

## SPATIAL JUSTICE, HUMAN CAPABILITIES AND URBAN GOODS A Theoretical Framework for Interpreting the Just City

**Francisco Colom González**

*Research Professor*

Institute of Philosophy. Spanish National Research Council (CSIC)

Published online on February 25th, 2022

<https://www.urbs-phil.com/en/project/>

1. The elusive definition of the urban condition
2. Space and agency
3. The spatial view of justice
4. Urban commons
5. Tentative assumptions

\*\*\*\*\*

### ***1. The elusive definition of the Urban condition***

In the space of two hundred thousand years, *homo sapiens* has evolved from a small species of hunters and gatherers roaming the African savannahs to a veritable *homo urbanus* whose main habitat is cities. This change has gone hand in hand with a process of anthropization of the planet that poses social, environmental and political management challenges of previously unknown dimensions.<sup>1</sup> The enormous impact that the human footprint has had on terrestrial ecosystems has called into question the classic criteria for classifying geological time. The notion of the *Anthropocene* as a new planetary era has been popularized precisely to denounce this effect and to relativize the usual distinction between natural history and human history.<sup>2</sup> Although there are discrepancies about the chrono-geological validity of this term and its starting point, the global process of urbanization has undoubtedly been a decisive factor in it. Historically, cities have concentrated most of the industrial fabric, means of mobility, consumption and waste generation. Despite this, the first urban settlements did not appear until the Neolithic, a relatively late period in the history of mankind as a whole.

The elusive nature of the urban condition has traditionally made its conceptualization difficult. Numerous treatises on urbanism begin by asking themselves about the definition of their object of study: what is a city; what defines urban conglomerates throughout

---

<sup>1</sup> During the 20th century, the world's urban population grew by an average of 57 million per year and it is expected that by 2050, 68% of human beings will live in cities. United Nations, Department of Economic and Social Affairs, Population Division: *World Urbanization Prospects: The 2018 Revision (ST/ESA/SER.A/420)*. New York, United Nations, 2019, p. xix.

<sup>2</sup> Its use in this sense is attributed to the seminal paper by Nobel laureate in chemistry Paul Crutzen and ecologist Eugene Stoermer: "The 'Anthropocene,'" *Global Change Newsletter* 41 (May 2000), pp. 17-18.

history and differentiates them from other population centers; when does a city begin to be a city and when does it cease to be one; do cities possess specific characteristics sustained over time or is it rather the contrast with the spaces in which they are inscribed that defines them? Gordon Childe began his famous article on the origins of the urban phenomenon by recognizing the difficulty of defining the object of this historical 'revolution'.<sup>3</sup> Even today, the United Nations HABITAT program, aimed at guiding urban development in the Third World, has faced a similar difficulty in identifying a homogeneous criterion for defining the city.<sup>4</sup> The truth is that there is no consensus definition among geographers, sociologists and historians as to what a city is. The characteristics of urbanization have been different in each period. Urban sociology itself has sometimes been criticized for constituting a sub-discipline in search of its own object.<sup>5</sup> The multiplicity of demographic, economic, architectural and cultural factors linked to the history of cities makes it difficult to identify a 'hard core' that can subsume them under a comprehensive view. The classics of sociology - authors such as Marx, Weber, Durkheim or Tönnies - wrote prolifically on urban processes, but none of them deemed it necessary to develop anything like a 'theory of the city'. Rather, they considered such processes in the general context of the transformations brought about by the development of modern industrial society. Each of them emphasized a specific aspect of such changes: the disintegration of traditional forms of social cohesion (Durkheim and Tönnies), the impetus given to economic rationalization (Weber) or the creative destruction brought about by capitalist development in cities (Marx). Ultimately, the question is whether cities have been a mere stage for these transformations, an expression of them or a node in which all of them are intertwined. These authors coincided in recognizing a role for the old medieval cities as a niche of mutation of socio-economic conditions in the transition to capitalism and modernity, but downgraded their relevance as agents of such change.

Faced with the difficulties of defining such a changing historical reality, the alternative has been to assume a functional and dimensional perspective. However, if size and demographic concentration are decisive factors of the urban fact, they do not constitute defining criteria by themselves. As Durkheim pointed out, to the 'material density' of the city is added its 'moral density', that is, a greater degree of social interaction among its population. This relationship has an economic dimension (as social differentiation and division of labor) and a socio-cultural one, referring to the type of personal and subjective ties that are established in the urban fabric. Due to their high demographic density and morbidity rates, cities have been characterized throughout history by their inability to sustain themselves demographically and to constitute centers of consumption and exchange. The need for self-sufficiency has been a constant in their interpretation. Arnold Toynbee generically described cities as a type of human settlement whose inhabitants are

---

<sup>3</sup> Gordon V. Childe: "The Urban Revolution", *The Town Planning Review*, 21/1 (1950), pp. 3-17.

