

# 20

## Barcelona Societat

Journal on social knowledge and analysis



Ajuntament  
de Barcelona

December 2016

**Key words:** Inhabit, habitat, housing, right, city, urban

### Right to inhabit, right to (social) housing

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**Related concepts such as housing, social housing, habitat, inhabit, right to housing and right to the city are explored. The article seeks to understand the current situation where cities are wavering between choosing social justice and rights or Neoliberalism and social inequalities. A historical and up-to-date analysis of the right to the city allows us to tackle the right to inhabit and how this is executed in relation to the right to the city and in opposition to the habitat logic, all of which is connected to the right to (social) housing. It's concluded that the place to live can't lead by any means to the inhabitants' social and political disaffiliation, since that would invalidate urban life. Without urban life, there's no housing and there's no freedom without housing.**

#### Introduction

In recent times and from a rights perspective, different terms directly or indirectly related to housing are employed. These concepts are linked, yet the connection is not clear, as they can complement each other and also be contrary.

It's worthwhile, thus, to align terms and concepts –as they are part of the same whole– such as: *housing, social housing, habitat, inhabit, right to housing, right to the city*, since the linkage is shown when some of these rights are isolated and presumably met but, once compared as part of that whole, this compliance of rights becomes automatically questioned.

It seems obvious that *housing* is not the same as *right to the city*; *habitat* is different to *right to housing*. *Inhabiting* is clearly not the same as *habitat*. But these must be discussed and argued in order to understand the current dilemma occurring in some societies that are wavering between choosing rights and social justice or Neoliberalism and social inequalities.

It's a narrative that is interconnected, since the same relationship between housing and free development of urban life is always discussed: exchange value ahead of use value. Property speculation, gentrification, right to housing and to social housing, social space as a market space, urban life, freedom, rights... the co-relation of these concepts is stronger than it seems, and therefore we should be more aware of it.

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## 1. To inhabit, habitat, housing

The starting point of this discussion is focused on *to inhabit*, *habitat* and *housing*. Despite sharing common features, these terms are not synonyms. They are similar, since they are not antagonistic, but divergent.

### 1.1. To inhabit

Throughout history, *to inhabit* has meant “to take part in a social life, a community, village or city” (Lefebvre, 1969: 32). According to that, *inhabiting* is understood as belonging to a social collective experience linked to the site of residence. That is, belonging to a group, beyond the acquisition of an own dwelling space where the residence is allocated and the sense of belonging is executed and maintained. The answer to the question “Where do you inhabit?” would stress not only the exact place of the housing, but also the contextual personal aspects regarding the place the person forms part of, the community. *To inhabit* as a whole, not only in relation to housing, is also understood as being part of a group, of a community which the person inhabits.

We might agree that this approach reaches full meaning if we take into account the essence of urban context: a space that holds and accommodates people, temporarily –briefly or not– or permanently, insofar as members of a community that interact, develop and socialize simultaneously in time and space.

From the concept *to inhabit*, we can assume that social life is what brings body and meaning, what defines the particular shape of the city –constantly being rebuilt– through people’s usage and flows –buildings, distribution of spaces according to use, connections– and not the other way round, as is happening more and more often. Historically, a group has conquered a place and has settled down, establishing itself in a stable manner until the space has become architected and urbanized. Urban life introduced, maintained and modified the fact of inhabiting. Not the other way round.

From this view of human settlements as spaces for social experience, social sciences have considered the notion of *city* by merging different concepts in order to understand what is co-produced and created at every moment from the group of individuals, different from the simple arithmetical addition of individual traits. In other words: this sort of social energy that produces what might be called “the own character” of a community.

Georg Simmel, one of the philosophers encouraged to discuss it, refers to “nervous energy” of the current life in the cities (Simmel, 1986(2)), a nervous energy that takes place through an unstable movement of relationship trends in an unceasing flow of change, in permanent construction, at every time and every place of the urban network, made by social relations which are constantly performing and changing. Constant social creation integrated by every interaction and by the sum of all of them. An urban life that could be explained by the co-existence of multiple and infinite social algorithms, if it wasn't for the fact that these haven't, as yet, been figured out.

A movement that, according to Simmel, assumes urban essence as something unlinked to the political order. Not only that: it is often produced behind the political order's back, as this tries to make the city renounce its emergent and contradictory character.

This discussion points at the differences between urban city and urbanized city. The city “under construction”, using the metaphor of the magnificent José Luís Guerín film, and the city that aims to be predictable, basically static in shape and depth and always ready for submissive planning-making. But: What is the city, if not the life inside of it? What would be the point for the people if it wasn't like that? So: Would it be possible to accept the city as a scenario where the urbanized –planned, designed, expected– is the most important thing, in aggressive opposition to the urban –

that experienced in real time and fed with the possibilities of change, improvisation and instantaneous agreement—? A city where urban life doesn't prevail is not a city: it's a landscape. Made of concrete and metal, but landscape anyway (Simmel, 1986).

