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**Creating more just cities: The right to the  
city and capability approach combined**

Séverine Deneulin

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# CREATING MORE JUST CITIES FOR LIFE: THE RIGHT TO THE CITY AND CAPABILITY APPROACH COMBINED

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*Séverine Deneulin Centre for Development Studies, University of Bath*

**Bath Papers in International Development and Well-Being no. 32**

**May, 2014**



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# Creating more just cities: The right to the city and capability approach combined

Séverine Deneulin

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# Creating more just cities: The right to the city and capability approach combined

Séverine Deneulin

## Abstract

Eighty percent of the Latin American population is now urban, but the urbanization process has been accompanied by greater inequality and social segregation. To address urban exclusion, the idea of 'the right to the city' is increasingly being endorsed by international organizations and national governments as conceptual framework for urban policy towards more inclusive cities. The paper argues that the right to the city is a limited framework to revert the fragmentation trend of the Latin American city, and it examines how the capability approach could offer more suitable conceptual tools to that effect. The paper proposes the idea of 'just cities for life' as the outcome of a combination of the right to the city and a capability-view of justice. It explores some avenues for translating the idea into concrete actions to create cities in which all residents can equally have opportunities to live well in the urban space they share.

**Key words:** Latin America; urban inequality; social justice; Amartya Sen; capability approach

## Acknowledgement

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## 1 Introduction

Latin America is becoming increasingly urbanized. More than eighty percent of the Latin American population lived in urban areas in 2000, double the proportion of 1950. The number of Latin American cities with more than one million residents jumped from eight in 1950 to fifty six in 2010. Four cities – Mexico, San Paulo, Rio and Buenos Aires – have more than ten million people (Suárez 2014). Latin America has however not urbanized in an integrated fashion. The story of the Latin American city is that of a ‘fractured’ city (Koonings and Kruijt 2007), deeply divided between ‘the slums and the rest’ (Rodgers et al. 2011: 560). The proportion of people living in informal settlements with poor access to public services is very high. According to data from UN Habitat, twenty four per cent of the Latin American urban population lived in inadequate housing in 2010, and forty per cent lived in their house illegally (Suárez 2014).

The metropolitan region of Buenos Aires has followed the same evolution, with more than a two hundred per cent increase of the population living in informal settlements between 1981 and 2006, compared to a thirty five per cent increase of the population as a whole (Suárez 2014). Whether one lives in an informal settlement or not has strong implications for the opportunities one has to live well. Residents systematically have poorer health, less education and more informal and insecure employment than those who live in the formal city. Young people are particularly vulnerable. More than a quarter of the young people aged between 18 and 25 who live in the informal settlements of the city are neither at work nor in education (Maccio and Léopore 2012). In theory, all are equal citizens of the democratic state but in practice, residence strongly determines the fulfilment of human rights.

Latin American cities have also experienced an increase in drug-related violence and insecurity (Davis 2012, PNUD 2013, Rodgers et al. 2012). According to data from PNUD (2013), the perception of insecurity and the number of reported robberies has increased threefold on average in the continent in the last decade, with one in three Latin American having experience theft with violence in 2012. Those who live in informal settlements are more at risk of violence. Data from the Argentinean Supreme Court of Justice reported that in 2010, the informal settlements of the city of Buenos Aires had a homicide rate of 12.7 per 100,000 inhabitants, compared to 3.08 for the rest of the city.<sup>1</sup> According to PNUD (2013), one of the main causes of violence was crimes perpetrated by youth, and a large number of young offenders had an uncompleted secondary degree.

Another specific Latin American urban feature is the mushrooming of gated communities. In the Metropolitan Area of Buenos Aires, they now occupy an area of twice the Autonomous City of Buenos Aires, and this only for 8,500 families (PNUD, 2009: 16). These communities are de facto private cities with residents, and not the municipality or the state, making the law inside them. Unlike normal cities where people from different socio-economic categories live side by side and share a common space, these cities are characterized by social homogeneity. They are also marked by a strong division between the private and public city, with high fencing and security barriers as visible signs of that division (Roitman 2013).

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<sup>1</sup> See <http://www.csjn.gov.ar/dbei/ii/ii.html>.



Amid this rather grim picture of urban segregation and inequality, the idea of ‘the right to the city’, endorsed institutionally at the international level at the fifth World Urban Forum in Rio in 2010, is being proposed as a theoretical framework for urban policy towards more inclusive cities. The government of the Autonomous City of Buenos Aires has institutionalized the idea in 2011 with the creation of Secretariat for Habitat and Inclusion, whose mission is ‘to work for the construction of an inclusive city, where all its residents can fully exercise their right to the city’.<sup>2</sup> The paper argues that the right to the city is a limited framework and that the capability approach offers more suitable conceptual tools to revert the fragmentation trend of the Latin American city. It starts with describing the idea of the right to the city and outlines some differences between its original proponent and the way it is understood by international organizations. After summarizing the capability approach, the paper examines how the right to the city and the capability approach could mutually enrich each other to yield more transformative power. It then proposes the idea of ‘just cities for life’ as the outcome of that mutual enrichment and examines some avenues for creating cities in which all residents can equally have opportunities to live well in the urban space they share.