<sup>4</sup> UN-HABITAT: *What is a city?*

[https://unhabitat.org/sites/default/files/2020/06/city\\_definition\\_what\\_is\\_a\\_city.pdf](https://unhabitat.org/sites/default/files/2020/06/city_definition_what_is_a_city.pdf)

<sup>5</sup> Peter Saunders: *Social Theory and the Urban Question* (2nd edition). London & New York, Routledge, 1986.

unable to produce in their own space the food necessary for their subsistence.<sup>6</sup> In her essay on urban economics, Jane Jacobs also saw population density as the key to their growth, since cities condense people's needs and create incentives to address them in innovative ways, thereby generating an economic dynamic by agglomeration.<sup>7</sup> But the origin of this idea is much older. We find it already in Plato, who put the origin of the *polis* and society in general in the obtaining of collective sustenance, the specialization of trades and the complementarity of human needs satisfied through exchange: "The city is born when each one of us does not provide for himself, but needs many things".<sup>8</sup> This same idea is also found in Aristotle, for whom the proper functioning of the *polis* depended on its adequate extension and population, "so that its inhabitants can lead a comfortable life, with freedom and prudence". The number of inhabitants and the size of the city should be such as to allow it to achieve autarchy, that is, "to have everything and lack nothing".<sup>9</sup>

## 2. *Space and agency*

While the inability to be self-sufficient and demographic unsustainability were identified by classical sociology as structural characteristics of cities, the modern urban condition also recognized the genesis of a new type of social ties. Georg Simmel's work stands out for having been the first to point to space as a precondition for the forms of urban sociability. Starting from a neo-Kantian conception of space as a 'possibility of coexistence', Simmel noted that the function it plays sociologically is similar. Space makes possible the relationships that fill it with meaning, making it meaningful to us. On its own, space is an empty form that produces no social effect. Contiguity, for example, does not generate feelings of neighborliness or foreignness. It is the reciprocal action of individuals in space that gives it meaning. It is, then, psychological forces that establish social ties on the basis of certain spatial conditions.

Space is nothing more than an activity of the soul, the way men have to gather in unitary intuitions sensory effects that in themselves have no link [...] What has social importance is not space, but the linking and connection of the parts of space, produced by spiritual factors [...] What has social importance is not space, but the linking and connection of the parts of space, produced by spiritual factors.

In contemporary human geography there is a phenomenological current that has taken up Simmel's old intuition in order to delineate the ideas of 'space' and 'place'.<sup>10</sup> Space would thus allude to the purely material dimension that serves as a receptacle for human relations. Place, on the other hand, refers to the meanings attached to a given space

---

<sup>6</sup> Arnold Toynbee: *Cities on the move*. London, Oxford UP, 1970, p. 8.

<sup>7</sup> Jane Jacobs: *The Economy of Cities*. New York, Vintage Books, 1970.

<sup>8</sup> Plato: *The Republic*, 369b6-8

<sup>9</sup> Aristotle: *Politics*, 1326b

<sup>10</sup> Yi-Fu Tuan: *Space and Place. The Perspective of Experience*. Minneapolis-London, University of Minnesota Press, 1977, p. 7.

through the material and symbolic experiences and practices of individuals. A place is, from this perspective, a space charged with meanings. This phenomenological distinction, attached to human experience, has a recognizable Heideggerian root.<sup>11</sup> In a lecture delivered in 1951, in the context of the massive reconstruction of German cities after the war, Martin Heidegger formulated before an audience of architects the idea that 'building' and 'inhabiting' stand in a relationship of means to end. According to his particular etymological and phenomenological reconstruction of the term, 'to build' (*bauen*) would originally mean in German 'to shelter' and 'to care for', something very different from mere 'to produce'. Thus, *Bauer* is also the German word for 'farmer'. The sheltering dimension of human building would coincide with the fundamental feature of 'dwelling' (*wohnen*), in the sense of caring for, guarding or watching over something. To inhabit, to make dwelling, constitutes in Heidegger's philosophy the way of being of man in the world, which is none other than that of entering into relation with the surrounding and the others, thus generating a lived space, a situated vision of our existential environment. Although he did not mention it explicitly, his lecture revealed in a certain way his distaste for the impersonal and rationalist architecture that dominated post-war urban reconstruction. The mathematical technification of the art of building had lost sight of the ontological link between inhabiting and building, a link that generates 'places' (*Plätze*) in space through human experience. Architecture would thus have ended up ignoring the original experience of the subjects who must inhabit it.

This intuition, better or worse understood, has inspired a whole philosophy of architecture and has been taken up by some sociologists and urban planners.<sup>12</sup> Richard Sennett, for example, has used it to point out the difference between 'inhabiting' and 'building' the city, using the French word *cit * to refer to the city as space and lived experience in contrast to the *ville*, understood as the built environment.<sup>13</sup> Without referring directly to architecture, Simmel pointed out how the size and heterogeneity of human groups in the metropolis tends to submerge the modern subject in the impersonality of the masses, isolating him in his privacy and ultimately plunging him into an alienating solitude.<sup>14</sup> This prevention of the anomic potential of the urban phenomenon is also found in the early sociological studies developed by the so-called 'Chicago School'.<sup>15</sup> This affinity is not accidental, since some of its main members were trained in Germany prior to the First World War. Louis Wirth, one of its epigones, defended in a seminal article the specificity of urban life forms, of 'urbanism as a way of life', whose keys would consist of heterogeneity, processes of segregation and social aggregation and competition for space.

---

<sup>11</sup> Martin Heidegger: *Building Inhabiting Thinking (Bauen Wohnen Denken)*. Barcelona, The Office (Bilingual edition: Spanish translation by Jes s Adri n Escudero and Arturo Leyte), 2015.