However, the narrative of what is planned instead of experienced seems to have prevailed over the stubborn praxis of unexpected urban life. An example of a recent class exhibition where children had to answer a question by drawing a picture seems quite revealing. The question was "Draw the city of the future". All the pictures depicted from a bird's-eye view a skyline of buildings connected by well-designed streets. Only in some pictures –by mistake?–, tiny and lonely figures of human bodies were seen: the city, according to that maybe common vision, wouldn't be an urban phenomenon: it would be basically an urban planning phenomenon, a landscape with a story unattached to the people who legally live there; an organization responding to an efficient order in accordance to economic productivity.

From that, *to inhabit* –which hasn't fallen into misuse by chance–, raises again questions which were common in the past but today are under conflict: the analogy of living in housing as an integral part of something we might call a community, group, social experience; the connection between the right to build city from the right to build urban life and not conditioning the possibility of urban life to the planned configuration –built and fabricated– of the city; the loss of social value of the housing space that is subordinated to the exchange value, to the market value of this urban-architected entity.

*To inhabit* seems a useful concept to assemble all the pieces, according to what Richard Sennett suggested in *Personal Identity and City Life* (Sennett, 2002) in order to understand that it becomes part of a totality that should be undivided, whereas, on the contrary, it has been splitting and its pieces have been disconnected from the narrative and from its understanding over the last decades.

## 1.2. Housing

What we acknowledge today as a *home* –the space we inhabit and where we develop our privacy and intimacy–, derives, as many authors suggest, from an empowered bourgeois invention across a large part of nineteenth century Europe as a response to the risks attached to the "outside". This 'outside' turned out to be an awkward space, full of risks which were not only physical: also moral. Faced with them, only the home could guarantee refuge, free from external rules and common practices and even outrages, serving as a security measure from the public space, often shared and in certain places with what the bourgeoisie perceived as 'riffraff' (Delgado, 2016).

Simultaneously, and from another very distinct point of view, with the massive arrival of the working masses to the big cities, it became necessary to include housing rights along with their fight for working rights (Pisarello, 2011: 30). Over time, the demand for healthy, sufficient, dignified and secure housing became one of the main goals of the labour movement –while the manufacturing spaces where housing and place of work were integrated, was at that time a common domination strategy against the working class, in order to dominate them with the possession and control of the surroundings they inhabit.

In that particular context, after the 1848 Revolution, according to Lefebvre, an initiative linked to housing allocation for the working class was launched by the Parisian bourgeoisie: the creation of *habitat*.

## 1.3. Habitat

It is defined, thus, by a double necessity: the working class's for dignified housing and the Parisian bourgeoisie's. The latter group, which had the means to generate change, felt

threatened by the labour class and the 1848 Revolution confirmed its fears. On the other hand, peasantry kept on arriving and setting up by the city walls, aiming to join the working class at the factories. Despite what Paris Haussmannization had brought about –reproduced extensively until today–, the 1871 Paris Commune managed, among other successes, to make the working class return to the urban centre, raising fears and annoying the bourgeoisie who kept the power.

It is then when, according to Lefebvre's, "(...) a few notables, discover a new notion. The Third Republic will insure its fortune. It will conceive the notion of *habitat*." (Lefebvre, 1969: 32).

This notion explained by Lefebvre can be seen in what we could call today dormitory towns, working class areas, suburbs, housing facilities, warrens, industrial areas of residence, satellite towns, peripheral areas, vertical slums, industrial units, among others, and are just the creation of housing cores for the working class at the limits or outskirts of the city.

The author points out: "At the end of the nineteenth century the notables isolate a function, detach it from a very complex whole which was and remains the city, to project it over the ground". And he remarks that, despite the fact that the notables didn't pretend to carve a way for speculation, but wanted to generate life beyond the workplace and a better-quality everyday life with better expectations for the labour class, it's proven that estate market wealth started growing around the city and the labour class became damaged by the extent of speculation.

In fact, this was the "award" assigned to the working class: trading their expulsion from the city and their forced allocation in specifically designed suburbs for the chance to access a household, and, with that, strive for better future possibilities where they didn't depend on the employer to access housing.

In that measure, the personal desire-necessity of accessing private housing was progressively standardized, which, at the same time, meant a progressive disaffiliation of the concept of group, community, which produced another cost which the working class had to pay to access housing, as they obtained capital in *habitat* form: with that, they had to submit themselves to a system of suburban conformation where they had to move to buildings which weren't even provided with the adequate elements for an urban life. *Habitat* was restricted to that network of buildings that people used "to sleep in"; 'dormitory towns', where "neighbours don't know each other" and they don't need to, since "they don't spend their time there": an urban and architected organization devoted to take in bodies in every housing unit, where there's no chance of ensuring a sense of community, platform for a life and ongoing sociability. Inhabitants of habitats had to fight and are still fighting to build and maintain networks, sometimes coping with the authorities' reluctance.

