city of Paris was going through and its impacts on daily life, denouncing the subordination of the cities, dependent on use-value, to exchange value and the



generalization of commodities (LEFEBVRE, 2001, p. 14). One of the contradictions of capitalism (HARVEY, 2016) that was previously restricted to the factory environment would also subjugate the urban space, that would increasingly reproduce itself according to the logic of the commodity (CARLOS, 2018).

The subordination of cities to exchange value has in urban planning and laws important allies. Lefebvre demystifies the actions of urbanists by demonstrating that technique is at the service of creating the abstract space of urban plans, imposed by the market and operated by laws stemming from the logic of "ought to". This is the space of rationality, homogeneous, fragmented and hierarchical and which is in opposition to the concrete space of everyday experiences, the space of *dwelling* (LEFEBVRE, 2002, p.166).

In capitalist cities, the production of value is now done by all its residents, though this wealth is appropriated by a few. This is the phenomenon of urban dispossession (KOWARICK, 1979) that reduces the practices of urban life into yet another source of capital exploitation, understood here as a process between production and its final realization (consumption)¹.

Through David Harvey's approach to the spatial dimension of accumulation theory, it is possible to learn that space is fundamental to the reproduction of value. The spatial dimension is verified through the imperialist expansion of the sociability of capital, which advances, increasingly, to the territories of countries not yet fully integrated into the world market economy (WOOD, 2014, p.10). This dimension is also noticeable when, in times of recession, space is being used as a solution to crises. In the latter case, traditionally, State and market come to interfere more strongly in cities through urbanistic rearrangements that can reduce production costs and, more recently, with the adoption of a "strategic planning" model (VAINER, 2002) based on urban entrepreneurship (HARVEY, 2014, 2006), they try to turn cities themselves into commodities aimed at foreign investors and tourists.

¹Lucio Kowarick developed the concept of urban dispossession as an expression of a peripheral pattern of urbanization. According to Kowarick, "the logic of accumulation that presides over recent Brazilian development rests precisely on the dilapidation of the workforce" (KOWARICK, 1979, p. 42). Dispossession would have two dimensions. First, it manifests itself through the condition of brutal exploitation of labor since the wage only remunerates the task and not the conditions of reproduction of the labor force. The second dimension concerns the precariousness of the set of services (collective consumer goods) essential to the reproduction of the labor force. Given these conditions, the need for "overwork" arises, in which the worker himself assures the means of reproduction, generating "accumulation by dispossession" (KOWARICK, 1979).



The production of cities from the logic of value makes life in cities increasingly dependent on an exchange: urban space becomes an expensive product for the few people who can afford it. The creation of abstract space favors real estate speculation by overvaluing urban land and creating barriers to housing. Housing, when accessible to the popular strata, is realized through financings that require a lifetime of work and subordination to banks that profit from the vital needs of the population. We also have, in the context of the financialization of cities, the combination of land rent with the large monopolistic groups that now hold much of the real estate properties. These groups, holders of political and economic power, are not affected by the urban legislation that, when it operates, only reaches the small owners (LOJEKINE, 1980).

In the most recent crisis of capitalism, which peaked in the central countries starting in 2008, the urban question became evident in different protests in the world. The limits of accumulation, in Slavoj Žižek's expression, were exposed "in paradise and hell" and, despite the particularities of each city in the different regions of the world, these protests had as their common characteristic the anti-capitalist dimension (ŽIŽEK, 2013, p.102-103). In Brazil, the protests that took place in June 2013 began with the struggle organized by the Free Pass Movement (MPL-SP) in the city of São Paulo against the increase in public transport fare. About this important moment in our history, Ermínia Maricato states that "it is impossible to dissociate the main objective and subjective reasons from these protests from the conditions of the cities" (MARICATO, 2013, p.19).

It is in the context of the submission of cities and urban life to the exchange value that Henri Lefebvre relates the right to the city to the "right to urban life, transformed, renewed" (LEFEBVRE, 2001, p.118). This renewal is not in the nostalgia of the cities of the past that, as warned by David Harvey, were also unequal (2014, p. 18). It is the right to transform the city and ourselves according to our deepest desires (HARVEY, 2012).

