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TOWN-PLANNING, POLITICS AND SOCIETY: DEMOCRATIC MANAGEMENT FOR BRAZILIAN CITIES

pós- | 1

ABSTRACT

The article presents theoretical reflections on the production and organization of space under the influence of the State. Space is understood as the environment that sustains social relations while being modified by them, being understood as a cultural landscape. Through the urban regulation system, the State intervenes in the production and organization of the landscape. The purpose of this paper is to discuss the foundations for the construction of the democratic management of Brazilian cities to realize the notion of the right to the city. The discussion is made through theoretical research that articulates the formation of modern town planning, its link with modern science and its rupture with politics. The (re) linking of town planning with politics, key to the realization of the right to the city, presupposes democratic management structures. These structures need openings for direct democracy, which, exercised through the construction and reconstruction of truths through dialogue, presupposes a State that provides the social minimums for reducing inequalities in power structures and for overcoming the distinction between planning and management activities. Town planning. Politics. Society.

KEYWORDS

Town planning. Politics. Society.



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URBANÍSTICA, POLÍTICA E
SOCIEDADE: GESTÃO
DEMOCRÁTICA PARA AS
CIDADES BRASILEIRAS

RESUMO

O artigo apresenta reflexões teóricas sobre a produção e organização do espaço sob a influência do Estado. O espaço é entendido como o ambiente que sustenta as relações sociais ao mesmo tempo em que é modificado por elas, sendo compreendido como paisagem cultural. Por meio do sistema de regulação urbanística, o Estado intervém na produção e na organização da paisagem. O objetivo do artigo é discutir fundamentos para a construção da gestão democrática dos municípios brasileiros com o intuito de concretizar a noção de direito à cidade. A discussão é feita mediante pesquisa teórica que articula a formação da urbanística moderna, sua vinculação com a ciência moderna e sua ruptura com a política. A (re)vinculação da urbanística com a política, chave para a concretização do direito à cidade, pressupõe estruturas de gestão democrática. Essas estruturas necessitam de aberturas para a democracia direta, essa, exercida por meio da construção e reconstrução de verdades mediante o diálogo, pressupõe um Estado que provê os mínimos sociais para a redução das desigualdades das estruturas de poder e para a superação da distinção entre as atividades de planejamento e gestão.

PALAVRAS-CHAVE

Urbanística. Política. Sociedade.

INTRODUCTION

This article makes a theoretical reflection about the influence of the State in the production and organization of space in Brazilian cities.

It starts with the understanding that space is the environment, the place of social relations. At the same time that it provides the basis for the establishment of human relations, it is modified by them. To Santos (2006), space is the inseparable relationship between forms or objects and actions or behaviors that change continuously over time. To the author, the human space is the synthesis, always to be remade, of its complementary variables: landscape and society. He defines the landscape as “the set of forms that, at a given moment, expresses the legacies that represent the successive relations located between man and nature. Space is these forms plus the life that animates them” (SANTOS, p. 66).

Cabral (2007, p.153) understands that the notions of place, landscape and territory are different approaches to the analysis of space in its broader sense. To the author, the notion of place occurs when the singularities of forms, activities, meanings and values are fundamental to understand human spatiality. The notion of landscape is related to cases in which the visual or scenic aspects, with their symbolic dimension, gain relevance to the reading of the human relationship with space. The notion of territory, on the other hand, refers to situations in which power relations related to the control and management of space become relevant to the understanding of human existence.

Without trying to make the mistake of using the terms as synonyms, but also trying to avoid fragmentation of the notion of space, the concept of cultural landscape is expanded here. The cultural landscape is understood as sensitive field, capable of offering the citizen and the different social groups the notions of place and territory indispensable in the sphere of politics in the production and organization of space. In this sense, space is understood here as a cultural landscape. Sauer (1925, p. 59) defines that the “cultural landscape is modeled after a natural landscape by a cultural group. Culture is the agent, the natural area is the means, the cultural landscape the result”. This definition has its interpretation expanded in contemporary times, encompassing both the idea that the valuation or significance of a natural landscape by a group already makes it cultural, and the idea that the same geographical location can be read and experienced by different cultural groups in distinct ways. In other words, every landscape is cultural and can only be apprehended through the cultural groups that shape it. It is not, therefore, just a palimpsest in a way that is constituted in time, but, above all, of its significance for the life that animates them.

From the perspective of understanding and modeling the landscape, that is, in its continuous process of production and organization, both the idea of place

and that of territory are essential. The notion of place appears strongly linked to the idea of identity and resistance. The place is seen as the necessary (counter) force to oppose the global and uneven movement of homogenization of landscapes. This idea seems to arise from the expansion of the field of cultural heritage as presented by Castriota (2009), identifying the symbiosis between being and place.