It's understood, thus, that one of the principle objectives that *habitat* appears to have is to neutralize the political and dialectical means of the common space, the urban, the experience through the context provided by the plot, street, neighbourhood, town or city as a result of a common project made from a common practice.

In that sense, *habitat* was constituted as a setting where a type of ecosystem was built in order to provide the main structure to survive in terms of housing dignity. The concept of *inhabiting*, widespread then and understood as being a constructive and narrative part of a community, became more and more irrelevant over time. In exchange, segregated *habitat* was assigned to labour classes –and not to the elite, who continued inhabiting the city– as something of their own, literally theirs, since they could buy it as slots or households, in exchange for renouncing the community, social participation and urban life. In a few words: renouncing their political dimension.

*Habitat* excluded from "the centre" of the city, makes the core activity of its inhabitants production, as well as the maintenance of their *habitat*. The working class kept on losing the sense of personal participation in urban construction and has eventually identified itself with the sense of property and consumption. In accordance with that, city has also become to be seen as space consumption instead of a space for social practice and social experience.

To summarize, *habitat*, as seen by Lefebvre, is a complete way of living (functions, prescriptions, daily routine), which is inscribed and determined by an abstract character and signifies itself in this *habitat*, while the concept of *habitat* excludes the fact of *inhabiting* (Lefebvre, 1969: 36).

The urban and architectural models conceived by the *habitat* concept use a formalism –they lack content and sense– and aestheticism –applying old models by their beauty– which intend to rationalize and provide ‘coherence’ to *habitat*, when the chaotic reality of urban life is, in fact, deprived of it. These models acknowledge that logic as a means to –presumably– systematize their model. At the same time, they encourage promoters who, apart from property and buildings, sell urbanism, often even as a principle stimulus of their market offer.

*Habitat* describes as well the technocratic and centralized public urbanism sector, which, according to Lefebvre, “would not hesitate to raze to the ground what is left of the city to leave way for cars, ascendant and descendant networks of communication and information. The models elaborated can only be put into practice by eradicating from social existence the very ruins of what was the city.” (Lefebvre, 1969: 42), a hypothesis launched in the mid twentieth century which depicts what the children answered when they were asked to draw the city of the future.

In essence, *habitat* logic belongs to “the planning of these administrators linked to the public (State) sector” (Lefebvre, 1969: 41), who in their role as managers in the design and implementation of public policies, base themselves on that logic.

One of the most important signs of this logic at trans-national level is seen through the United Nations Agency named Habitat. UN-Habitat defines its function as the need detected at the start of the 1970s “to manage the rapid and uncontrolled growth of the cities” (UN Habitat, 2016). UN Habitat was created to serve that real necessity of attending global population growth and moving groups of population from scarcely populated or no populated areas to urban places. The agency “envisions well-planned, well-governed, and efficient cities and other human settlements, with adequate housing, infrastructure, and universal access to employment and basic services such as water, energy, and sanitation” (ONU Habitat, 2016).

There’s an imperative need to reach the Agency’s objective: to accompany the massive displacement of the world population to the cities, in every part of the planet. An evident need that demands efficient governance, planning and prevision. Nonetheless, it seems symptomatic that, despite having addressed social affairs at various points, the agency has failed to tackle this issue comprehensively and people or societies have been scarcely or sporadically mentioned, while the economical and designing subjects (to build, to regulate) have been prioritized, along with efficacy, resources and productivity.

In fact, it prioritizes approaches that, beyond the ‘impersonal’ notion, attempt to set a logic of automated control over the city’s physical elements. For that purpose, technologies and processes are used. All of this for one objective: efficiency and rationality. Smart cities are formulated under this approach, to name an example.

The common approach of these proposals seeks to avoid social unpredictability, a polarized approach from Ilya Prigogine’s suggestion about the social order, when he stated that: “The new problems of physics determined by the possibility that, at a certain distance from the equilibrium, from certain critical threshold, the stationary state that allowed the purely macroscopic laws to be forecast may no longer be stable; that local perturbations, instead of running out, can, under these conditions, invade all the system and transform its functioning, are susceptible of modifying thoroughly the definition of the physical object itself” (Prigogine, 1983: 105-106).

And they pretend to do so through the presumed predictability which, they assume, is provided by the intelligence systems and, still not satisfied, to raise the proposal to a grand scale: systematized city planning –urban approach– according to the criteria and needs of the institutional order and the leading mass-production system. The idea, as Fernández suggests, is

to offer irreversible results insofar as security and efficiency with regards to production, sustainability and to a certain equilibrium proposal (Fernández, 2015: 39).