The definition of a precise concept of the right to the city does not appear in Lefebvre's work (nor could it). Through the legacy of the French philosopher and the current studies of British geographer David Harvey, two dimensions of the right to the city stand out: the overlap of the use-value of cities in relation to the exchange value, as well as the utopian dimension as the possibility of radically transforming cities in a



necessarily anti-capitalist struggle. The scope of this last dimension, for the authors, could only be thought from the revolutionary *praxis*.

The relationship between use-value and exchange value is defined by David Harvey as one of the fundamental contradictions of capitalism under which all commodities are subject. In his first volume, Karl Marx states that the utility of a thing concerns its use-value, constituting the material support of exchange value. The exchange value expresses a quantitative relation that is presented in the exchange relations as independent of use-value (MARX, 2011, p. 161). Marx further warns that not everything that has use value is mediated by labor and/or has exchange value.

One thing can be use value without being value. This is the case when its usefulness to man is not mediated by work. Such is the air, virgin land, natural fields, raw wood, etc. One thing can be useful and a product of human labor without being a commodity. Who, through his product, satisfies his own need, certainly creates use value, but not commodities (MARX, 2011, p. 165).

The other essential dimension is utopia, rescued here in the thought of Henri Lefebvre, for whom the urban phenomenon moves towards a totality (centrality) in the way of thought and not in search of content, without ever reaching it. This centrality defines and is defined by the utopian, understood by Lefebvre as “what has no place and seeks it” (LEFEBVRE, 2002, p. 156-157).

Marxist Ernest Bloch defines utopia as “not-yet-being” (MASCARO, 2008, p. 119), an expression that differentiates abstract utopia as “no place”, present in the work of utopian socialists, and concrete utopia, starting from his analysis of reality and its contradictions that link utopia, necessarily, “to future-oriented praxis” (MASCARO, 2008, p.114).

According to the German philosopher, to arrive at concrete utopia it is necessary to understand the contradictory movements of reality and revolutionary practice in order to grasp the possible dialectic from the knowledge of the circumstances and structures of the real (MASCARO, 2008, pp. 127- 128) as well as future desires, postulated by the principle of hope, responsible for the forward momentum (MASCARO, 2008, p. 116).

This concrete utopia, while *being not yet* (BLOCH, 2005), cannot be the result only of an idealized vision of the future, since the possibility of emancipation lies in the contradictory movement of the real and the concrete. In this sense, the *polyrhythmic* understanding of history is fundamental to grasp the potentialities present in the



demands of the now as in the unresolved demands of the past, opening room for *anticipation*, the foundation of Ernest Bloch's revolutionary utopia (MASCARO, 2008, p. 107).

Nowadays, the expression “right to the city” occupies a prominent role not only in the claims of various collective subjects of various cities of the world but also in institutional spaces. In Brazil, the urban question is receiving greater attention in the legal field after articles 182 and 183 of the Federal Constitution of 1988 and the promulgation of the Statute of the Cities, Federal Law 10.257/2001. In the name of the right to the city, the creation of laws and public policies is justified, which, despite the intention to promote justice in the distribution of the burden and benefits of urbanization (SILVA, 2010, p. 45), contribute to the reproduction of capital, that is, they act against the revolutionary conception coined by Henri Lefebvre in 1968.

Without disregarding the plurality of uses linked to the expression “right to the city”, it would be possible to consider at least two meanings: the reformist and the revolutionary. In the differentiation between reform and revolution, Jean Salem defines revolution as the transfer of power to a new class and not just concessions obtained from the ruling class as they occur in reforms (SALEM apud MASCARO, 2016, p. 454). Applying this differentiation in the context of the urban issue, we understand that the struggle for the right to the city, in order to be revolutionary, must necessarily aim not only for occasional improvements in the population's quality of life, through small restrictions on private property, such as real estate. This is the intention of some instruments of urban law such as the expropriation for urban reform purposes provided for in Article 182, Paragraph 4, III of the Federal Constitution and Article 8 of the Statute of the City.