<sup>12</sup> Adam Schar: *Heidegger for Architects*. London-New York, Routledge, 2007

<sup>13</sup> Richard Sennett: *Building and Dwelling: Ethics for the City*. Milton Keynes, Allen Lane, 2018

<sup>14</sup> Georg Simmel: "Las grandes urbes y la vida del esp ritu" [1903], in Georg Simmel: *El individuo y la libertad*. Barcelona, Pen nsula, 1998, pp. 247-262.

<sup>15</sup> The most representative compendium of this group is the joint work by Robert E. Park, Ernest W. Burgess & Roderick D. McKenzie: *The City*. Chicago, The University of Chicago Press, 1925.

In sociological terms, a city is a relatively large, dense and permanent settlement of heterogeneous individuals. The large number explains the individual variability, the relative absence of intimate relationship, the segmentation of human relationships, which are largely anonymous, superficial and transitory [...] Heterogeneity tends to break down rigid social structures and produce greater mobility, instability and insecurity [...] Heterogeneity tends to break down rigid social structures and produce greater mobility, instability and insecurity [...].<sup>16</sup>

The term by which Wirth and his colleagues named their approach, a derivation of social Darwinism, was 'human ecology'. This perspective took as its starting point the interaction of city dwellers with each other and with the urban environment. This type of relationship is characterized by simultaneous physical proximity and personal distancing. The fluidity, differentiation and anonymity of interpersonal relationships in large cities encourages the association of individuals through secondary groups to the detriment of primary ones. To prevent the potential disorder and lack of responsibility that such anonymity generates, urban society must adhere to rigidly predictable routines, such as those set by the clock or traffic signals. Formal control mechanisms thus replace the bonds of solidarity that held traditional communities together. This naturalistic view of group behavior in urban space presupposed a dynamic of competition and adaptation of individuals to their environment according to factors such as ethnicity, language, income level and social status, thus creating 'natural areas' inhabited by individuals with a homogeneous status. The arrival of new migratory flows or changes in the socio-economic factors that maintain the balance between such groups would result in a reordering of their spatial distribution. Ernest Burgess went further and, taking Chicago as a social laboratory, formulated a theory of urban clustering by concentric zones. The core would be the economic and commercial district of the city. Outside it there would be a 'transition zone' where the ethnic ghettos and places of the bad life were located. This zone would be surrounded by working class and second generation immigrant neighborhoods and, finally, by middle class housing. On the periphery were located the incipient suburbs, inhabited by the wealthier classes, who commuted daily to the city center to work.<sup>17</sup> This concentric structure was crisscrossed by diverse ethnic neighborhoods of heterogeneous social status. Although early twentieth-century Chicago replicated to some extent the structure that Engels had recognized in nineteenth-century Manchester, it is striking that its sociologists did not see the process of industrialization or class relations as a determinant of population flows. In any case, if this model had a certain plausibility in describing the American experience, in Europe the organization of urban areas reversed that order practically until the Second World War.

The theories derived from this type of approach remained valid until the mid-twentieth century. Even an author like Lewis Mumford, who recognized the creative potential of cities and their function as a 'social theater' where human relations are enacted,

---

<sup>16</sup> Louis Wirth: "Urbanism as a Way of Life", *The American Journal of Sociology* 44/1 (July 1938), p.1 .

<sup>17</sup> Ernest W. Burgess: "The Growth of the City", in Robert E. Park et al. Op. Cit., p. 55.

condemned life in the great metropolises as a 'pathology' derived from "their gigantism, their banal materialism, their congestion and senseless disorder."

The city fosters art and is art; the city creates theater and is theater. It is in the city, in the city considered as theater, that the most significant activities of man are formulated through the conflict and cooperation of personalities, events and groups.<sup>18</sup>

Sympathetic to the theories of Patrick Geddes on regional planning and the 'garden cities' movement promoted by Ebenezer Howard, Mumford judged indiscriminate urban sprawl negatively. Hence his critique of the theses of Jane Jacobs, the journalist and social activist turned critical conscience of modern urbanism. The ruralizing utopianism of the garden cities, the anonymous gigantism of modernist designs, the sensationalist monumentalism of the 'beautiful city' and the landscape evanescence of the American suburbs (the *Radiant Garden City Beautiful*, as she acidly qualified the set of approaches of Howard, Le Corbusier, Daniel Burnham and Frank Lloyd Wright) constituted for her the epitome of the anti-urban spirit. Jacobs firmly believed in the capacity for spontaneous self-organization of cities as long as the density, diversity and vitality of their social fabric were preserved. The city is not a work of art, she warned. Urban renewal processes that simply pursue its beautification, such as the *City Beautiful* movement, cannot substitute architectural design for life. Nor does her management belong to the mathematical universe of statistics or the physical sciences. For her, the condition of the city resembled rather that of a complex organic totality. Precisely for this reason, the art of the city consists in fostering its endogenous capacity for self-regulation. In his activism Jacobs lashed out against the type of planning practiced in the United States since the early twentieth century, disqualifying urbanism as a pseudo-science based on simplifications, superstitions and symbols completely removed from the real world that had assumed the Simmelian assumptions of the Chicago School on the alienation and pauperization generated by urban life. The mission of urbanism should be to manage the organized complexity represented by actually existing cities, not to envision an ideal condition disregarding the practices and needs of its users. In analyzing in detail Boston's *North End* district, disqualified as a *slum* by city planners, Jacobs noted the extraordinary vitality of its community fabric, nurtured by social diversity and economic complementarity. She did the same in her fiery defense of Manhattan's old neighborhoods against the plans of Robert Moses, the gray eminence of post-war New York urbanism, when she equated the orderly flow of passersby on its sidewalks with that of a dance.