## 2 The right to the city

In 1968, French sociologist and philosopher Henri Lefèbvre published a book entitled *Le Droit à la Ville*, or ‘The Right to the City’. The book was a manifesto for liberating cities from capitalism and de-commodifying urban space. Using the Marxist distinction between exchange and use value, his argument was that urban space was becoming increasingly commercialised and held for its exchange value, thus excluding from the city and its opportunities many who did not have the means to buy urban space at its exchange value. Lefèbvre proposed to recover the use value of cities as places of social, cultural and political encounters. Central to this was the participation of all urban residents, whatever their national citizenship, in the decisions which affected their lives, and the creation of new urban spaces which would be valued for their use by residents (Brown 2013:958).<sup>3</sup>

Lefèbvre’s right to the city was intimately connected to the rejection of a capitalist mode of economic and social relations. His concern was that capital accumulation was slowly becoming the objective of urban planners, submitting urban space to the logic of profit to the neglect of people and their opportunities for decent living. Therefore, his proposal was for all urban residents, by virtue of residing in the same city, to reclaim the political space from which they had been excluded, and so regain access to the city and all the employment, social, cultural and other opportunities urban life could bring. This did not mean participation of citizens in the formal structure of urban political governance, but a political participation aimed at transforming the very economic and social processes that replaced the use value of urban space with its exchange value. It was about transforming the political processes that commodified urban space (Kuymulu, 2013: 926).

The right to the city is akin to a fundamental human right ‘to remake ourselves by creating a qualitatively different kind of urban sociality’ (Harvey 2003: 939). The argument is that the priority of exchange value over use value leads to certain types of social relations, namely

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<sup>2</sup> <http://www.buenosaires.gob.ar/habitat/institucionalsechi>.

<sup>3</sup> See also Attoh (2011), Harvey (2003, 2008, 2012), Kuymulu (2013), Purcell (2003, 2013).

relations of exclusion. Those who can afford the urban space live in it, and those who cannot afford it are expelled to the peripheries. The monetary value at which the land is exchanged in the property market becomes more important than the value it has for the people themselves who live in it and use it. According to the right to the city, the solution for reversing this is for the users of the city, its residents, to take control over urban decisions.

Following the anti-globalisation and anti-capitalist social movement which have been mobilizing under the 'right to the city' banner during the 1980s and 1990s, and which brought it forward at the first World Social Forum in 2001, the idea acquired an official institutional seal at the fifth World Urban Forum in 2010 with its theme 'The right to the city: Bridging the urban divide' (Kuymulu 2013: 930).<sup>4</sup> Among the Forum working documents was the World Charter on the Right to the City, which was written in 2005 by a network of civil society organizations and coordinated by Habitat International Coalition – the UN however never endorsed this Charter institutionally. According to the Charter, the right to the city includes: the right to a habitat which facilitates a network of social relations; the right to social cohesion and the collective construction of the city; the right to live with dignity in the city; the right to co-existence; the right to influence and access municipal government; and the right to equal rights (Sugranyes and Mathivet, 2010: 23).<sup>5</sup>

The right to the city includes not only the fulfilment of all social, economic, civil and political rights for all residents, but also the participation of residents in matters which affect them, and the construction of an urban space which facilitates social relations between all residents. This is why the right to the city is not the mere realisation of human rights in the city. It does include the right to live in a dignified habitat with access to public services, infrastructure, and educational and employment opportunities but it is foremost a right that all urban residents have to shape the city in a certain way.

In a background joint UNESCO-UN Habitat project for the fifth World Urban Forum, Brown and Kristiaensen (2009: 8) attribute five axes to the right to the city: 1) Liberty, freedom and the benefits of city life; 2) Transparency, equity and efficiency in city administrations; 3) Participation and respect in local democratic decision-making; 4) Recognition of diversity in economic, social and cultural life; and 5) Reducing poverty, social exclusion and urban violence. By using the rights language, they contend, the idea is 'a vehicle for urban change' (p. 7), a 'framework for debate on civic rights and responsibilities' (p. 10), a 'radical paradigm' within which to make 'changes in the style and approach to urban governance if massive social exclusion is to be avoided' (p. 36). In a nutshell, the fundamental philosophy of the right to the city, they conclude, is 'enabling all city inhabitants to access to the full the opportunities of urban life' (p. 36) and to reach such goal through the active involvement of all urban residents in shaping the urban space.

