Right to Inhabit and Right to the City

Chiara Belingardi

Dottorato di ricerca in Progettazione della città, del Territorio e del Paesaggio,
indirizzo Progettazione Urbanistica e Territoriale
Università degli studi di Firenze, e mail chiara.belingardi@gmail.com
Tel/fax: 338 9193172

Everybody needs a private space where to stay, but "inhabiting" cannot be considered only as a standardized act, like "owning a home". As human needs are not exhausted in the basic ones, so aren't the spatial needs. As we intend inhabiting not only like having a place, we can see how the need of public space for sociality amount to the need of a private space for intimacy. Right to the city, as a "second level right" which include right to use the city, right to play, right to habit and inhabit, right to freedom, right to participation and to appropriation (clearly different from the right to property). Right to the city is right to use, but often the use of the city is very limited, in order to preserve cleanness and order.What people actually do is to resist and defend these rights by acting in just but sometimes illegal way. The need of the resisting behaviour is such a deep need that it finally became a part of the right to the city too. Finally what inhabiting a place means it's to live that place in a creative, independent, minded and active way, and this is a right but also a duty.

Right to having a Home

Everybody needs a private space: it's a human right, as the Universal Declaration of Human Rights declares[1]. Starting from Modern Ages, Enlightenment and French Revolution said that everyone has the right to private property without servitude in respect of Sir or the community. The thought of that ages was that workers have exclusive rights at least on the fruits (the results) of their work (Locke John, 1690) and this affirmation justified the existence private property without servitude, also meaning a private place.

Having a home where to stay means having a place in society: it means safeness, intimacy, security; a home is a place where people can put their goods and from where they can start and come back. Homeless in our society are very marginalized, and also are gipsies and other wanderers populations (about them there are also a lot of prejudices about their being villain and robbers).

The importance of having a place is well expressed by Montaner and Muxì in their book *Arquitectura y Politica*:

«Por otra parte, la esfera privada está relacionada con la intimidad y la propiedad, y su concepción parte de la conciencia de 'Estar privado de cosas esenciales de una verdadera vida humana. Estar privado de la realidad que proviene de ser visto y oído por lo demás.' (Arendt Hannah, 1958, The human condition, University of Chicago Press, Chicago). Sin embargo, lo privado también tiene que ver con el derecho a la propiedad, un derecho que se ira conquistando con la modernidad. Tal como escribe Arendt, 'carecer de un lugar privado propio (como era el caso del esclavo) significaba dejar de ser humano' (ibid). Esta idea fue desarrollada por Virginia Woolf en 'Una habitación propia' donde explica que, al carecer de un espacio propio, a las mujeres estaba vetado el hacer (Virginia Woolf, 1929, A Room of One's Own, Cambridge University Press, Cambridge)»[2] (Montaner, Muxì, 2011, p. 29).

When basic needs are completely left in market hands, they loose their being rights. So people have to provide by themselves and it can be a real problem for the society in its wholeness. As it is a basic needs, we know that people are ready to spend a large part of their income for a place and to risk a lot. It is at least partially what happened in the US, when a lot of insolvent debtors generated the «Sub-primes Mortgage Crisis» and the international economic and financial crisis as a consequence (Baranes, 2011 and 2012).

The problem of social and residential risks in causing the debt is very big in economies like the italian and spanish one:

«El problema no es que la mayoría de las personas no tengan vivienda en España – el 82% de las viviendas, se dice, están habitadas por propietarios –, sino que la mayoría de las familias están hipotecadas de por vida y que lo riesgos de exclusión aumentan. [...] Debido al bajo rendimiento financiero de las bolsas a nivel mundial, la vivienda se convirtió en un festín especulativo para las inversiones tanto privada como de empresas y banco»[3] (Montaner, Muxì, 2011, p. 171 - 172).

---

1 «Article 25:(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control» (Universal Declaration of Human Right, 1948).

2 «Moreover, the private sphere is related to privacy and property, and its conception is part of the consciousness 'to be deprived of essential things of real human life. To be deprived of reality that comes from being seen and heard otherwise.' (Hannah Arendt, 1958, The Human Condition, University of Chicago Press, Chicago). Certainly private has to do with the right to property, that was a right to conquer in Modern Time. As Arendt writes: 'lacking a own space (as was the case of the slave) meant to stop being human' (ibid). This idea was developed by Virginia Woolf in 'A room of One's Own' where she explains that, as women didn't have own spaces, they were excluded from act (Virginia Woolf, 1929, A room of One's Own, Cambridge University Press, Cambridge)» (Montaner, Muxì, 2011).