Allied to this idea of forces is the notion of territories as presented by Cabral (2007). The forces that make up the formation and transformation of landscapes can be read as the disputes between different socio-cultural groups in the formation and transformation of landscapes. Thus, the transformations of cultural landscapes, or even the production and organization of space, cannot be thought of without the political dimension. In this sense, the focus of this discussion will be on the State's role in the process of formation and transformation of the cultural landscape in Brazilian cities, especially in relation to its role in regulating the territory.

STATE, DEMOCRACY AND THE RIGHT TO THE CITY

The ordered, planned, "functional" city, frequents the utopian (sometimes dystopian) imagery of the society. It is utopian as something that is desired, but it proves to be intangible. It is dystopian when an order based on control and sanctions imposed by the ruling classes is desired. More than that, the global images that show themselves as possible and desirable forms of consumption are confronted with the real form of occupation of most Brazilian cities - in general disorderly, informal and illegal. This leads to the belief that urban problems stem from the State's inability to provide social minimums and to regulate land use and occupation.

As defined by Silva (2010), the activity aimed at ordering the habitable space is town planning, with urban law being the branch of law that studies the set of legislation that regulates this activity. Reflecting on urban activity, Benevolo (1987) analyzes the bases of its structuring in modernity. He argues that modern town planning is consolidated as a technique and science to improve the effects of the imbalances resulting from the technical and economic transformations of the industrial city in the early 19th century. In this period, modern urbanism is based, then, under two currents, the moralistic and the technical.

The moralistic or utopian current defended the need to "start over from the beginning, opposing the existing city with new forms of coexistence dictated exclusively by theory" (BENEVOLO, 1987, p. 9). It was understood, according to Owen and Chadwick, that the improvement of the spatial distribution of human activities depended on the improvement of the economic and social relations related to these activities and vice versa (BENEVOLO, 1987). The objectives established by Owen remain valid in contemporary urban plans, and are summarized in "finding a win-win position, in a system that allows the continuation of technical progress in an unlimited way" (BENEVOLO, 1987, p. 11).

The technical current sought to solve the singular problems and inconveniences singly, without considering the connections and without a global view “of the new city organism”. (BENEVOLO, 1987, p. 9). This group is composed of specialists and employees, responsible for introducing new hygiene regulations and new facilities in the city. They, seeking to find technical and legal instruments to carry out these changes, “specifically initiate modern town planning legislation” (BENEVOLO, 1987, p. 10).

Benevolo (1987) explains that, starting with Marx and Engels, both currents lost sight of the relationship between political and urbanistic instances. As a result of such separation, urban culture is progressively configured as a simple technique in the service of constituted power. However, it does not become politically neutral because of that, “falling into the heart of the new conservative ideology in formation precisely in those years” (BENEVOLO, 1987, p. 10).

Chauí (2005) further expands this view, understanding that there is a separation between the State itself and civil society arising from the classical neoliberal political theory. With the “desecration and denaturalization of power, even if replaced by ideology, (...) society separates itself from politics, that separates itself from the legal, which, in turn, separates itself from the knowledge that, finally, separates itself into independent knowledge” (CHAUÍ, 2005, p. 276). This social formation, which appears as a fragmentation of its space and time, is sustained by a process of generalization and unification that is the market or the movement imposed by the capital. “However, because the economic does not stop putting social generality for the replacement of social divisions, it cannot appear as the center and gives the politician the task of producing it” (CHAUÍ, 2005, p. 276). Power, which appears as a prominent pole of society to nullify the effect of internal divisions within itself, despite being in charge of social universality and generality, cannot achieve this distance. “In fact, by locating itself as state power, power, which had started at a distance from social classes, intending to offer them the universality of law and right, is really effected by class particularity” (CHAUÍ, 2005, p 276-277).

The author also draws attention to the alienating character that the State has over society. Despite being destined to figure the universal, it becomes more and more particular. Despite having the function of making the social space homogeneous through its regulation and ordering, it becomes one more pole of the social division. Rather than offering itself as the place of social identification as a social will or objective reason, effects social division as a political division. Despite being destined to be the point of convergence between legality and legitimacy, it ends up becoming the substitute for sovereignty. While it should objectively represent the subjective interests of the national community, it is only a necessary moment for the accumulation of capital, including international capital. Instead of offering society “a new power engendered by the work of the social division itself” and distanced from the figure of the authority of the ruler, it is configured as the power of a particular class, “we can say that the State has become the superior form of alienation in contemporary society” (CHAUÍ, 2005, p. 283).