One might ask: why is the consecration of the instruments of urban law, provided for from the Constitution to the Master Plan of the municipalities, not able to change the logic of subjugation of cities to the imperatives of accumulation? The answer to this question is sought in the theory and philosophy of law, giving up, at this moment, a legal-sociological analysis of the effectiveness of these legal instruments.

Although there are pluralistic conceptions within the framework of critical legal thought, we understand here that the legal phenomenon only acquires specificity in modernity with the development of capitalist relations. Institutionalized state law comes



from the concrete social relations corresponding immediately to mercantile relations (MASCARO, 2015, p. 7).

The analysis of the legal phenomenon necessarily involves the search for mechanisms and structures that guarantee the specificity of the law in any matter, regardless of its content. Under capitalism, the state intends to regulate all social life by subjecting human relations to the legal framework. In this context, the legal tools would reflect and support the market economy (MASCARO, 2015, p. 3-4). Thus, the positivization of the right to the city and its reduction to the implementation of public policies conditions this struggle to the logic of the commodity, eliminating its emancipatory potentiality.

The naive and politician view of the law itself is recurrent in the field of Urban Law in Brazil whose main exponents advocate the creation of agendas for the positivization of the right to the city at different levels. However, the lack of understanding of the structural role of the legal phenomenon in capitalist sociability is even perceived in David Harvey's work, the main current theoretical reference in this debate.

The fact, for example, that the strange convergence of neoliberalization and democratization in Brazil in the 1990s has resulted in articles in the 2001² **Brazilian Constitution guaranteeing the right to the city** has to be attributed to the power and importance of urban social movements, particularly with regard to the right to housing, in promoting an active sense of "insurgent citizenship" (HARVEY, 2014, p. 14, emphasis added).

It is observed in the passage above, the understanding that the class struggle would have the ability to change the Law from its progressive use. This analysis, however, must be shifted from class struggle to social forms, especially the commodity form.

The class struggle reveals the specific situation of politics and economics within the framework of capitalism. But beyond the class struggle, the social forms of capitalism, backed by value and commodity, reveal the state political form. In the *form* lies the core of the state's existence in capitalism (MASCARO, 2013, p. 20, emphasis added).

Through a revolutionary conception of the right to the city, in its anti-capitalist extension, it is essential to investigate the limits and emancipatory potentialities of the struggle for the radical transformation of space. This struggle, however, cannot have public policy and law as allies.

² The author wanted to refer to the City Statute (Federal Law 10.257 / 2001).



[It is] necessary to fight against the commodity and its derived social forms, this means not to reinforce the right across the board nor to use it better than that made by the bourgeoisie and the dominant today, but to surpass capitalism and the law (MASCARO, 2018b, p.606).

In verifying the limits and possibilities of the struggle for the right to the city, the derivationist debate of the state can contribute to thinking this struggle beyond (and against) the limits of political and legal forms, and the proposal presented here is fundamental to understand the forms that cross the capitalist production of space.

The critique elaborated by derivationist theory, therefore, rejects the possibility of reform in the state apparatus and through legislative improvements, that is, at the purely legal level. Therefore, for them, revolution by the working class would be the only way that could imply the radical transformation of economic relations (CALDAS, 2014, fl.68).

Conclusion

Understanding the limits and possibilities of the struggle for the right to the city through critical thinking is an opening for reflections that are urgent in the context of theory as well as political practice. At the theoretical level, it is necessary to identify the different approaches that have been used as a right to the city. Contrary to the revolutionary conception of the right to the city as formulated by Henri Lefebvre, this right has justified state public policies (CARLOS, 2017) as well as legislations of different levels, in a reformist approach that does not dispense the state and legal apparatus for changes that do not reach the reproduction of capital and often contribute to them (Reis, 2018).

This investigation concludes that the struggle for the right to the city is weakened when it is restricted to the institutional struggle for the positivization of rights and public policies related to urban life and is not effective as an open struggle for another production of space, fading away its emancipatory potential by enclosing it in the structures of political and legal forms. This open struggle, however, must be clear about the social forms that traverse the social production of space, especially the commodity form, so that it really is a possibility of overcoming the hegemonic sociability of capital.



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