That order is composed of movement and change and, although it is life and not art, we can imaginatively call it the art form of the city and equate it to a dance. But not to a simple precision dance in which everyone lifts their foot at the same time, turns in unison and withdraws en masse, but to an intricate ballet in which individual dancers and groups all have distinct roles that miraculously reinforce each other and compose an orderly whole.<sup>19</sup>

---

<sup>18</sup> Lewis Mumford: "What is a City?", *Op. Cit.* , p. 185

<sup>19</sup> Jane Jacobs: *The Death and Life of Great American Cities*. New York, Random House, 1961, p. 50.

Jacobs' work immediately precedes the turn to Marxism that urban sociology experienced in the 1960s. The political context of this period, marked by protests and social mobilizations, put pressure to abandon the paradigm of human ecology and recognize the new dynamics of urban transformation. These, however, no longer referred to the classic rules of production and reproduction of capital analyzed by Marxism, but to new forms of interaction between space, economy and society. Although this perspective harbored a number of philosophical and moral concerns, its interest was not directed to the conceptualization of space. Only praxis, the creative and self-transforming activity of human beings in the collective processes of social production and reproduction, would grant meaning to the different uses of space. This critical and epistemological turn placed power relations and conflicts of interest at the center of spatial analysis, forcing Marxism to recognize the specificity of the urban as a force of social structuring, its peculiar function in the processes of capital valorization and the decline of the working class as the protagonist of political change.<sup>20</sup> The urban space was thus conceived as a sphere of massive collusion of the interests of capital accumulation that drives the dispossession of the weakest social strata and the colonization of new spaces. From this perspective, the formation of ghettos or the 'gentrification' of impoverished neighborhoods would not be the result of the competitive adaptation of groups to the urban environment, but rather social processes fueled by land prices and real estate speculation. This dynamic had already been recognized by Jacobs in her critique of the logic that reproduced the social marginalization of the poorest groups in *housing projects* in large American cities. She attributed this process, however, to an erroneous perception of urban dynamics on the part of planners and to an inadequate design of public and private funding sources.

In a very different sense, the 'spatial turn' of Marxism lashed out against positivist geography and its naturalistic conception of territorial processes. Urbanism, that new science baptized a century ago by Ildefons Cerdà in his plan for the expansion of Barcelona,<sup>21</sup> would be from this perspective an 'ideology' founded on a methodological mirage, since it determines the content of social relations based on spatial forms, conceiving the city as a phenomenon isolated from other variables. This type of critique found a landmark reference in a French philosopher, Henri Lefebvre, for whom urbanism would be nothing but a deformed vision that "formulates all the problems of society in questions of space and transfers to spatial terms everything that comes from history and consciousness".<sup>22</sup> Starting from a praxeological social ontology, Lefebvre denounced the abstract character that space takes on when it is considered separately from the human activities that endow it with meaning. Space is not a context, he maintained, but an element incorporated into human practices: a social production.

Space has nothing of the *a priori* 'condition' of institutions and of the State that crowns them. We can affirm that space is a social relation, but inherent to property

---

<sup>20</sup> Ira Katznelson: *Marxism and the City*. Oxford, Clarendon Press, 1993.

<sup>21</sup> Ildefons Cerdà: *Theory of the construction of cities* [1859-60]. Madrid - Barcelona, Ministry of Public Administration, 1991.

<sup>22</sup> Henri Lefebvre: *Le droit à la ville*, Paris, Anthropos, [1968] 2009, p. 41.

relations (the ownership of the soil, of land in particular) and that, on the other hand, it is linked to the productive forces that shape that land, that soil<sup>23</sup>

To materialize his critique, Lefebvre resorted to the classic Marxian distinction between use value and exchange value. The use value of the city would be urban life and time. Its exchange value would be the spaces bought and sold, the consumption of products, goods, places and signs. The generalization of merchandise as a result of industrialization would tend precisely to destroy the use value of the city, because the urban is based on its use value.<sup>24</sup> In other words, urban life is governed by a logic different from that of the commodity, since the use value of places escapes the demands of exchange value. Written in the immediate context of the French May, his work entitled *The Right to the City* claimed urban life as a full form of existence and a necessary condition for a renewed humanism. City dwellers were for him the bearers of the right to enjoy the goods of urban life, more specifically the right to live in its center and not be expelled to the *banlieues* and ghettos of the periphery. This process had begun in France after the revolution of 1848, when Napoleon III commissioned Baron Hausmann to remodel Paris by means of grand boulevards that broke up the medieval layout of the working-class neighborhoods, and was followed shortly thereafter by major projects such as the *Ringstrasse* in Vienna and the *Ensanche* in Barcelona. In New York the phenomenon became evident after World War II, when Robert Moses reconfigured the communications network with Long Island by introducing freeways to the very center of Manhattan, thus favoring the process of suburbanization of the middle classes and dependence on the automobile. It was also reflected in the English *New Towns* of the postwar period, built according to the model of the garden cities, but far removed from the social ideology of Ebenezer Howard. This process of 'deurbanization' and massive intervention was what provoked the reaction of figures such as Jacobs, who tried to show that in large cities there is also *Gemeinschaft* (community ties). But for Lefebvre, the right to the city was not simply a matter of visiting or returning to traditional cities: "We are faced with the inventory of the ruins of an age-old society in which the countryside has dominated the city, in which ideas and values, taboos and prescriptions were largely of agrarian origin".<sup>25</sup> The right to the city meant for him the right to a transformed and renewed urban life. This required a comprehensive theory of urban society using the resources of science and art. This 'science of the city' should be oriented towards a 'new humanism' far removed from the old liberal, Greco-Latin and Judeo-Christian references that sought another type of man and praxis: the praxis of urban society. Thus, Lefebvre asserted, urban life has not yet begun. To the extent that the spaces of the city concentrate the contradictions of capitalism, any future revolution will necessarily have to be an urban revolution. The old Marxist utopia thus became a utopia of the city, but this new condition could not be provided by decree by the sciences. Only social life, praxis in its global sense, would possess such a capacity.