3 «The problem isn't that people in Spain don't have a place – people say that 82% of houses are inhabited by owners – but that most of family will have house mortgage to pay for their entire life, so risks of exclusion increase. [...] In cause of the low financial profits all over the word, houses became a speculative party for owners, enterprises and banks» (Montaner. Muxì, 2011).

So for most of people to have a home means having to pay during the whole life and not managing to put money aside.

Contemporary thought and welfare state intended the right to inhabit only in its property aspect, loosing all the philosophical, social and emotional means that the concept has:

«Sembra che la possibilità di costruire il proprio spazio di vita gradualmente si stia trasformando in un privilegio, in virtù del fatto che a essere attaccata è la "territorialità umana". La "territorialità umana" è quella capacità che consente agli individui di orientarsi, creando i propri riferimenti spaziali, sociali, simbolici e culturali […] e si esprime attraverso l'abitare inteso nel suo senso più allargato di partecipazione alla vita urbana, costruzione di un sistema di relazioni, plasmabilità dello spazio, controllo da parte di gruppi o di individui delle proprie condizioni di esistenza. Questo abitare è oggi depotenziato e tende verso un significato più statico: risiedere, stare in un luogo, che esclude la possibilità di interagire costruttivamente con quel luogo»[4](Pisano, in Cellamare 2012, p. 106).

So inhabitants became residents and owners, and inhabiting became a static concept, no more a dynamic and modelling one.

Right to public space

As human needs are not exhausted in the basic ones, so aren't the spatial needs. As we intend inhabiting not only like having a place, we can see how the need of public space for sociality amounts to the need of a private space for intimacy.

«La città è la casa della società»[5] (Salzano, 2007) said Edoardo Salzano, meaning that a city isn't only a house near another. City is also streets, squares, public building, churches and other religious building, markets and so on. Urban space is composed by both private and public space.

In public spaces people can satisfy their social needs: meeting other people, learn something, starting and cultivating relationships, seeing other people and being saw by the others, listening to other people and being listened. Public space is the realm of serendipity, that is one of the more specific urban resources.

Right to inhabits is formed both by right to private and right to public space.

In the last decade urban researchers have been discussing about Public Space Crisis, and there is some confusion about what public space is. Somebody says that public space is the space owned by Public Institution (at national, regional or urban level – but in this case there are "public" spaces where people cannot access), others say that it is the space in which people can access freely (but in this case shopping mall are considered public spaces and Museums aren't "public"). The first theory could explain part of the Public Space Crisis: as people recognize the State as a entity different from them, it's very difficult for them recognize a ownership of what is public, and to sense the differences between a square and a shopping mall (this is only an aspect: the public space Crisis is more complex than this).

This tentatives of unidimensional subdivision is typical of modern thought. As we are in a postmodern society a proposal is to distinguish more level of public space: the property level, the sociopolitical level and the decisional level. The property level is the one in which space is divided in Private or Public depending on the owner: if a space belongs to the State it's public, if it belongs to someone it's private. This level take origin in Napoleon Code, and it's the legal one.

---

4 «It seems that gradually it's been transforming in a privilege the possibility for people to building their own life space; "human territoriality" is under attack. Human territoriality is people's capacity of orienteering, creating spatial, social, symbolic and cultural references. [Human territoriality] is through inhabiting expressed, as inhabiting is intended like participating in urban life, creating relationships, moulding spaces, controlling their existence condition by persons and groups. Actually inhabiting it's being underpowered, its meanings tend to a static sense like residing, staying in a place. This static meaning avoid possibility of a creative interaction with the place».

5 «City is the home of Society» (Salzano, 2007)

Sociopolitical level is the one that takes into account the possibility of people to meet together and self organize:

«Public sphere acts as a central component part of the civil society, providing protection from, and the ability to scrutinize, the state power. It also is the arena in which citizens engage in forming common opinions and a shape or influence common action» (Madanipour, 2003, p. 191).