A third reflection brought by Chauí (2005) concerns the new processes of legitimizing the power of the State, considering that it is prevented from acting according to the classical liberal perspective, guided by the idea of justice. This criterion was used to measure the legal, the law being offered as a right, which

in turn was understood as the art of the just and the good. The new process of legitimizing the power of the State is guided by the idea of rational effectiveness according to the motto 'maximize gains and minimize losses' regardless of the qualification of gains or losses in political and social terms. "Thus, although it seems paradoxical but it is not, the ideology that commands the search for legitimation is economist since the motto of gains and losses defines the market sphere as a paradigm of all social practices" (CHAUÍ, 2005, p. 283-284).

The fragmentation between towns planning and politics and between society and the State can then be read, as part of the logic of modern science, as presented by Santos (2003). To the author, the institution of modern science, which is based on positivism and specialization of areas, removes scientific knowledge from the knowledge of everyday life and common sense, generating a power structure that is maintained by the *status quo* of the scientific community. He proposes a double epistemological rupture so that modern science undergoes a paradigmatic transformation and becomes postmodern science. "This means that [...] it no longer makes sense to create new and autonomous knowledge in comparison with common sense (first rupture) if that knowledge is not intended to transform common sense and become it (second rupture)" (SANTOS, 2003, p. 168). For the conditions of theoretical transformation to be effective, they must be accompanied by certain realizations of social conditions.

Similarly, Vattimo (2016) proposes a critical stance for philosophy and politics that moves from phenomenology to today's ontology. The author criticizes the idea of objective truth present in different scientific and philosophical discourses, such as Popper's open society and Heidegger's correspondence truth, understanding that the construction of objective truth contributes to the construction of domination practices. He understands that "the truth is not 'found', but it is built with the consensus and respect of each one's society and of the several communities that live together, without getting confused between them, in a free society" (VATTIMO, 2016, p. 17). In this sense, the role of current ontology is highlighted. It offers politics "a certain view of the historical process in progress and a certain, free and risky interpretation of its positive potentialities, thus considered not as a basis for eternal principles, but as a basis for choices argued within the process itself" (VATTIMO, 2016, p. 56).

The social autonomy that underlies the concept of democracy is understood, then, as the condition for the realization of the link between town planning and politics, as well as that of society itself with politics and science with social knowledge. In this regard, Sousa (2010), based on the work of Castoriadis, understands that autonomy necessarily implies a radical democracy, different from modern models of representative democracy. A genuinely democratic society would be expressed by the "freedom to do what I want (including the freedom to persuade others) and the possibility of being persuaded by others on the basis of genuine dialogue and in the absence of structural power asymmetries are not contradictory requirements between themselves" (SOUSA, 2010, p. 21).

Moving in the libertarian way of building autonomy, Sousa (2010) adopts the point of view of what he proposed to call “statocritical” in opposition to the “statophobic” perspectives. This point of view shares the criticism of the capitalist state and the idea of the state in general for an opposition to typical Marxism and Leninism. However, there is a distinction between the State as a structure and the government as a conjuncture. Thus, the State does not maintain neutrality as defended by the liberal ideology, nor does it constitute as an “executive committee of the bourgeoisie”, as understood by orthodox Marxist-Leninists. The State, being a heteronomous structure, is constituted as a correlation of forces between the social groups existing in society, which is the political content present in its institutional practices (SOUSA, 2010). In this sense, considering that society presents conflicts and contradictions that result in (counter) powers and (counter) projects, the State itself is subject to present, circumstantially, internal contradictions. These contradictions are presented as fissures, which are vulnerable points and potentialities to be explored by social movements, namely: legal loopholes, official participatory instances, public resources, among others (SOUSA, 2010). Despite this, Sousa (2010) draws attention to the triad “with the State, despite the State, against the State”, arguing that emancipatory social movements take advantage of these fissures, while safeguarding the due independence of the State machine, taking into account the risk of structural co-option (SOUSA, 2010, p. 26). In other words, the participation channels established by the State can complement a direct action, but it does not replace them, on the contrary, they submit to it.

Habermas (1969) also understands democracy as popular sovereignty. He considers that “democracy works for the self-determination of humanity and that, in this sense, political participation and self-determination coincide” (HABERMAS, 1969, p. 376). It considers that only in a society composed of men free from all tutelage, democracy could be carried out, which “is not possible, whatever the social premises; democracy is first of all free society itself” (HABERMAS, 1969, p. 376). The author criticizes the discourse on democracy that conceives it based on objective institutions, instead of defining it based on principles of the rule of law or popular sovereignty, for example.