---

<sup>23</sup> Henri Lefebvre: *The production of space*. Madrid, Capitán Swing, 2013, p. 141.

<sup>24</sup> *Le droit à la ville*, p. 25.

<sup>25</sup> *Ibid.* pp. 98-99.



In his praxeological analysis of space Lefebvre distinguished a triad composed of the perceived (the practice of space), the conceived (the representations or conceptions of space) and the lived (the spaces of representation). Each society historically segregates its own space through material practices that slowly appropriate it. On the contrary, the representations of space are the conceived space: "the space of scientists, planners, urban planners, technocrats, social engineers and even certain types of artists close to scientificity".<sup>26</sup> This would be the dominant space in any society, the schemes and projects devised by those who have the power to design spatial planning. Finally, the spaces of representation are "the space experienced through the images and symbols that accompany it". It is the space in general of its inhabitants and users, but also of those who aspire to describe it artistically or intellectually. Lefebvre believed that this is a space experienced passively through the symbolic forms emanating from power. But the truth is that the experience of urban spaces is far from passive. The spaces designed by power and economic flows are reappropriated by people through their use, transforming them and endowing them with new social meanings.

With the theory of the social production of space, the city is no longer interpreted as a human realm subject to natural constraints, in the manner of the Chicago sociologists, but as a product of social forces driven by capitalist relations of production. For the neo-Marxist approach the market has become the main dynamizer of cities and not the other way around, as was the case in the past. The dynamics of capitalism no longer take place only *in* cities, but *thanks to* them: the urban brings new sources of capital valorization. For this reason, the effects of industrialization are ultimately transformed into problems of urban development. Cities initially attracted industry because of the abundance of labor and the existence of local markets. Industrialization created new jobs and the need for services, thereby driving urbanization. According to Lefebvre, Marx and Engels failed to fully perceive that the industrialization of society entails its urbanization and that the control of its development requires a specific knowledge of its processes, beyond the question of housing the working classes.

The 'spatialization' of Marxism found a continuity in the works of Manuel Castells and David Harvey, among other authors. The perspective of both, however, was closer to the economic structuralism of Louis Althusser than to the praxeological philosophy of Lefebvre. Castells, in particular, defended the need to study the role of cities as spaces of collective consumption. While he recognized Lefebvre's merit in linking the urban dimension to the expanded reproduction of labor power, his reformulation of socialism as an urban utopia would have caused him to fall into a 'metaphilosophy of history' abstracted from the material dynamics of capital reproduction.<sup>27</sup> Harvey, for his part, offered a synthesis of capitalist logic with Lefebvre's praxeological theory. In his early works he reflected his own theoretical evolution from conventional geography. The mission of a critical geography should be to unveil the conditions of intelligibility of geographical concepts themselves. Thus, although he initially judged it naïve "to

---

<sup>26</sup> *The production of space*, p. 97.

<sup>27</sup> Manuel Castells: *The Urban Question*. London, Edward Arnold Publishers, 1977, p. 94.

presuppose the existence of a language adequate to discuss simultaneously spatial form and social processes," he later recognized that possibility through a perspective that explored the mechanisms of redistribution of the 'real income' of the urban population.<sup>28</sup> Income would consist of the sum of the market value of rights exercised through consumption, plus the variation in the value of property rights over a given period. This fluctuation, as well as the price and availability of resources, would be linked to the spatial dynamics of urban growth and would substantially affect the distribution of real income.

Clearly, if the spatial form of the city changes (relocating residential areas, transportation routes, employment opportunities, sources of pollution, etc.) so does the price of accessibility and the cost of proximity for any given household.<sup>29</sup>

The location of social goods and economic processes, as well as the possible 'externalities' arising from them (i.e. the consequences that affect third parties without them paying or being compensated for them), are a decisive factor in the distribution and consumption processes of an urban system. The price system is, however, highly inefficient for the spatial allocation of resources when externalities are involved, since the external effects on the value of property rights are not under the control of their owners. Hence, political action is essential to locate external costs and benefits. For Harvey, externalities constitute a 'spatial field' and a source of inequality in the real incomes of citizens. In later works he specified the link between urban transformation, territorial development and capital accumulation through the growing 'financialization' of cities. This logic generates an unbalanced development that is reflected both in the urban structure and in its social composition. If during the last century capitalism has been able to overcome its internal crises, it would have done so largely thanks to the production and occupation of urban space. This process is what he called the '*spatial fix*' to the problems of over-accumulation of capital through its implantation in spaces hitherto untouched by it. This would lead to one of its main contradictions.