Since its institutional international endorsement, the relation between the right to the city and capitalism has become more ambiguous than it was at its origin. In a review of UN statements on the right to the city, Kuymulu (2013: 936-7) underlines that the right to the city has become a synonym for 'inclusive cities' understood as inclusion of the urban poor and marginalized in the global economy without questioning the submission of the urban space to the logic profit

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<sup>4</sup> For a summary report of the Forum, see <http://mirror.unhabitat.org/categories.asp?catid=584>.

<sup>5</sup> For a copy of the Charter, see <http://www.hic-net.org/document.php?pid=2422>.

maximisation. The very site where the fifth World Urban Forum was held was symptomatic of this ambiguity. The forum took place in a brand new convention centre on the Rio waterfront. The centre had been built on the site of a squatter settlement which had been cleared, with its residents rejected to the city outskirts. Protesters who contested the irony of the right to the city being discussed precisely on a site where it had been violated (in the sense of the exchange value of the land trumping its use value for its residents), were pepper sprayed and dispersed by police (Kuyumlu, 2013: 935-7).

Despite some divergent views regarding the existence of capitalism and liberal democracies, the international institutional endorsement of the right to the city has maintained some features of Lefèbvre's initial conception, although using another language. At the heart of the exchange and use value distinction in the original conception was the concern that human lives were progressively sacrificed for the sake of economic gains. The urban space was being less and less valued for its use, for what it enabled people to do or be, such as being a place of social encounter, and was becoming more and more valued for how much money it could fetch in the property market. The right to the city was a response to the concern that the objective of profit maximisation was being prioritized over people's wellbeing.

While not wrapped in the language of commodification and exchange and use value, the right to the city, as endorsed by UN Habitat and other international agencies, continues to have this concern of people's lives as ultimate objective of urban policies. The value of urban space lies not in the income it can generate but in what it does for people, whether the urban space enables *all* urban residents to exercise their human rights equally, like decent housing, education, health, employment or access to public services, whether it facilitates social relations and peaceful co-existence between its residents. From a right to the city perspective, in its UN version, removing a population from an informal urban settlement to another site, with better housing and public infrastructure, could be justified, even if the urban space of the informal settlement is sold to property developers for income generation, provided the new arrangement equally facilitates social relations, ensures an urban social mix, equal respect for human rights, and last but not least, if the residents themselves have freely participated in the decision to relocate and have had a say in the relocation process.

The question remains of how to assess whether an urban policy facilitates a network of social relations and leads to greater social cohesion, whether it guarantees the fulfilment of human rights for all. There is also the question of the trade-offs between different human rights (Attoh 2011). Sometimes, the fulfilment of one right may lead to the denial of another, or some people fulfilling economic rights may violate other people's social rights. Before discussing how the capability approach could enrich the right to the city and respond to some of its limitations, the next section outlines its main features.

### **3 The capability approach: Wellbeing and justice**

The capability approach conceives wellbeing in terms of how a person functions, what s/he succeeds in being or doing: 'The primary feature of well-being can be seen in terms of how a person can "function". I shall refer to various doings and beings that come into this assessment as *functionings*. These could be activities (like eating or reading or seeing), or states of existence or being, e.g., being well nourished, being free from malaria, not being ashamed by the poverty

of one's clothing or shoes' (Sen 1985: 197-8). The moral approach which Sen presents is one in which the central moral question is, 'What kind of a life is she [a person] leading? What does she succeed in doing and in being?' (Sen 1985: 195). A social arrangement is good if it enables a person to achieve a set of valuable doings and beings. Sen does not give any indication as to what these may be, for his 'functioning approach is intrinsically information-pluralist' (Sen 1985:200). A person functions in many aspects and there are many valuable activities or states she can do or be. Sen leaves it up to public reasoning processes within each social setting to define valuable functionings (Sen 1992, 2004) – e.g. the functionings valuable for a fishing community in Valparaiso in Chile may be quite different from those of a farming community in the Peruvian Andes. Others have proposed a list of valuable sets of beings and doings (Nussbaum 2000, 2011; Alkire 2002).

To this 'functioning moral approach', Sen adds another layer and moves from the person's actual functionings to his or her *capability* to function so as to include the freedom a person has to achieve valuable sets of beings and doings. Capabilities are real opportunities people have to achieve functionings. Sen shifts his moral approach from a functioning to a capability approach so that one can include another type of information in moral evaluation: positive freedom or 'the freedom "to do this" or "to be that" that a person has' (Sen 1985: 201). When one compares two states of affairs, the capability approach allows for 'comparison of actual opportunities that different persons have' (Sen 1985: 201), and not simply for comparison of actual activities or states of existence. There is indeed a wellbeing difference between a family who lives in inadequate housing in an insecure neighbourhood out of choice and one who lives in such conditions because they lack better opportunities elsewhere. Both families have the same functioning level, but not the same capability set. In this distinction between functioning and capability is the concept of 'agency', a core idea of the capability approach. Sen (1985: 203) defines agency as the 'pursuit of whatever goals or values he or she regards as important'. Sen justifies the inclusion of agency in the informational basis of moral judgement on the ground of recognition of responsibility. Persons are not only functioning, doing or being certain things, but they are also responsible (Sen 1985: 204).