This is the level that characterized the urban environment: Borja and Muxì in their book give to "city" a definition: «La ciudad es la gente en la calle»[6](Borja, Muxì, 2003).
This level is the one in which the Public Space Crisis is stronger, as the crisis is caused by emptiness, and emptiness is a consequence of changes in everyday life, of social fears, of changes in transportation systems (most of people using a car and not getting to meet each other), of people using the space in a privative way, of behaviours not allowed by the municipality (as guitar playing, or soccer and other games, and so on).
The decisional one is the level that takes into account the possibility for people to manage, manipulate and change the space. It is the level that shows how urban shape is formed by power relationships:

«La historia de la ciudad es la de su espacio público. Las relaciones entre los habitantes y entre el poder y la ciudadanía se materializan, se expresan en la conformación de las calles, las plazas, los parques, los lugares de encuentro ciudadano, en los monumentos»[7] (Borja, Muxì, 2003, p. 9).

This level is the one in which we can find popular selforganization.
It's necessary to distinguish the three levels because they are part of the definition of public space but they aren't necessarily together: we can find spaces owned by public Institution in which people cannot access or decide (like barracks or some offices), or in which people can freely access but not decide (as historical square, streets, ...) and also we have private spaces that people can freely access (like shopping mall, or some foundations) but not decide, and also private spaces in which people can freely access and decide (like occupation or some community spaces). Naturally some spaces with public ownership, in which people can freely access and manipulate exist. We can connect public space crisis with democratic crisis: as people sense the distance between them and democratic institutions, they feel they aren't owners of public space, and that their needs and wish and needs aren't taken into account while the space is designed and shaped.

Right to inhabit and Right to the City

In 1968 Lefebvre wrote a book about the right to the city (Lefebvre, 1968). In the book he invented the new concept of the Right to the city, as a "second level right" which includes right to use the city, right to play, right to habit and inhabit, right to freedom, right to participation and to appropriation (clearly different from the right to property). He wrote that city is a collective product that has to satisfy many different human needs, like safeness, adventure, intimacy, openness and so on (Lefebvre, 1968). Right to the city is right to use it, but often the use of the city is very limited, in order to preserve cleanness and order. So for example the major of Roma prohibited to eat or drink in the public space of the most valuable part of the city, because

«Le aree di particolare pregio storico, artistico, architettonico e culturale ricomprese nel perimetro della Città Storica di Roma Capitale, sono utilizzate esclusivamente come luogo di fruizione visiva delle prospettive monumentali e architettoniche ivi esistenti»[8] (Ordinanza del Sindaco di Roma, n. 117, 1/10/2012).

---

6 «City is people on the street» (Borja, Muxì, 2003).

7 «The City History is the public space history. In streets, squares, parks, meeting point the relationships are materialized among inhabitants and between power and citizenship».

8 «The areas of particular historical, artistic, architectural and cultural heritage included in the perimeter of the Old City of Rome Capital, must be used exclusively as a place of visual enjoyment of monumental and architectural prospects existing there» (Order of the Major of Rome, n.117, 1/10/2012).

The urban space is expropriated not only by institutional power, but also by the economical one, as Harvey notes:

«The common is not, therefore, something that existed once upon a time that has since been lost, but something that is, like the urban commons, continuously being produced. The problem is that it is just a continuously being enclosed and appropriated by capital in its commodified and monetized form, even as it is being continuously produced by collective labour» (Harvey, 2012, pg. 77).

In front of this expropriation of the urban public space, it can be necessary for people to reconquer the city through acts not legal, but rightful, as many urban activists do. In 2003 Borja e Muxì wrote about the new right to the city, in which they listed some new rights for contemporary citizens: for example the right to use communication technologies, the right to move everywhere in the city, to have relationships with other people and to create groups and community, to local justice, to special local policies for people that are marginalized. Some "rights" are about self-organization of people and "justice versus law": for example: «Derecho a la conversión de la ciudad marginal o ilegal en ciudad de ciudadanía» 9 (Borja, Muxì, 2003 pp. 77-82) or