Habermas (1969) recognizes that there is an evident difference between ruler and ruled in industrial society, but that, therefore, society should not be resigned to the autonomy of political power. On the contrary, to the extent that citizens “take directly into their hands the ordering of their life in society through the delegation of their will and the effective control of its execution, personal authority is capable of becoming rational authority” (HABERMAS, 1969, p. 376).

Analyzing the historical process in which the liberal state of law is instituted today, Habermas (1969) considers evolution to the state of social law as a condition for the exercise of democracy. Or “the bourgeois rule of law transforms the liberal rule of law into a social rule of law, thus molding democracy with all the social demands that it introduces, or falls, again, definitively, into the proper forms of an authoritarian regime” (HABERMAS, 1969, p. 377).

This statement stems from the fact that the bourgeois society, which instituted the legal norms that originated the liberal State of law, was derived demanding

a greater need for State intervention, however, the private availability of the means of production maintains the classic regulation of private law and apolitical society.

In the present work, it is understood that the construction of an autonomous society, therefore democratic, involves both the direct action of political social groups, according to the path presented by Sousa (2010), and the implementation of the Social State of Law defended by Habermas (1969), which approximates the power of the State to the decision power of the society, providing the social minimum necessary to equalize the distortions arising, above all, from the accumulation of capital. If self-regulation is a goal that needs to undergo legal certainty, the State has an important role in guaranteeing the right to the city.

The right to the city is defined by Lefebvre (2011) as the right to transform the city, and not just to inhabit it. It is based on the idea that “the urban is a continent that is discovered and explored as it is built” (LEFEBVRE, 2016, p.77). In other words, the right to the city is only conceived and implemented through the self-determination of society.

DEMOCRATIC MANAGEMENT THEORY IN BRAZIL: PERSPECTIVES

The right to the city provides the basis for the development of urban law in Brazil. Despite being a form of specialization of law and standardization of urban planning, which still presents itself as a modern science in crisis, the 1988 Federal Constitution and the City Statute (Federal Law n° 10.257 / 2001) present fissures to be explored for the realization of the right to the city. The two main virtues to be explored are democratic management and the social function of property.

Land income, derived from the institution of private property, has been assessed as the matrix of city problems. It allows the cities spaces to be structured under the logic of real estate speculation, which is the driving force of the logic of disorder (KOWARIC, 1979). Real estate capital is strongly responsible for socio-spatial segregation and the peripheral growth process, with all its harmful effects: lack of adequate housing, environmental damage, high cost and deficiencies in mobility and infrastructure, increasing social inequalities, standardization of cultural landscapes, violence, among others. By reinforcing inequalities by feeding poverty, it interferes in the democratic process defended by Habermans (1969).

As private property in Brazil is what effectively guided the Brazilian urbanization process, subjecting property to a social function means regulating not only the use and occupation of the city, but, above all, the land income. It is in this sense that democratic management and the social function of property open space for town planning to move in the direction of the *social management of the valorization of urban land*.

The expression *social management of the valorization of urban land* presented by Santoro and Cymbalista (2005) takes as a principle the fair distribution of benefits and burdens of the urbanization process expressed in the City Statute. The objective is to implement redistributive urban planning instruments. The intention is to capture the valorization of urban land and redistribute this value to the entire community, with the public authorities and society as a whole as active actor in this management. The intention is to redistribute income in the territory and make investments aiming at “promoting the balance of opportunities and transforming cities - which concentrate investments, income and power - into fairer and more balanced cities” (SANTORO; CYMBALISTA, 2005, p. 12).

Social management, as previously presented, refers directly to democratic management. It is important to highlight that the terms *social management* or *democratic management* must incorporate the term *planning* in its structure. The practice of urban regulation in Brazil, even after the enactment of the City Statute, incorporates the idea that planning and management are different, as defined by Sousa (2011). To the author, planning prepares the basis for future management by reducing or avoiding problems and expanding the possibilities of action. Management, on the other hand, is understood as the realization of the conditions that planning in the past helped to build, considering the capacities of flexibility and improvisation to be indispensable in the face of unpredictable or indeterminate factors. “Far from being competitors or interchangeable, planning and management are distinct and complementary” (SOUZA, 2011, P. 46).

This differentiation has led to problems regarding the effectiveness of democratic management. This is because the Master Plan, the municipal law responsible for establishing the social function of the property, as well as specific plans, programs and projects, are read as the planning that must be implemented by management. This distinction of terms causes a separation between functions and knowledge that convey the idea of planning as a product and create conflicts with regard to its application.