With the publication of *The Idea of Justice* in 2009, Sen brings responsibility to the fore. The capability approach is not only a framework for assessing states of affairs but is also a framework to assess how people relate to each other and what types of relations and institutional arrangements best expand their wellbeing. From the question of how to assess equality, the capability approach has moved to the question of how to arrange societies. It has moved beyond the sphere of wellbeing to the sphere of justice.

Sen argues that having a comparative framework to assess situations and rank them is sufficient to address injustices in the world. One does not need to know what a perfectly just society is. One does not need to know what a just Mexican society would look like in order to be able to say that discrimination of indigenous peoples is unjust and that a situation where people are not discriminated on the basis of their skin colour is better, or more just, than one in which people are discriminated. In a situation of racial discrimination, people are not able to do or be what they might have reason to value, such as studying at good universities or exercising a certain profession. A situation in which people can enjoy these valuable capabilities is better, and therefore more just. By assessing situations from a capability perspective, the capability

approach also offers a framework to transform that situation, as recent work on poverty measurement illustrates.

The differences between income and multidimensional poverty are quite striking for some countries such as Chad, Gambia, India and Nepal, or Peru and Guatemala.<sup>6</sup> Whether one uses income poverty or multi-dimensional poverty data, different policy narratives unfold. If one uses the former, policies will focus on raising people's incomes and pushing people above the income level. If one uses the latter, policies will focus on social and redistribution policies. For example, the Indian government pursued market liberalization, which led to an unprecedented rate of economic growth, at about 8% average in the last 10 years (Drèze and Sen, 2011). However, despite the high rate of economic growth, child malnutrition has more or less stagnated, and half a billion Indians still do not have access to a toilet (Drèze and Sen, 2013).

While the capability approach orients action in a certain direction, it is not prescriptive about what types of actions are best. There are many ways to reduce the same injustice, and this will be context-dependent. Child malnutrition can be reduced through providing a midday meal at schools, better education of mothers, creating employment opportunities, control of food prices, etc. There are no set principles which guarantee that a society will be more just. It is up to social actors themselves, in their specific context, to discuss through public reasoning processes what constitutes an injustice – in other words to identify which valuable capabilities people are deprived of – and to discuss the most appropriate actions to remedy the injustice they face. *The Idea of Justice* is replete with references to the importance of public reasoning for overcoming unjust situations. Essential in the exercise of public reasoning is the ability to listen to divergent points of views and see the world from someone else's perspective.

People do not readily engage with other people's perspectives and try to see the world from their point of view. The suffragettes had to encounter a lot of, what Sen calls, 'unreason' from men, who had their own 'reasons' to keep women outside the economic, social and political sphere. All men were not disposed to enter the perspectives of women's lives and seek to understand their arguments from their viewpoints. The reality of clashing reasons does not however, Sen argues, rule out the possibility of people changing their views on the basis of accepting others' reasons. This can be because the reasons for holding certain views are often based on prejudices that do not withstand critical scrutiny.

In his recent book co-authored with Jean Drèze on India, Sen continues to underline that listening to every one's point of view is a critical component of the exercise of public reasoning. They discuss especially the role of the media for voicing the views of everyone and understanding the lives and problems of others. India's main English media cover fashion, gastronomy, cricket and space missions but there is very little coverage of rural issues which affect the majority of Indians. This, they argue, is a 'failure of public reasoning' (Drèze and Sen, 2013: 269). Power, domination and intimidation do permeate the public reasoning process. A minority privileged few has usually more power to shape what is discussed in the media and what gets priority in policy than the majority less privileged. That the Indian government spent in 2008-9 more than 1.5 per cent of its Gross Domestic Product on subsidising fertilizers, and the same amount on providing health care, is a gross manifestation of the power that agro-businesses yield in policy-making over those of the hundreds of millions of Indians who are

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<sup>6</sup> See <http://www.ophi.org.uk/multidimensional-poverty-index/mpi-2014/mpi-country-briefings>.

malnourished (Drèze and Sen 2013: 83). Bringing the voices of the malnourished into the public arena and getting them heard by those who enjoy comfortable lives, would be a first step towards making India a more just society.

Within a capability-view of justice, seeking to make unjust situations less unjust does not require complete agreement. People may give different reasons for removing gender discrimination in the workplace, whether on the ground of greater productivity or human rights and non-discrimination. People may give different reasons for tackling climate change, whether on the ground of cost effectiveness or protecting nature in its own right. For Sen, it does not matter that we have different reasons for doing certain actions, as long as we can agree on what action to take, this is sufficient to start reducing injustice. As Sen (2009: 394) puts it, 'If the importance of public reasoning has been one of the major concerns of this book, so has been the need to accept the plurality of reasons that may be sensibly accommodated in an exercise of evaluation'.