From that particular approach, UN-Habitat addresses areas like: legislation; urban land; governance; planning and design; economy; water and sanitation; energy; mobility; security; insecure housing and settlements; reconstruction; resilience; climate change; gender; youth and human rights, against a background of radical change of the planet, as it is expected that, in the next 20 to 40 years, the world's population will reach 9.5– 10 billion compared to the roughly 7 billion of inhabitants today.

Furthermore and, according to the General Secretary of United Nations and Executive Director, Joan Clos, the number of people living in cities is expected to double: from 3.5 billion to 7 billion. Precisely, during his speech in the opening conference of Habitat III European Regional Meeting in Prague in April 2016, he emphasized the United Nations Agency's duty to growth sustainability, which he linked to development and 'urbanization' –by being planned and architected, not socialized– as the key element for development. This development, according to him, was linked to economic changes and the leading role of cities in the economic models of the future.

The project being worked on by UN is underpinned by the "New Urban Agenda", that, still in draft form and depending on the Habitat III world conference which will take place in Quito in October 2016, focuses its goals in relation to the previous edition, celebrated in 1996 in Istanbul, by: "(...) recognizing the linkages between urbanization and development". The idea is that these two concepts can work together for sustainable development. The first documents on the New Urban Agenda suggest that this will especially highlight the 'development enablers' and 'operational enablers'. The idea is that, together, these two factors will be able to consolidate the relationship between urbanization and sustainable development. The 'development enablers' can be considered as regulation and institutional frameworks that seek to foster global growth out of multiple and usually chaotic urbanization forces, improving conditions in all the system. Examples of 'development enablers' named by the new Urban Agenda are urban national policies; laws, institutions and governance framework and the extended urban economy" (Citsicope, 2015), a clear message focused on reorienting the so-called urban 'chaos', putting the emphasis on the 'development' driven by global growth, urban economy, policies, laws, institutions and governance framework.

It's undeniable how difficult it must be to find a balance between policies aimed at channelling governance necessities, coordination and stakeholders participation, directly or indirectly involved in the world change proposed by this Agency. However, at the same time, it should be essential to set a basis of respect and to promote and consider social praxis freely chosen by people in communities and urban contexts.

It is important to remark that refusing to do so means to put an emphasis on *habitat* and to ignore the fact of *inhabiting*, reproducing a well-intentioned objective on one hand, but which has been so utilized by the speculative estate market and the general neo-liberal system, on the other. The dream of this system has been to provide habitability structures specifically addressed to the occupants' survival at the highest range of efficiency according to their nature as people who join the integrated economical system which represents the city, understood as a macrostructure system of production. For that purpose, a presumed possibility of systematized prevision is applied, planning by all means what is and what occurs within the urban context. Everything is calculated by questioning and limiting everything which occurs outside, or attempts to.

That way, responses offered by the logic of *habitat* when trying repeatedly to hold back the social and labile aspect of urbanism –that is, the most human aspect–, coexist with other projects that seek to compensate the gaps and risks triggered by *habitat*. Throughout the course of history, these approaches have arisen across a framework of rights and over the last forty years, several formula have been offered with the ultimate objective of establishing again the *right to inhabit* as the core element for a social life.

## 2. Right to inhabit

After the Second World War, Europe tried to recover. Industrialization and massive displacements –often on a trans-national scale–, which took a colony-metropolis or rural-urban route. All this linked to a post-war housing crisis and a capitalism that ignores housing construction because it is not profitable enough, compared to other production sectors. This is the starting point for our reality today on the right to housing.

Some European States assumed they had to take responsibilities with housing construction within the context of pursuing the European dream, which had to authenticate a presumed common identity of global prestige. Likewise, during the 1950s and 1960s the project of a united Europe emerged, whose unique hallmark would be the pledge of a welfare state as one of the keystones with regards to rights.

Lefebvre holds that public powers, with the housing construction, took charge of what hitherto was part of a market economy. But housing did not necessarily become a public service – universal and acknowledged as a right. Although the right to housing emerged in the social awareness, it didn't go farther than a general recognition which, basically, never managed to materialize itself.

A gap between this clear perception of housing as a right and the half-way involvement of the States was produced. The States started supplying social housing stock but failed to address housing as a universal right or to guarantee an appropriate provision. As Lefebvre pointed out in 1960, "Construction taken in charge by the State does not change the orientations and conceptions adopted by the market economy (...) Moreover, what guides public and semi-public initiatives is not a conception of urban planning, it is simply the goal of providing as quickly as possible at the least cost, the greatest possible number of housing units. The new housing estates will be characterized by an abstract and functional character: the concept of *habitat* brought to its purest form by a State bureaucracy" (Lefebvre, 1969: 35).