It can be said that municipalities with greater administrative strength often separate the planning sector from that of regulation. While one dictates the rules, the other is limited to applying them in specific cases. In this relationship between dictating and implementing the rules, the state bureaucracy is structured, also giving space to urban corruption.

Conflicts between planning and management are heightened by the practice of planning that anticipates management. It is recurrent that the elaboration of municipal plans takes place by outsourced consultancy, which must deliver a pre-established product in its bidding or contracting process. This makes the process of democratic participation to define the social function of property and democratic management in the plan itself delimited by the process of contracting the consultancy and not necessarily by the democratic management process itself.

The distances between State and society are also widened as planning and management are distanced. This argument corroborates the fact that cities are produced formally and informally. The informal city is generally no exception to

the rule. It can be said that the informal city is the rule established by common sense, at least in the most popular classes. In order to be incorporated into the formal land regulation circuit, the State must always relax its planning rules to legalize the city that is being formed. In this way, all the flexibilization of the standard norm, which occurs through land regularization in its various modalities, does not change the dorsal structure of planning, in theory established by the community. It is understood, therefore, that this planning model is born discredited and as an artifice to add more value to real estate merchandise from the formal real estate market. It, by itself, differentiates and segregates the formal from the informal. It is no coincidence that there is a growing interest in financing master plans, or even their production, by groups of entrepreneurs linked to the real estate sector in the Metropolitan Region of Belo Horizonte.

It must also be said that democratic management finds it difficult to establish itself because of the municipal management structure itself. In general, the master plans foresee that democratic management will take place via social control through municipal councils. Many evaluations have been made in this regard, regarding the disarticulation between the various municipal councils, the fragility of their formation and maintenance, their composition by specific entities, etc. It often resembles the form of representative democracy rather than democratic management itself. The evaluation made by Carneiro (2005) on the oligarchization process at the State Council for Environmental Policy of Minas Gerais (COPAM/MG) stands out. It shows how the council was structured in a way that reduced the effective participation for a specific group of councilors that has remained since its formation. It is an illustration of how a structure conceived as an arm of democratic management is moving towards becoming one more power structure in the State management process.

It is understood that the realization of the right to the city in Brazil must necessarily overcome the division between planning and management, in order to establish a democratic process of social management of landscapes, or cities. Submitting planning to democratic management is the fissure that can be opened to break with modern urban thinking, linking town planning, politics and society.

Considerations

Since space is the cultural landscape par excellence, its reading and the management of its transformations must occur by the cultural groups that determine it. However, the urbanistic discipline structured by modern science, promotes a separation between town planning and politics, also reflecting the separation between State and society. This fragmentation and specialization of activities has an alienating character and is dominated by the power of capital.

The transition from modern to postmodern science is a necessary path for the establishment of society's self-determination in the space. This is possible when it is understood that the truth is not something concrete, but is the discovery and exploration of a continent under construction. It is based on this idea of

society's self-determination in the space that the right to the city is conceived, providing a foundation for contemporary urban law in Brazil.

Despite advances established by the Federal Constitution and the City Statute for the realization of the right to the city in Brazil, among which the social function of property and democratic management stand out, much remains to be done.

In practice, the social function of the property has been established by plans drawn up by outsourced consultants, established by participation space restricted to the contract structure. In the end, there is a mandatory plan for the management execution. For democratic follow-up, the structuring of councils is recurrent. These, however, present weaknesses in their composition and functioning process, often moving towards a continuous reduction of popular participation, as is the case of COPAM in Minas Gerais. The distinction between the terms *planning* and *management* causes a separation between roles and knowledge that reinforce the idea of planning as a product and create problems in its application.

This distinction also widens the separation between State and society. This can be seen, for example, in the formal and informal production of the city. The informal city is produced indifferently to the norm that in theory was established by the community, but it is not an exception and can be understood as the rule established by common sense. The incorporation of the informal city into the formal process of state control takes place by rules of land regularization, whose flexibilities are not incorporated into the planning backbone that standardizes the formal city. Thus, the planning model is born discredited and as an artifice to add more value to real estate merchandise from the formal real estate market. It, by itself, differentiates and segregates the formal from the informal. In this sense, there is a growing interest in financing municipal master plans by groups of entrepreneurs linked to the real estate sector in the Metropolitan Region of Belo Horizonte.

From the above, it is understood as necessary to reduce the distance between the planning and management processes of cities, promoting greater openness to democratic control mechanisms. Democratic management, however, is only possible through the provision of social minimums to be guaranteed in order to reduce inequalities.

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