#### **4 The right to the city through the capability approach**

This section concentrates on four contributions of the capability approach to the right to the city. First, it provides tools for wellbeing evaluation, which the right to the city does not. Second, it makes an analysis of inter-linkages between different rights possible. Third, it emphasizes the role of institutions and can bring a structural evaluation of wellbeing to match the collective dimension of the right to the city. Fourth, its agency aspect opens up to democratic pluralism within the utopian dimension of the right to the city. The paper proposes the idea of 'just cities for life' to capture the features of this combination of the right to the city with the capability approach.

As noted in the second section, the right to city emphasizes the right to social cohesion, to peaceful co-existence, the fulfilment of all human rights for all residents of a city, but it offered no guidance as to how to evaluate the extent to which these are realized. Are residents able to live peacefully free from the fear of violence? Are they able to move easily across the city? Are they able to work and use their talents? Are they able to live healthy lives? Are they embedded in a network of supportive social relations?

National household surveys already routinely collect data related to housing, education, health and employment, which can then be segregated according to gender, race or geographical location to locate the most vulnerable groups. But the open-endedness of the capability approach regarding what opportunities people value as part of their wellbeing, lends itself to richer information. Urban household surveys could be specially designed to collect data about 'being able to be secure against assault, including sexual assault, child sexual abuse, and domestic violence', which was part of Nussbaum's central human capability for bodily integrity (Nussbaum 2011), or about 'having the social bases of self-respect and non-humiliation', which was part of her central human capability for affiliation.<sup>7</sup> One could also conduct participatory exercises with local communities to identify the sets of beings and doings they value. In addition

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<sup>7</sup> See the work of the Oxford Poverty and Human Development Initiative on the missing dimensions of wellbeing, which seeks to capture data about the quality of employment, safety, psychological wellbeing, shame and others in national household surveys, at <http://www.ophi.org.uk/research/missing-dimensions>.

to human-centred urban household surveys, one could add information about the state of the natural environment.

A second contribution of the capability approach to the right to the city is that it offers a better understanding of how the fulfilment of some rights affect other, e.g. how having the right to education met can lead to the exercise of the right to employment, or how the right to be free from violence can lead to the right to education being fulfilled. In the capability approach literature, this has been referred to as ‘corrosive disadvantages’ and ‘fertile functionings’ (Wolff and De-Shalit, 2007: 133). Often disadvantages (lack of functionings) cluster together to reinforce each other negatively, e.g. living in a specific address may be ‘corrosive’ in the sense that it can lead to poorer education, lower health outcomes, few employment opportunities. In reverse, functionings often cluster together to reinforce each other positively, e.g. being skilled or educated is ‘fertile’ in the sense that it can lead to being in a more secure, rewarding and better paid employment, to having more adequate accommodation and living in a healthier environment.

The capability approach allows for an analysis of how different dimensions of wellbeing can positively or negatively affect each other, e.g. how the fact of living in a violent and insecure environment affects children’s opportunity to study and perform well at school, hence limiting their employment opportunities and making them at greater risk of drug consumption, thus reinforcing the climate of insecurity and violence.<sup>8</sup> The right to the city does not allow for an in-depth analysis of how the different capabilities or rights<sup>9</sup> influence each other.

A third contribution of the capability approach to the right to the city is the potential for integrating an institutional analysis into the wellbeing evaluation of urban residents. It is institutions that facilitate or constrain the realisation of valuable capabilities. Political institutions, and whether they are channels through which all urban residents can have their voices heard, are critical. How do people who live in informal settlements relate to government authorities? One could also examine the nature of educational institutions and whether the type of education leads to greater social cohesion or, in contrast, deepens the urban divide. Or one could analyse the quality of juridical institutions and the police and how effective they are in addressing insecurity, to name a few of the many institutions which expand or undermine people’s wellbeing.

While emphasising the critical role of institutions for promoting wellbeing, the capability approach has often been criticized for being too ‘individualistic’, for, as Amartya Sen conceived it, it limits the evaluation space of states of affairs to individual capabilities, to what each individual is able to be or do (Alkire 2008, Ballet et al. 2007, Deneulin 2008, 2014, Robeyns 2008, Ibrahim 2006, 2013, Stewart 2012). For these critiques, it is not sufficient to simply acknowledge institutions instrumentally to the extent that they affect individual capabilities – e.g. how patriarchal social norms influence a woman’s bodily integrity – but that the evaluation of these should be explicit. Human wellbeing does not lie only in what each individual human being is

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<sup>8</sup> For an ethnographic study of how violence affects primary school children in informal settlements, see Auyero and Burbano de Lara (2012).

<sup>9</sup> For the similarities and differences between capabilities and rights, see Vizard, Fukuda-Parr and Elson (2011).

able to be or do but in the quality of his/her social relations. And this point lies at the core of the idea of the right to the city.