If the right to *inhabit* is executed from the right to have a space to live –to reside–, under *inhabitable* conditions –to form an active part of the social construction–, and with a guarantee of the right to do it, it is undeniable, thus, that the concept of *inhabiting* needs guaranteed housing, secure, in healthy and dignified conditions, freely chosen. *To inhabit* is not achieved whatever the housing is or, more aptly put, with any housing structure or organization model.

That way, it can be seen that, according to the market value of the real estate market –which indeed limits housing access–, the right materialises when there is sufficient social housing to guarantee it for all the people who need it. Without sufficient social housing, there are populations who cannot fully develop their condition as society members.

Free society won't be possible as long as parts of the population remain homeless or there are people living in insecure housing. Real conditions to *inhabit* –to build society– won't be met as long as the need for a common space addressed to some population sectors is questioned –or even punished– up to a degree that restrains, in fact, their chances to use and enjoy the whole society.

Without right to *housing*, there is no right to *inhabit*. And being deprived of the right to *inhabit* means having no rights to participate actively and freely in the urban experience, in the social construction, and having to do it from the underground, persecuted or even repressed.

This right to the urban experience is partially understood by what today is called as *right to the city*, as a container concept and under construction, defined as "the right to a collective space where all citizens must find adequate conditions to develop their political, social, economical and environmental life" (Guillén, 2011: 24) and that, insofar as an emergent human right is concerned, it would understand three basic elements: an applicable right for all the residents of the area; a

legitimate right based on the principle of human dignity and a universal right, as it is executed in every city area or populated area.

Accordingly, we join Pisarello on his study, moving from the right to housing to the right to the city (Pisarello, 2011: 29), in order to confirm that the second can't be met without the first and, binding the right to the city to the concept of *inhabiting*, that without right to housing there is no right to *inhabit*, neither therefore *right to the city* beyond the prevalence of the speculative and landscapist habitat over the concept of *inhabiting* in the city, or urban context.

## 2.1. Right to the city

Several premises have contributed to develop and articulate the concept of right to the city, among which two are highlighted. On one hand, a great part of Henri Lefebvre's research, and, in particular, his book *The right to the city* (Lefebvre, 1969), along with *The production of space* (Lefebvre, 2013), that, contextualized by his ideas, place the integral focus between the urban and political on its subsequent development.

The other great precedent is the work and figure of Jane Jacobs. Activist and opponent of urban life disaffiliation in the cities, as well as of planning action before the use and free election of the inhabitants in planned urban areas. Her works live on above all through her classical and universal "The death and life of great American cities" (Jacobs, 1972). A recent edition's prologue points out that: "Jacobs understood the importance of preserving the nature of the street as a place for meeting and exchange, used in a versatile way and encouraged for all types of individual or collective appropriations; (...) while she emphasized positive values of urban vitality, she condemned the despotism coming from ignorant and even hostile urban developers and the practices and followers of this intense urban existence that attempted to impose their logic of plans and scale models" (Delgado, 2011: 15-16). Muxí thinks that: "far from being an urban planning detractor, Jane Jacobs is an advocate of 'another planning'; that which embraces the daily experience and the people's needs" (Muxí, 2011: 12).

Possibly, Jacobs' claims and criticism on the urban reform plans undergone during the mid twentieth century in the United States and the destruction of public space have influenced –from a rights perspective – later conceptions in other contexts concerning the concept of *right to the city*.

But, in which context does the *right to the city* develop and start becoming real? On one hand, social inequalities haven't stopped growing among populations belonging to the formerly so-called 'wealthy area' of the world and its effects have increased, in the form of poverty and criminalization, housing exclusion and *habitat* logic. On the other hand, from the second half of the twentieth century onwards, a broad range of the world's historically deprived population has progressively entered into trends of wealth acquisition and distribution as well as social and political activity and training access, until becoming, then, today, worldwide models of a more comprehensive defense for the integrated fight for housing and political, social, cultural, economical, healthy and education rights, among others.

Nowadays, areas of the world which were formerly far from each other concerning that matter have converged and there's opposition to the institutionalized logic of *habitat* and a need to reclaim housing and society construction from a perspective of rights. South America leads the discussion on the concept of *Right to the city*, where it has gained great attention. Its approach is steered by the right to *inhabit* and attempts to hold back the exchange value, introducing instead the use value that the city should have.

María Lorena Zárate, President of the Habitat International Coalition (HIC), explains "the urgent necessity for a solidary urban reform with respect to rural reform", related to "new paradigms and alternative social practices of production and of benefit to human settlements" (Zárate, 2011: 58), in the background of the relationship between urban reform and right to the city at this part of the

planet.