[Capital] has to construct a fixed space (or 'landscape') necessary for its functioning at a certain moment in history, only to have to destroy that space (and devalue much of the capital invested in it) at a later time in order to make room for a new 'spatial solution' (the opening of a new cycle of accumulation in new spaces and territories).<sup>30</sup>

The capitalist city has thus become a machine for generating economic crises and territorial injustice, an inequality measurable by the difference between local needs and the spatial allocation of resources. The demand of citizen movements should therefore be directed towards the democratic control of the economic surpluses generated by urbanization processes. The 'right to the city' would consist, according to this version, in the democratization of the urban process, in making it more than the right of private

---

<sup>28</sup> David Harvey: *Social Justice and the City*. Baltimore, Johns Hopkins University Press, 1973, p. 46.

<sup>29</sup> *Ibid*, p. 57.

<sup>30</sup> David Harvey: "Globalization and the *Spatial Fix*," *Geographische Revue* 2/2001, p. 25.

access to the resources embodied in the city.<sup>31</sup> The approach of the new critical geography was nuanced by other analyses that departed from the Eurocentric gaze to highlight the differences in the urbanization process in the Third World. In line with the theory of dependency developed by ECLAC, the Brazilian geographer Milton Santos put this difference in the spatial organization of the underdeveloped countries themselves, guided by distant economic interests. The enormous income disparities and the spatial hierarchization of activities divide the urban economy of these countries into two qualitatively and quantitatively distinct and polarized subsystems: an 'upper circuit' of national and international scope, derived from technological modernization, and a 'lower circuit' made up of local handicraft manufacturing activities, services and the informal economy. The inability of the first, capital-intensive circuit to generate jobs in the second, labor-intensive circuit at the pace required by internal migrations from the countryside would drive the formation of Third World megalopolises, with their large pockets of poverty and informal urbanism. To compensate for this imbalance, Santos considered it necessary "to take into account the lower circuit as an indispensable element for understanding the urban reality and finding measures to attribute to it higher productivity and sustained growth".<sup>32</sup>

From very different perspectives, this group of authors coincided in criticizing the technocratic, functionalist and Darwinist assumptions of modern urbanism. The questionable epistemological status of this discipline would lie in the very way of approaching urban processes, abstracting space from the social practices that make it an experience for those who inhabit it, but also in overshadowing the economic interests that come into play in the growth and renovation of cities. The conclusion of all this was the refutation of the positivist paradigm of 'human ecology'. As Castells summarized,

There is no systematic link between different urban contexts and ways of life. Wherever such a link is observed, it is the starting point for research, not an explanatory argument. Consequently, specific urban environments must be understood as social products and the space/society link must be regarded as problematic, as an object of research, rather than as an interpretative axis of the diversity of social life.<sup>33</sup>

The city constitutes, in conclusion, a socio-economic and culturally multiform but somehow integrated entity. It is presented to us as a human community, as a space of material and symbolic production, and as an architectural landscape built and rebuilt over generations. The challenge posed by conceiving it as a 'right' or 'common good' lies precisely in understanding that some social goods, by their very constitution, are urban in nature and are not governed directly or exclusively by exchange value or freedom of access, but by the generation of vital competencies. At the theoretical level, this poses the challenge of outlining principles of justice that are capable of recognizing the different

---

<sup>31</sup> David Harvey: "The Right to the City," *New Left Review* 53 (2008), pp. 23-40.

<sup>32</sup> Milton Santos: *O espaço dividido. Os dos circuitos da economia urbana dos países subdesenvolvidos*. São Paulo, Editora da Universidade de São Paulo, 2004, p. 23.

<sup>33</sup> Manuel Castells, *Op. Cit.*, p. 108.

dimensions of urban life, such as habitability, mobility, identification with built spaces, the promotion of opportunities and community ties. In short, a perspective that links urban space with the generic development of human capacities.

### ***3. The spatial view of justice***

The difficulty of urban approaches focused on the socio-economic aspect lies in the fact that the city is not only a space for exchange and consumption, but also an inhabited and lived space. For this reason, the question of its defining criteria has traditionally been based on the interest in the *good* city: the ideal, beautiful, healthy, intelligent city or, more generally, on the conditions of its balance, sustainability and prestige. Cities bring together and allow for the joint analysis of very heterogeneous socio-political dynamics. In them coexist impoverished and affluent areas, neighborhoods receiving migratory flows and others subjected to gentrification processes. The growing transformation of real estate into financial assets for international markets is closely linked to the processes of verticalization, densification, uncontrolled urban growth and the formation of real estate bubbles, with their consequent repercussions on urban governance and social and environmental policies. For all these reasons, the city constitutes a space in which many central questions of political philosophy have historically been settled.

In fact, philosophy was not only born in the ancient *polis*, but made it its object of reflection. However, large contemporary cities do not lend themselves to reflections on justice and the common good as they did in the classical world or the Renaissance. This is not to say that such debates have been superseded. The emergence of a critical current in contemporary geography and urbanism has highlighted the problem of social justice in the dynamics of citizenship, but the possibility of elaborating an 'urban theory of justice' faces a series of methodological constraints. The first of these refers to what Amartya Sen described as the choice between a 'transcendental' and a more pragmatic or comparative perspective on the idea of justice.<sup>34</sup> Exemplified in the work of John Rawls, a transcendental perspective begins by asking what a just society is. To answer that question he designs ideal schemes about the institutions and basic structure of society, such as the 'original position' or the 'veil of ignorance'. This is an imaginary primordial social contract in which each of its participants would be unaware of the specific contingencies that place them in a situation of inequality vis-à-vis others. The presupposition for participation in this normative construct would be the general availability of 'primary goods' consisting of the mental, physical and socio-political conditions that are imagined to be desirable by all members of society and essential to form part of it in a free and dignified manner. This list of basic goods includes freedom, civil and political rights, equality of opportunity, income, wealth and "the social foundations of self-respect".<sup>35</sup>

---

<sup>34</sup> Amartya Sen: "What do We Want from a Theory of Justice?", *The Journal of Philosophy* 8/5 (May 2006), pp. 215-238.