The right to the city, whether in its original or UN institutional endorsement form, is collective. It is not a right which belongs to any individual as such but to the city as a whole. It may emphasize equal rights for all urban residents but this equity is realised when the city as whole is structured in a certain way, when urban residents interact with each other and relate to each other in a way that promotes their wellbeing. When they relate to each other with fear and suspicion (e.g. when they perceive young males living in an informal urban settlement as criminals), or with contempt (e.g. when they perceive unemployed adults living in an informal urban settlement as lazy), or when some groups relate to the urban space with the concern for maximising their own financial benefits over other people's lives (e.g. when an informal settlement is replaced by luxury apartments instead of affordable housing), the city as whole is not structured for the guaranteeing of equal rights for all who share the same urban space. In other words, the realisation of the right to the city critically depends on how urban residents relate to each other and relate to the urban space. And this is a truly collective dimension which does not belong to any resident as such. This is why, the transformation of cities, and the provision of opportunities for all its residents to live well, is bound up with the transformation of relations between people and their relation to land.

A fourth contribution of the capability approach to the right to the city is its openness to democratic pluralism and an emphasis on the responsibility of all urban residents, and the organizations they may come to form, for ensuring that each resident has the opportunity to live well in a shared urban space. In that respect the capability approach may help overcome the tensions between the original idea of the right to the city and its current endorsement by international institutions.

Some defenders of Lefèbvre's conception, such as Kuymulu (2013) and Harvey (2008, 2012), have expressed the concern that the UN endorsement of the right to the city and its insistence on the right of urban residents to participate in and influence municipal decisions, may risk being a matter of participating in processes of the reproduction of capitalist modes of relations. They fear that, without urban residents themselves having total control over urban decisions, the interest of capital over people will prevail.

The capability approach is more neutral regarding democratic political processes and does not take a view that representative democracy will necessarily be influenced by the concern for profits above concern for people's lives. The approach limits itself to emphasising the agency of all residents, that is, their ability to act responsibly towards others and to construct institutions that embody such responsibility. It recognizes that people may not always act towards enabling others to live well – e.g. elected representatives may give permission to a factory to operate in an urban area with negative environmental consequences. In such cases, all residents are responsible to act such that policy decisions do not prejudice people's lives and political institutions not skewed towards the interests of capital.

Civil society organizations particularly play an important role in ensuring that policy decisions are oriented to the wellbeing of all urban residents instead of the financial benefits of some. They can, through protests, revert the decision to allocate capital in a certain area of the city, or, through direct participation, influence how best to use vacant land. The capability approach



attributes a direct link between the quality of political processes – whether all the voices of people affected by a decision have been heard – and wellbeing outcomes. In this sense, it echoes the right to the city's initial concern that the production and shaping of urban space be under citizen control, but it takes a more nuanced perspective whether this control should be direct or indirect and it does not make the assumption that state channels are necessarily prioritizing the interests of capital– as did Lefèbvre's right to the city (Purcell 2003).

The capability approach also takes a more agnostic view about the direction of agency and what type of cities people should construct. In Lefèbvre's right to the city, social and political action is aimed at a clear ideal: direct control of urban policy by residents and elimination of capital maximisation from economic production (Purcell 2013) – if not abolition of private property altogether. In the UN institutional endorsement of the right to the city, the ideal is a city where urban residents would no longer live separated into ghettos, where all residents would influence urban policy, where they could live peacefully together and enjoy equally the full array of human rights irrespective of national citizenship.

A capability-view of justice has a more modest target to aim at. Reducing the number of people who suffer from a violent attack would already make cities more just, even if no progress has been made in increasing their educational or employment opportunities. By being an evaluation framework for states of affairs, the capability approach lacks the mobilizing potential of a rights-based discourse (Vizard et al. 2011), with its clear assignments of rights (citizens) and responsibilities (the state). The capability approach, in appearance, offers no clear ideal from which to criticize current institutional arrangements.

However, by being a moral approach which seeks to transform the world by providing a comparative evaluation framework from the perspective of freedom, in its dual aspects of wellbeing and agency, it contains some significant emancipatory potential. It roots transformative action in the denial of a life well lived and the recognition of that denial by others. Its evaluative framework helps identify precisely which wellbeing dimensions are denied and to whom, and its centrality of public reasoning helps identify the processes which lead to wellbeing deprivations. Borrowing from the theme of the last World Urban Forum which took place in Medellín, Colombia, in April 2014 on 'Cities for Life',<sup>10</sup> and Susan Fainstain (2012) book title 'The Just City',<sup>11</sup> the idea of 'just cities for life' is proposed to capture the combination of the right to the city with the capability approach. The idea does not suffer from the confusion about what type of right the right to the city is and what it legally means (Attoh 2011). It is not divided between those who endorse capitalism and those who call for its abolition (Kuymulu 2013). It could connect urban residents, privileged and less privileged alike, and unite them around the question whether current urban structures, and the quality of urban residents' relations, enhance or undermine their opportunities to live well in a common space.