Several events are seen as crucial with relation to the first initiatives concerning the Right to the City: the Rio de Janeiro Earth Summit, in 1992; Habitat II, in Istanbul, in 1996 and the first World Assembly of Human Inhabitants 'Rethinking the city from the grassroots', in Mexico City in 2000 (Zárate, 2011: 59).

The first significant proposal as a platform for worldwide dissemination was the World Charter for the Right to the City (ONU-Habitat, 2009). Signed in Quito, at the Social Forum of the Americas in 2004 and from a Latin American vision, it was proposed on a global scale, reaching an importance that has been largely documented: The Preamble states that "The Right to the City is defined as the equitable usufruct of cities within the principles of sustainability, democracy, equity, and social justice." The 1<sup>st</sup> article conveys, in section 1.2: "The city is a culturally rich and diversified collective space that pertains to all of its inhabitants" In section 1.5, "For the effects of this Charter, all the persons who inhabit a city, whether permanently or transitionally, are considered its citizens". Nor is it a coincidence, according to this article, that article XIV is devoted to the Right to housing, in terms of secure tenancy, guarantee of income for vulnerable people and prevention measures against speculation, among others.

Another important document disseminated worldwide for its vision and reach, despite being launched as a result of internal protests in Brazil –as part of this country's history on the fight for housing and land rights– was the City Statute, approved in Brazil in 2001.

Developed in accordance to the 10.257 Law of 10th July 2001, it is defined as "the result of an intensive process of negotiation for over ten years, in and out of the National Congress involving social and political forces. The Statute confirmed and broadened the fundamental legal-political role of the municipalities as formulators of urban planning guidelines" (Polis, 2002: 11-12).

The objective was to subvert the general thought according to which the country's growth was being 'chaotic' and 'unbalanced', when, on the contrary, it was being submitted to "a perverse interaction between social-economic processes, planning options and urban policies and political practices that builds an exclusionary model in which many lose and very few gain" (Polis, 2002: 20). The objective intends to operate using the so-called "new concepts, new tools" (Polis, 2002: 27), operated by the City Statute through "four main dimensions: consolidate a new legal and political framework for the right to the city, provide elements for the interpretation of the constitutional principle of the social functions of urban property and of the city; regulate new instruments for the construction of a different urban order by the municipalities; the indication of processes for the democratic management of cities, and the identification of legal instruments for the comprehensive regularization of informal settlements in private and public urban areas" (Polis, 2002: 27).

Nevertheless, it's symptomatic of the difficulty and complexity in applying effectively these articles –some of them legally developed like the City Statute in Brazil– that the same protests, fights, claims and negotiations continue today in the same territories where they have been approved. One of the many examples which demonstrate how long is still to go in this respect can be found in projects like the Urban Charters, a documentary series that forms part of a project of the Laboratory of Housing Studies of Ceará Federal University (LEHAB/UFC) team, launched by the Metropolitan Observatory of the Science and Technology National Institute in Fortaleza, Brazil. The project discusses the right to the city through "a critical analysis of the social disparities and the fight for the right to the city" (Observatório das Metrópoles, 2015) through which is seen to what extent "in that context of fighting for the land and the territory for housing purposes, emerges the collective struggle. Through a broad and effective popular fight, communities manage to remain in their regions and deal with real estate capital with the aim of enjoying equally the benefits offered by the city" (Observatório das Metrópoles, 2015).

Recovering the concept of *Right to the City*, another important document on the matter is the World Charter for the Right to the City in 2010: "The City Statute in Brazil not only demands the

execution of human rights in the city, but also, adopting Henri Lefebvre's insight, describes the contents and demands the right to the city, understood as a political claim for the need for a different society, profoundly human, that holds urban space as a relevant stage for social change" (Zárate, 2011: 62).

It's from this Latin American leadership shared with other stakeholders from several areas of the world where the Global Platform for the Right to the City has been constituted, assembling a great number of the principle movements on the right to the city. One of its objectives is to work on the particularities of every area in the world, aimed at building a consensual framework on this right.

There is still a long way to go on the effective recognition of these initiatives, as well as issues to respond. Among them, the lack of recognition of the emergent human rights concept; the political limits on the concept of right to the city; the interpretation of the social dimension through the concept of public space, applicable in many, and often contradictory, ways; the varied interpretations of the city and its potential legal and political statute in the future as a social, political and economical actor and source of power, as well as the synergies, tensions and contradictions –often unresolvable– between all them.

Whatever the case, it seems undeniable that the right to *inhabit* is constructed around the approaches suggested by the *right to the city*, in opposition to the *habitat* logic of the market and the exchange value, by trying to contain and reverse the advance of urban invalidation and to bring back the use value of the city, from which, as Pisarello suggests, two fundamental principles arise: "The democratic management of urban space, seen as a collective creation, and the establishment of the social and environmental function both in urban property and in the city" (Pisarello, 2011: 39).