<sup>35</sup> John Rawls: "Social Unity and Primary Goods", in Amartya Sen & Bernard Williams (eds.): *Utilitarianism and Beyond*. Cambridge, Cambridge University Press, 1982, pp. 1ff62.

On the contrary, the perspective of authors such as Sen or Martha Nussbaum starts from what individuals are capable of doing, not from a scheme on the perfectibility of institutions. Sen considers that an ideal theory of justice is not necessary to compare situations of relative deprivation. For this reason, his analysis departs from mental experiments and does not offer criteria for evaluating deviations from an ideal situation. His purpose is rather to investigate which social arrangements are most unjust and the possible criteria for undoing them. Consequently, their theory of justice is not based on rights or principles, but on the ability or competence of individuals to freely attain well-being. A social structure will be just if it enables people to become or do things they consider valuable. The approach leaves open the determination of such goals. A 'capability' for Sen consists of the substantive freedom to achieve different combinations of 'functionings'. Functionings, in turn, are the realization of one or more capabilities, the constituent states and activities of a person's being. The set of its feasible functionings represents a person's capacity.

A function is an *achievement*, while a capability is the ability to achieve something. Functions are, in a sense, more directly related to the conditions of life, since they **are** the different aspects of the conditions of life. [They are states of being: to be this or to do that. Capabilities, on the other hand, are notions of freedom in a positive sense: what real opportunities you have in relation to the life you can lead<sup>36</sup>... [...] They are notions of freedom in a positive sense: what real opportunities you have in relation to the life you can lead.

Nussbaum, unlike Sen, has ventured to draw up a list of human capabilities by virtue of their nature and relevance. She distinguishes between 'basic' or innate capabilities and other types of 'internal' capabilities developed in interaction with the socio-economic, family and political environment. Both types together constitute the 'core capabilities' of people: life, health, physical integrity, meaning and intellect, emotional expression, practical reason, affiliation, relationship to the environment, enjoyment, participation in decision-making and the right to own things.<sup>37</sup> Human flourishing equates to the freedoms created by a combination of personal capabilities in interaction with the socio-economic environment. But the extent of freedom is not only to be judged by the number of feasible alternatives: it also depends on the goodness of those alternatives. In his analysis of the quality of life indicators used by United Nations programs, Sen insisted that this dimension is not only linked to a country's *per capita* disposable income or gross domestic product. Its evaluation must include the motivations that underlie the experience of vital wealth. Thus, quality of life is not only about the life we actually lead. It also includes the freedom to choose between different lifestyles: "The standard of living is really a matter of realizations and capabilities, and not directly a matter of opulence, products or utilities".<sup>38</sup> The basic needs for measuring the standard of living should therefore be

---

<sup>36</sup> Amartya Sen: "The Standard of Living", in Geoffrey Hawthorn (ed.): *The Standard of Living*. Cambridge, Cambridge University Press, 1987, p. 36 and 37.

<sup>37</sup> Martha C. Nussbaum: *Creating Capabilities. The Human Development Approach*. Cambridge, The Belknap Press, 2011, pg. 33-34.

<sup>38</sup> *The Standard of Living*, p. 16.

formulated in line with the capabilities and achievements of the subjects: as 'human development'. Sen attributes an Aristotelian root to his approach, since it refers to the aspects of life that an individual has managed to develop successfully in order to achieve well-being.<sup>39</sup> Insofar as he emphasizes individual freedom of choice, his normative register also remains close to liberalism, although he moves away from utilitarianism and the interpretation of rationality in purely instrumental terms. Despite this, neither Sen nor Nussbaum have formulated their goals in the typical liberal language of rights. Simply stating that people are entitled to a set of goods does not mean much from an argumentative point of view. Neither does accumulating lists of capabilities. The key to a reflection on the 'just city' is rather to identify the type of goods linked to the development of human capabilities and functions in the urban environment, as well as the problems involved in their production and consumption.

The conditions that enable the free choice of a certain way of life depend undoubtedly on people's income level, but there are many other factors involved that have to do with social barriers, access to health care and education, life expectancy, etc. It is in this area that it is possible to consider a number of elements related to the promotion of human capabilities and the quality of life in cities. While the role of the built environment has not been directly addressed by Sen in his approach, in one note he went so far as to acknowledge that "the scope of capabilities-based reasoning can be extended to less traveled terrain; for example, the importance of taking note in urban design and architecture of the freedom associated with the ability to function."<sup>40</sup> In fact, several passages in Nussbaum's and Sen's works allude to shelter (formulated as *adequate shelter, housing* or *control of one's environment*) as one of the central capabilities of human beings. But there are more capabilities that depend on an adequate civic environment. Human functions linked to health or physical integrity, for example, need a healthy and safe environment to be exercised, which again refers to the universe of urban goods.