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<sup>10</sup> 'Cities for Life' centres on the concept of urban equity, understood as equal access to healthcare, education and public goods as a guide policy decision-making so as to 'enhance lives in cities for all', and 'bring about collective well-being and fulfillment of all' (UN Habitat, 2014: 6).

<sup>11</sup> Using Rawls's theory of justice, Nancy Fraser's critical theory and Martha Nussbaum's capabilities approach, and democracy, diversity and equity as criteria for a just city, Fainstain (2010) analyzed how just the cities of Amsterdam, London and New York were.

## 5 Creating more just cities for life

Translating the idea of ‘just cities for life’ into practice starts with wellbeing evaluation. What kind of lives do urban residents live? Do they have opportunities to achieve a set of valuable beings and doings? The previous section has given some indications as to how one may go about evaluating urban wellbeing. As a comparative evaluative framework, the capability approach makes the judgement that a situation where people suffer from fewer capability deprivations would be more just, but it refrains from being prescriptive about what kinds of actions would make the situation more just. The one prescription it gives is to nurture people’s agency and let their voices be heard. As Sen (2013: 24) stated in a box in the 2013 Human Development Report: ‘Only the wearer may know where the shoe pinches, but pinch-avoiding arrangements cannot be effectively undertaken without giving voice to the people and giving them extensive opportunities for discussion’. Drèze and Sen (2013) have insisted on the importance for those who suffer capability deprivation to make their voices heard in the political process, and for citizens to listen to other people’s point of view and enter into the perspective of their lives. This section examines some aspects of ‘public reasoning’ in Buenos Aires and outlines some directions for improving it and creating more just cities for life.

A first aspect of public reasoning, which may be a strong causal factor in the capability deprivation of those who live in informal settlements, is the weakness of political organizations which represent urban residents in front of state authorities and a passive attitude of its residents towards state interventions. According to data collected in 2010 in two urban settlements, a fifth of the people interviewed did not even know that a *Junta de Vecinos* existed – the *Junta* is the neighbourhood association which represent the inhabitants among state authorities, and few people voted in the local elections (Mitchell 2012: 236). According to ethnographic research conducted in the waiting room of the main welfare office (Ministerio de Desarrollo Social) of Buenos Aires, social benefits were perceived by recipients as a help to meet their needs and not a right they were entitled to (Auyero 2011).<sup>12</sup> Another expression of this passive relationship with the state, and patient in need instead of subject of right attitude, is in housing policy (PNUD 2009). The government builds houses in the informal settlements but does not resolve the problem of public transport and connectivity to places where employment can be found. Moreover, the government contracts companies to build ready-made houses. This leaves the door open for corruption.

A second aspect of public reasoning in Buenos Aires is the context of structural inequality in which it is conducted. A symptom of this structural inequality, and the overwhelming power of the more socially and economically advantaged in political processes, is the development of municipal laws which have encouraged the steep rise of gated communities in the Metropolitan Region. In 1989, the state approved a ‘Law of State Reform and Economic Emergency’, which led to the deregulation of planning norms, and the selling of public sites to private property development (Crot 2006: 235). Construction companies were then given green light to build without concerns for socio-economic balance and public spaces for interaction.

The inequality in political voice is accentuated by the lack of a coordinated governance structure for the Metropolitan area of Buenos Aires (Cruces *et al.* 2008, Crot 2006, Pirez 2002, 2008,

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<sup>12</sup> Auyero’s research also highlighted the long waiting hours benefit claimants were subject to, concluding that waiting was a deliberate strategy of the state to reinforce a passive attitude towards the state.

Roitman and Phelps 2011). Responsibility for urban policy is dispersed into multiple municipalities (the Autonomous City of Buenos Aires and 24 surrounding municipalities) and four levels of government (the national, government of the City of Buenos Aires, municipal and provincial). This lack of coordination, often exacerbated by the fact that different levels of governance are led by competing political parties which are not open to dialogue with each other, creates a legal and democratic vacuum. As a consequence, economic actors, such as construction companies or security services companies, are left as influential actors in urban planning policy (Pirez 2002).

The fragmentation of the city and the existence of private cities in the midst of the public city does not encourage citizens to engage with state institutions to find collective solutions to the common problems all inhabitants of the city face (security and adequate public infrastructure), but encourage them to find private solutions, or at least solutions for their peer socio-economic group. What each citizen can get for himself takes the precedence over the responsibilities citizens have towards each other. It is not only the residents of informal settlements who lack a citizenship attitude towards the state, the residents of the gated communities are opting out of urban citizenship, or rather are creating their own forms of citizenship within the boundaries of their socio-economic group.

