

Of Rights in the Urban Era

With regard to the concept of rights applied to the city and urban life, the insightful work of French philosopher and sociologist Henri Lefebvre (1901-1991) should prove invaluable.¹ For it is Lefebvre who introduces a pioneering perception of the rights for the urban.

The urban implies much more than rights of access to facilities, goods, and services provided by others. Beyond the stark materiality of such provisions, it offers in abundance its ambient immateriality. The symbolic and the sublime, the repetitive and the serendipitous, the expected and the exceptional, the accepted and the speculative, the educational and the informative, the reflective and the creative, the sober and the ludic, are all inherently constitutive of urban living. Their enjoyment, the possibility of playfulness, surprise and delight in the everyday, would be crucial to a concept of rights for the urban. Thus, Lefebvre's insistence on the distinction between 'habitat', the material prerequisites of living, the land, the house, its fixtures, and 'habiting', the appropriated experience of being (there), of acknowledging one's existence in a certain socio-spatial entity.²

Urban rights differ significantly from citizens' rights. Whereas the latter tend to be atomized, both in object and subject, in terms of the specific objects of right they guarantee (free speech, right to vote, property ownership, etc.), as in terms of the individuated citizen-subjects perceived as their bearers, urban rights would aim at a collective appreciation of the new era's totalising interdependencies. The shift from the rights of citizens apportioning the benefits of city life within the polis, expanded to the nation-state in modern times, to rights enabling all to engage in the development of the

1 - In his *Le Droit à la ville*, Seuil (Paris, 1968); *Du rural à l'urbain*, Anthropos (Paris 1970); *La Révolution urbaine*, Gallimard (Paris, 1970), translated into English as *The Urban Revolution*, University of Minnesota Press (Minneapolis, 2003); *Le Droit à la ville, II - Espace et politique*, Anthropos (Paris, 1972); and *La Production de l'espace*, Anthropos (Paris, 1974), translated into English as *The Production of Space*, Blackwell (Oxford, 1991) (Dates given are of original editions.)

2 - Lefebvre here evidently draws on Heidegger's distinction between 'wohnen' and 'Wohnung', developed in the latter's seminal essay 'Building, Dwelling, Thinking', in *Poetry, Language, Thought*, Harper Colophon Books (New York, 1971) and in his magnum opus *Being and Time*, State University of New York Press (Albany, 1996) (both in translation).

complex nexus of interlinkages and constant flows of the material and symbolic that characterise the global urban, affects rights both in essence and appearance, content and form. It supersedes the antinomy between positive and negative rights, the enjoyed and the imposed, the rights of some and the responsibilities of others, assuming their ultimate conflation.

Lefebvre insists on a triadic periodisation of the evolution of human civilisation involving the transition from an agrarian/rural phase to the industrial era, itself culminating and being absorbed by the urban epoch. The agrarian phase, pertaining to *need*, being one “of limited production, subject to ‘nature’ and interspersed with catastrophe and famine, a domain of scarcity”; the industrial one, pertaining to *work*, one “of fetishized productivity and the destruction of nature, including the nature that lives or survives in a human being”³; with the nascent urban phase, albeit its inherent contradictions, holding the potential of *enjoyment*, of transcending the fetters of strict functionality and commodification, of opening out to a fuller human existence acknowledging and incorporating the ludic and the symbolic, the imagined and the desired. Inherently dialectical, such shifts from one phase to another imply continuities and discontinuities, the cumulative and the disaggregative, implosion and explosion. Each phase engulfs the previous one, colonizes its geographic, conceptual, philosophical, scientific and political space, redefines their problematic and crucially transforms their essential parameters.⁴ The present shift to the urban phase, reflecting far more than increased urbanisation in singular cities but rather the development of a novel global economic and socio-political metabolic mode, is a process in the becoming,⁵ its totality only virtually perceived as an extrapolation from changing existing realities. Yet its transformative efficacy and totalising impact result in the emergence of a new paradigm still mostly uncharted, still lacking explanatory concepts, still hovering above the hazy remnants of the preceding industrial era.⁶ A paradigm permeating in its viscous expansion all aspects of social being and everyday life, its structures, forms and functions, its

3 - *The Urban Revolution*, op. cit., p. 32.

4 - As he puts it, “[t]here are three layers. Three periods. Three ‘fields’. These are not simply social phenomena but sensations and perceptions, spaces and times, images and concepts, language and rationality, theories and social practices: the rural (peasant), the industrial, the urban”, in *The Urban Revolution*, ibid. p.28. See also Lefebvre’s video interview at <https://www.youtube.com/watch?v=0kyLooKv6mU> (in French).

5 - What is at issue here is not to attempt to establish the specific spatio-temporal conjuncture at which the industrial passes the baton to the urban, but rather to elucidate the multiplicity of elements contributing to such a process. However, Lefebvre would argue, the incipient signs of the shift to the urban were to be detected towards the mid-twentieth century.