For that reason, it's logical that defense movements for the right to the city like HIC (Habitat International Coalition) or CLGU (Commission for Social Inclusion, Participative Democracy and Human Rights), the Global Platform for the Right to the City itself, along with the Office of the United Nations High Commissioner, the European Federation of National Organisations working with the Homeless (FEANTSA) and XAPSELL (network of organizations attending homeless people) in Barcelona, released a document within the context of the Habitat III regional meeting held in Barcelona in April 2016, where, among other aspects, it was stated that: "We strengthen our commitment to human rights, the Right to the City and the Right to Adequate Housing as one of its most important components." (Global Platform for the Right to the City, 2016). The text lays down a paradigmatic cause-effect relationship between human right, right to the city and right to housing. Concerning the issues defended in this article, a relative difference of approaches between movements and organizations serving that purpose can be observed, yet, at the same time, it is also noticeable to which extent they would be aligned.

## 2.2. Right to housing

What happens with the *right to inhabit* and the *right to the city* if there's no right to *housing*? We have observed to what extent they are connected and how the relevant actors perform transversely with them, as a consequence of being incapable to execute one without the other.

One possible example of a real episode closely related to the right to housing is suggested by Pisarello (Pisarello, 2011: 30-51). The 1915 British Law, referring to rent costs control and mortgage interests, tackles comprehensively "the mercantilist logic of housing provision" (Pisarello, 2011: 31); housing policies promoted in Vienna in 1920 by creating around 64.000 places of affordable public housing, or the constitutional recognition of the right to housing at the start of the 20<sup>th</sup> century carried out in several European countries. However, as the author suggests, these advances had their own limits; among them, paternalism or the construction of dormitory towns –as *habitats*.

More recently, and especially since the 1970s, Europe goes backwards and forwards: Thatcher starts dismantling housing policies across the UK and focuses the benefits on the Housing Associations, which were not mercantile beforehand; there's a general regression of rights in Europe –also housing rights– due to the neo-liberal advance. At the same time, other legal frameworks such as the Scottish or French, aimed at guaranteeing housing access as a subjective right, have contributed to a remarkable reduction in homelessness in Scotland while the DALO law in France implements access to housing, even if it has faced some official limitations.

An updated and detailed analysis on the Spanish reality with 2013 data (Olea, 2015), reveals 21.6% of the Spanish population are at risk of poverty, and around 30.000 people live on the street; 9.2% of housing tenants are incapable of maintaining themselves and the shocking data of more than 500.000 evictions from 2008 to 2013 of single persons or families. At the same time, the Spanish state has more than 3.000.000 empty flats –from which 750.000 could probably be used as a first residence- and, as is known, Spain has designed the housing system around devices determined by the market: housing as an investment. A space for profit. But not only that: housing is merely a market niche. It is not an effective right and effective social housing policies don't exist. What's more: over decades, the creation of social housing stock in Spain has been addressed basically as a mixture of occupation policies and as a complement for the speculative economic market, displaying a purchase-oriented product with prices lower than the free market, yet they could never be considered as 'social' housing.

Olea presents an article of detailed data on the legal initiatives carried out in some Autonomous Communities, specifically within the period 2013-2015 –Andalusia, Navarre, Canary Islands, Euskadi, Catalonia-, as well as the cutbacks and restrictions for filed or appealed judicial reviews. Among these initiatives, in Catalonia we highlight the 1/2015 Decree Law on March 24th, about exceptional and urgent measures to mobilise housing provision after foreclosure proceedings; the 14/2015 Law on July 21st, about the tax over empty flats and about modifying tax laws and the 3/2012 Law and 24/2015 Law on July 29th, about urgent measures to deal with the emergency in the housing issue and energy poverty.

These laws, recently approved in Catalonia along with other measures carried out in Andalusia, Navarre, Canary Islands and Euskadi and presented in the mentioned article, are used by the author in order to establish two philosophies that we consider opposed and possibly incompatible: on one hand, housing as an economical matter, according to the national area determined by the philosophy and legal framework of the Spanish state and, on the other hand, housing seen by the Autonomous Communities as a human right with a social function. (Olea, 2015).

It becomes evident, then, that the right to housing fails to be a subjective, universal and effective right. Some of the successes achieved have gone backwards in different global contexts over the last thirty years. In fact, even in the same state –Spain, without going too far–, the right to housing can be contemplated legally and juridically from contrary views, making it even more difficult to overcome the problem in favour of the people, society and social justice.

In that sense, and in a global context, the United Nations Special Rapporteur's reports on the Right to Housing are clear on the matter: The report *Adequate housing as a component of the right to an adequate standard of living* in August 2015, concludes with a clear intention: "With the right to adequate housing as a pillar, a human rights framework can provide the coherence and consistency sorely needed to achieve sustainable, inclusive cities for all" (Farha (1), 2015: 20), calling for the opportunity that UN-Habitat Agency, during the October 2016 meeting in Quito, can offer to the world as long as the New Urban Agenda project is based on human rights, with the right to adequate housing at its core.