Residents of gated communities may participate in charitable projects for less privileged neighbourhoods but this does not necessarily change the nature of relations between urban residents. From her interviews, Roitman (2013) inferred that the gated community she studied only undertook one charitable project, a food collection for a soup kitchen, in the last decade. The parish priest of the poor neighbourhood was the only mediator of the project and there was no direct contact between residents of both places. The residents of a gated community may fundraise large amounts of money for charitable projects and provide employment for low-skilled workers in domestic and security services, but this does not necessarily change the way urban residents relate to each other. Following the conceptual framework of a capability-view of justice, two directions for improving public reasoning are discussed: 1) creating the conditions for agency and political organization, and 2) cultivating spaces for dialogue and exchange.

Linking the work of philosopher Axel Honneth with that of Amartya Sen, the Uruguayan political philosopher Pereira (2013) has highlighted that it is through processes of recognition by others that one acquires the necessary conditions to become an agent, that is, a political actor shaping one's own life and that of others. Following Honneth, Pereira (2013: 19) distinguishes three domains in which people need to be recognized by others so they may become agents): 1) the domain of intimate and close relationships where people acquire self-trust (people need to be recognized for who they are so they are able to understand their own needs); 2) the domain of legal relationships where people acquire self-respect (people need to be recognized as equal subjects of rights so they are able to understand themselves as deserving equal treatment); 3) the domain of social relationships where people acquire self-esteem (people need to be recognized for their achievements so they are able to understand themselves as having talents and able to contribute to the life of society). Pereira (2013: 65) argues that, when these intimate, legal and social relationships are not functioning well, people do not have the conditions for participating in public reasoning. They are not able to become agents, for they are unable to argue a position on the ground of reasons and make claims or disagree with others.

One possible direction towards more 'just cities for life' would be to create relationships in which people are recognized as individual, legal and social subjects.

Families are generally the primary space where people can express who they are and are recognized as unique persons; schools the space where people learn their responsibility towards others and learn how to demand others to fulfil their responsibility towards them; and enterprises the space where people express their talents and contribute in their unique way to society. If these spaces are not so, it is critical that other spaces be created where people can acquire the confidence to speak up for their needs and be listened to and the self-respect necessary for them to claim their rights as citizens. It is also critical to create employment opportunities which can release people's unique talents and contributions to society and restore people's self-esteem.

Another possible direction towards 'more just cities for life' and reversing the urban fragmentation trend is to create opportunities for citizens to meet up, exchange their views and perspectives, hearing each other's stories, and address together the common problems they face. And one problem all urban residents of Buenos Aires face is that of violence and insecurity.

In their analysis of the fragmented nature of Latin American cities, Rodgers *et al.* (2011: 560) underlined the failure of state policies to deal with insecurity as a problem uniting all its inhabitants, choosing instead targeted security interventions in marginalized areas and letting others deal with it through private means such as gated communities and private security companies. Paradoxically, violence and insecurity could be the site where new alliances between *all* citizens of the city could be formed precisely because of its *common* nature, because it affects all economic classes alike, and this could be a new social project beyond political parties (Davis 2012). Civil society could potentially play a large role in transforming the mode of urban relations, in facilitating dialogue between all residents, and providing alternative spaces to nurture the agency of the marginalized.

## 6 Concluding remarks

In 2011, the government of the Autonomous City of Buenos Aires created a special unit, the Secretariat for Habitat and Inclusion (SECHI), to deal with the fragmentation of the federal capital city, and to design actions towards a more integrated city. Some of its actions taken so far are:<sup>13</sup> the creation of 'Unidades Territoriales de Inclusion Urbana' (territorial units of urban integration), which divides the city into units of intervention gathering informal settlements and formal neighbourhoods; the computation of an Index of Urban Sustainability for each of the territorial units, which includes data about access to public services, green spaces and housing, to identify the priority areas for resource allocation; the organization of 'communal paint' where residents paint together the walls of houses to increase the aesthetic value of the area and improve social relations between residents; or the transformation of vacant urban land into children play area. One policy innovation SECHI particularly praises itself of, is the establishment of 'inclusive portals' where the local government has a permanent office, an institutional presence independently of political parties, in an informal settlement to listen to the residents'

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<sup>13</sup> See the document 'De Villa a Barrio' available at <http://www.buenosaires.gob.ar/habitat/documentos>.

problems, to create participatory spaces where every one's views can be heard and from which collective solutions can be found to the problems residents are facing.

These initiatives are certainly one step in the right direction of improving public reasoning, even if only limited to the borders of the federal capital city and does not extend to the municipalities of the Metropolitan Region. To paraphrase Sen, they do help make states of affairs a little less unjust. But paradoxically, the above actions have been initiated by state institutions and not the residents themselves. So far, civil society organizations active in informal settlements have been more involved with direct wellbeing provision than agency building (Mitchell 2012, 2014). But without facilitating the political organizing of the marginalized so that their voices are heard in policy decision-making processes, and without transforming the way urban residents relate to each other, limiting civil society action to social service provision may risk carrying water in the Danaïds' jars.

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