6 - As he puts it, “[w]e focus attentively on the new field, the urban, but we see it with eyes, with concepts, that were shaped by the practices and theories of industrialization, with a fragmentary analytic tool that was designed during the industrial period and is therefore *reductive* of the emerging reality”, ibid. p. 29.

conceptual modes and thought patterns.⁷ To this extent, concepts of rights characterising the preceding epochs prove most lacking when applied to the urban. They fail to address emergent realities, and, perhaps more significantly, potentialities, just as the concept of industrial production, premised on profit-oriented commodity exchange, proves ill-fitting when invoked to explain the intricacies of the social production of space in the new urban era.

The urban extends well beyond the homogenising functionality of the industrial, the crude commodification of all human activity. By both revealing and reproducing the rifts and contradictions of the industrial era, urban phenomena also inhere within them the potentiality and realisation of their transcendence. The concept of rights that should suit the urban, address its contradictions and exploit its possibilities must differ from that obtaining in the industrial. The strict dichotomies between production and consumption, as between capital and labour, characterising the industrial era, though still applying in the nascent urban, appear in somewhat moderated form. The industrial's forceful integrative imperative imposed in the process of its evolution is cause both of its own decline and of the emergence of the new era. In the urban, human agency is less atomised, more comprehensive in its efficacy and plural in the complex variety of the milieu it finds itself. People live and work within a material environment conceived, designed and built by an elite of developers and professionals, mostly operating within the private sector and aiming at rent, i.e. real-estate profit, maximisation. An yet, through their perception of the space they are using, through its informal appropriation, people, interactively and collectively, transform their built and lived environment, both morphologically, as their function-led interventions upon it affect its form, and symbolically, as the narrators of their own spatial experience challenging the official discourse of the elites' (pre)conceived spatial fix. The urban is in a perennial state of flux, constantly changing, parts of it more rigid, such as the centres of historic cities,⁸ other, the least resilient, as fluid as the vicissitudes of the economic, political and social determinants they are subjected to. To this on-going becoming of the urban, a process inevitably conflictual, all contribute, albeit it very differently, albeit from most unequal power positions.⁹ The deep rift between producers and consumers of space prevalent in

7 - The urban, Lefebvre claims, "is constituted by a renewed space- time, a topology that is distinct from agrarian (cyclic and juxtaposing local particularities) and industrial (tending toward homogeneity, toward a rational and planned unity of constraints) space- time. Urban space- time, as soon as we stop defining it in terms of industrial rationality ... appears as a *differential*, each place and each moment existing only within a whole, through the contrasts and oppositions that connect it to, and distinguish it from, other places and moments", *ibid.* p.37.

8 - Although, even here, they may be rigid in terms of their morphology and built structures but totally transformed in terms of the functions they are hosting and the symbolic content they reflect, eg Venice, turned from vibrant merchant city-Republic to saturated tourist destination.

9 - See Lefebvre's *The Production of Space*, *op. cit.*

the previous epochs – a nature-imposed space in the agrarian era and a factory-plant dominated one in the industrial – ceases to apply as rigorously in the urban. A concept of rights for the urban would have to reflect this transition to a more diffuse producer–consumer distinction, enable all to partake in the process of urban production, legitimate their endeavour to fashion their lived environment according to their needs (functionally) and desires (symbolically).

As paradigmatic instance of the industrial era, the state, especially in its social-democratic guise, provided the urban necessities ‘the market could not reach’. It built social housing, indispensable urban infrastructures, education and social welfare facilities. State-funded major projects, including large scale house-building and urban regeneration, transportation networks, energy grids, water provision and sewage disposal systems, ensured the viability of the private sector while also contributing to the emergence of the new urban phase. In the industrial era the state, especially in its more recent neo-liberal guise, socialized debt and privatized profit. It assumed the cost of the unprofitable, while allowing an ever greater concentration of the profitable, both socially and spatially. The glaring gap between use values (unprofitable) and exchange values (profitable) is becoming unviable; indeed, it lies at the root of the crisis of the industrial era and its substitution by the urban. A concept of rights for the urban would have to address the problem and facilitate the necessary convergence between use and exchange values. Affordable decent housing, a use value for those renting it, is an exchange value for the property company or private owner letting it. To the former, access to it must come as a right, to the latter, as to property developers, public or private, affordable housing provision needs be perceived, nay incumbent upon them to sustain, as a responsibility. Hence, a certain confluence in the urban era, so much lacking in the industrial epoch, between rights and responsibilities, with the rights enjoyed by some reciprocating as responsibilities on others.

Lefebvre’s innovative perception of the rights to the urban is visible (can be shown / illustrated...) by his own words (following his criticism of Le Corbusier’s hyper-functional planning): ‘The street contains functions that were overlooked by Le Corbusier: the informative function, the symbolic function, the ludic function. The street is a place to play and learn. The street is disorder. All the elements of urban life, which are fixed and redundant elsewhere, are free to fill the streets and through the streets flow to the centers, where they meet and interact, torn from their fixed abode. This disorder is alive. It informs. It surprises.’¹⁰

¹⁰ - *The Urban Revolution*, op. cit., pp. 18-9