«Derecho a la ciudad como refugio. La ciudad debe asumir áreas de refugio para aquellos que por razones legales, culturales o personales necesiten durante un tiempo protegerse de los aparatos más represivos del Estado, en tanto que las instituciones democráticas no son capaces de protegerlos o integrarlos. Este rol que tiene tradición histórica, está hoy aun más justificado por la diversidad de situaciones y estatutos que la "globalización" ha acentuado. Por otra parte estas áreas-refugios forman parte de la oferta urbana como aventura transgresora»[10] (ibidem)

or

«Derecho a la ilegalidad. Paradójicamente tanto los colectivos sociales como, a veces, las instituciones locales deberían asumir el coste de promover iniciativas ilegales o alegales para convertir una demanda no reconocida en un derecho legal (por ej. para obtener la reversión de uso de espacio público congelado por una administración estatal o los derechos básicos de los "sin papeles). Es decir se trata de demandas que se pueden considerar "legítimas", aunque no sean legales. Son dignas de tener en cuenta las sentencias judiciales absolutorias de los okupas o las iniciativas promovidas por autoridades locales de ocupar terrenos con vocación de espacio público (por ejemplo de uso militar) o contra prácticas "legales" contrarias al medio ambiente»[11] (ibidem).

In conclusion what we can affirm is that the right to city is very well connected to the right to inhabit, and that both these rights are trivialized by economical and institutional power, as a right to own a place and as a way to behave. What people actually do is to resist and defend these rights by acting in just but sometimes illegal way. The need of the resisting behaviour is such a deep need that it finally became a part of the right to the city too. Finally what inhabiting a place means it's to live that place in a creative, independent, minded and active way, and this is a right but also a duty.

9 «Right to the transformation of illegal and informal city in recognized one»(Borja, Muxì, 2003).

10 «Right to the city as a refugee. The city must have some areas in which people with the need of refugee from the more repressive public institutions can find place. They could need refugee for different reason: legal, cultural or personal. They could find place as long as democratic institutions become able to protect and integrate them. This role have an historical tradition but now it is more justified as globalization accentuate the differences among situations and laws. On the other hand, this refugee areas are part of the city as a transgressive adventure» (Borja, Muxì, 2003).

11 «Right to outlaw actions. Paradoxically community and local institution sometimes have to promote outlaw initiatives for turning a request without credit into a legal right (for example actions to obtain the right to use a public space or basic right for people without documents). These requests aren't legal, but rightful. You must take in account some sentences that discharge some "occupies" o initiatives promoted by local authorities of occupation of lands that should be public, or other local initiatives against actions that can damage environment» (Borja, Muxì, 2003).

References

Ordinanza del Sindaco di Roma, n.117, 1 ottobre 2012.

Montaner J. M., Muxì Z., (2011) *Arquitectura y politica. Ensayos para mundo alternativo*. Barcelona, Editorial Gustavo Gili.

Baranes A., (2012) *Finanza per indignati*, Milano, Ponte alle grazie.

Baranes A., (2011) *Per qualche dollaro in più. Come la finanza Casinò si sta giocando il pianeta*, Roma, Datanews.

Borja J., Muxì Z., (2003) *El espacio publico: ciudad y ciudadania*, Barcelona, Electa.

Cellamare C., (2012) *Progettualità dell'agire urbano. Processi e pratiche urbane*, Roma, Carocci.

Harvey D., (2012) R*ebel cities. From the right to the city to the urban revolution*, London and New York, Verso.

Lefebvre H., (1968) *Le Droit a la Ville*, trad. it. (1976), *Il diritto alla città*, Bologna, Marsilio.

Locke J., (1690) *Two treaties of Government*, trad. it. (2006), *Trattato sul governo*, Roma, Editori Riuniti.

Madanipour A., (2003) *Public and Private Spaces of the City*, London and New York, Rutledge.

Paba G., (2010) *Corpi urbani. Differenze, interazioni, politiche*, Milano, FrancoAngeli.

Pisano M.(2012) *Ri-abitare la città. Sottrazione, re-invenzione, auto-organizzazione*, in Cellamare C.(2012), *Progettualità dell'agire urbano. Processi e pratiche urbane*, Roma, Carocci.

Salzano E. (2007) *Ma dove vivi? La città raccontata*, Venezia, Corte del Fontego.

Sanders M. (2004) *Urban Odyssey: Theatre of the Oppressed and Talented Minority Youth*, Journal for the Education of the Gifted. Vol. 28, No. 2, 2004, pp. 218–241.

Websites

Universal Declaration of Human Right (1948) [Online]. Available on: http://www.un.org