In her report *On adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context*, the Rapporteur focuses the lack of housing as a worldwide crisis of rights that has been produced because "housing has increasingly been

treated as a market commodity rather than a social good and a fundamental human right” (Farha(2), 2015: 3), linked here to the *habitat* notion and the speculative logic attached to housing.

The report develops her recommendations from a rights perspective employing a three-dimensional approach: the first dimension refers to the lack of housing both from the material aspect –the physical space– and the social aspect of a secure place to “establish a family or social relationships and take part in community life” (Farha(2), 2015: 6), criterion clearly linked to the meaning of *inhabiting* presented here. A second dimension that sees lack of housing as systemic discrimination and social exclusion and a third dimension, that recognizes homeless people as resistant individuals in the fight for survival and dignity, as well as potential trigger agents for change insofar as right holders.

Continuing the discussion of the relationship between the effective denial of the right to housing and the impossibility to exist in a free society, it is worth making the following statement: without right to social housing as one of the responses to stimulate right to housing with respect to dignity and will of the people, it is impossible to carry out the right to housing and, accordingly, the right to inhabit and the right to the city.

Tackling these issues separately –right to housing, right to inhabit, right to the city- is a mistake.

### **3. The right to social housing, today**

The European Parliament resolution of 11<sup>th</sup> June 2013 on social housing in the European Union (2012/2293(INI)) stipulates that (...) “access to housing is a fundamental right that can be seen as a precondition to the exercise of, and access to, other fundamental rights and to a life in conditions of human dignity; and whereas guaranteeing access to decent and adequate housing is an international obligation incumbent on the Member States, to which the Union must have regard, given that the right of access to housing and to housing assistance is recognised in Article 34 of the Charter of Fundamental Rights of the European Union, Articles 30 and 31 of the revised European Social Charter adopted by the Council of Europe and Article 25 of the Universal Declaration of Human rights, as well as in many Member States constitutions”; (...) that “affordable, adequate and secure accommodation is a suitable tool for achieving social justice and cohesion” and stipulates, among others, the need to foster the social and economical role of social housing, progressing towards a European policy on social housing.

Despite the articles’ content, the reality reveals the opposite: the study *2012 Housing Europe Review. The nuts and bolts of European social housing systems*, points at 2% of social housing stock in Spain. The average for the 27 State members of which information is gathered is 8,4%. Only four countries show a lower percentage compared to Spain and one country registers the same. Therefore, 21 countries out of 27 registered in 2011 have a higher percentage, among which are, Austria 23%, Holland 32%, France 17%, United Kingdom 18%, Italy 5,3% and Portugal 3,3%. (Cecodhas, 2011: 23-24). There's a tiny percentage of social housing in the Spanish State, whose housing market was in crisis in 2014, according to the European Commission (FEANTSA, 2015).

Not only that: from a European context, the regression both in terms of percentage and management of social housing is worrying: the dismantling of housing stock by Thatcherism in the 1980's in England, has been imitated by the Neoliberalism system in Europe. In that line, the enlightening and at the same time penetrating analysis of Fernández in his comparison between Germany, Spain, Finland and the United Kingdom concerning access to social housing for homeless people, concludes that, among other aspects, there's a general withdrawal of social

action concerning social housing. A great part of social housing stock is being transferred to private investors and developers. In that sense and with regards to Spain, FEANTSA confirms that some Spanish local areas are selling their limited housing stock to private investors, putting their legal occupants at risk of having problems with the tenancy or even at risk of eviction (FEANTSA, 2015).

This is causing a reduction in the social housing market –when it is as necessary or more necessary than in the past–, guided towards a rental market which is not ready to attend the needs of the most deprived population –damaged by the speculative market–, threatening tenancy stability –security–, guarantee of affordable costs –security–, adequate allocation and living standards –adequacy and habitability. (Fernández, 2015: 395).

This dismantlement is causing, in several countries of Europe, not only problems, but tragedies, and they increase year after year, nourished by the dismantlement of such a necessary social housing stock.

This data, combined with Olea’s prior analysis, reflect to what extent housing is a market matter and not a rights one. And to what extent the neo-liberal approach puts the exchange value before the right to inhabit; to have a place to live in a dignified, safe and free manner, which is the condition to join a society which doesn’t have to be any more ordered and planned than its members’ will at every moment, according to their wishes and needs.

There’s no freedom without housing.

Life space can’t be controlled nor bound to the social and political disaffiliation of the inhabitants. If that happens, there’s no urban life, free and ongoing definition of social agreement, of coexistence, of the daily adventure that ought to mean society construction.

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