This brings us to a second methodological consideration: the necessary spatial dimension of an urban theory of justice. Any analysis that takes into account the political conditions of inhabiting requires adopting a 'topological' perspective on social relations. In other words: the possibility of thinking normatively about the city must start from the spatial condition of human life. This spatiality begins with our own body and its relationship with the environment, since the latter is transformed by human actions and at the same time contributes to articulate our experiences.<sup>41</sup> Space is presented to us from this perspective as an ontological or pre-constitutive condition of social life. But space is not a *given*, an inert fact or external to the subjects, but a socially constructed sphere. Every social relationship incorporates space through certain actions on the environment. Understood as the spatial materialization of human relations, territoriality expresses the

---

<sup>39</sup> More specifically, Sen refers the Aristotelian background of this idea to the *Nicomachean Ethics*, where *eudaimonia* or vital well-being is presented as the fruit of the practical exercise of virtue through reason, the capacity of the human being to make himself as a project.

<sup>40</sup> Amartya Sen: *The Idea of Justice*. Cambridge, Harvard University Press, 2009, p. 227.

<sup>41</sup> Edward W. Soja: *Postmetropolis. Critical Studies of Cities and Regions*, Oxford, Blackwell, 2000, p. 6.

link between place, time and agency. Forms of territoriality have been configured throughout history through collective practices aimed at producing and controlling materially and symbolically delimited spaces. For this reason, social injustices are also forms of inequality articulated through space. In cities, the unequal capacity of access to certain goods is incorporated and reproduced in urban structures, although it is not only spatial factors that intervene in this process. A seminal reference for thinking about justice in the city is that of *habitat*. The Royal Academy of the Spanish Language defines it as "a place with appropriate conditions for an organism, species or animal or plant community to live; a built space in which man lives". The urban habitat refers indirectly, then, to the possibility of realizing human capacities in cities.

The set of decisions concerning the consumption, production and geographic distribution of social goods constitutes a normative section that urban planning debates have come to call *spatial justice*.<sup>42</sup> Spatial justice is about how to organize in a fair and equitable way the territorial allocation of limited resources, the jurisdiction of decision-making processes over them, and the conditions for the free mobility of people. Peter Marcuse has summarized its flip side (spatial injustice) in two primary forms: the involuntary confinement of a group in a limited space and the unequal distribution of resources in space.<sup>43</sup> The regulative principles of this type of justice encompass, however, various 'spheres' or 'arenas'. Michael Walzer, in criticizing Rawls' idea of 'primary goods' that every individual would wish to possess in order to be considered a socially and morally competent subject, pointed out that, assuming this elementary capacity, each type of good in fact has its own distributive sphere.<sup>44</sup> There is, therefore, no single set of basic goods transversal to all moral and material universes. Human society constitutes a 'distributive community', but the normative dynamics of the different social goods is institutionally mediated and depends on their meaning, which is always local and particular.<sup>45</sup> The distributive principles of the spheres of justice are therefore intransitive, since each of them obeys distinct moral hermeneutics. What a society may interpret as an inalienable right (health, for example, in the European welfare states) cannot be regulated by merit or purchasing power any more than money can motivate moral recognition or earn divine grace. Space constitutes, however, a dimension that cuts across all spheres of justice. Any form of distribution, compensation or recognition is ultimately mediated by its spatio-temporal configuration.

---

<sup>42</sup> The first to use the term was Edward W. Soja: *Postmetropolis. Critical Studies of Cities and Regions*. Oxford, Blackwell, 2000. The connection of these debates with the philosophy of urban space elaborated by Henri Lefebvre from the University of Paris X Nanterre led to the founding there in 2009 of the bilingual journal *Justice spatiale/Spatial justice*: <<http://www.jssj.org/qui-sommes-nous/>>

<sup>43</sup> Peter Marcuse: "Spatial justice: derivative but causal of social injustice", *Justice spatiale | Spatial justice*, n° 1 (septembre | september 2009) < <http://www.jssj.org>>

<sup>44</sup> Michael Walzer: *Spheres of Justice. A Defence of Pluralism and Equality*. Oxford, Basil Blackwell, 1983, p. 21 ff.

<sup>45</sup> Jon Elster: *Local Justice. How Institutions allocate Scarce Goods and Necessary Burdens*. Cambridge, Cambridge University Press, 1992, p. 3.

The American philosopher Nancy Fraser was one of the first to be interested in the 'scale' of justice schemes. This notion responds to the possible normative '*frames*' for their organization.<sup>46</sup> Fraser maintained that the spatial dimension of political relations obliges us to rethink the boundaries of justice in order to avoid its false framing, as occurs when responsibility for global poverty is attributed to failed states, the reaction to climate change is left to national governments, or the control of refugee flows to rich countries is delegated to overstretched neighboring states. In all these cases, a normative dissonance is generated as a result of the application of inadequate, and therefore unfair, scales for the resolution of problems that require a different level. Introducing the spatial scale into the schemes of justice also implies questioning the fundamental assumptions of the Rawlsian approach. Rawls started from a *Westphalian* assumption in his theory of justice, that is, from a political imaginary that conceives the national state as a self-sufficient space, endowed with exclusive and unitary sovereignty over its territory, from which any external interference or moral obligation towards a supranational order would be excluded.<sup>47</sup> More specifically, his theory was articulated around "the basic structure of a closed society, that is, a self-contained society, which does not maintain relations with other societies; its members only enter it at birth and leave it at death".<sup>48</sup> The space of sovereignty thus coincides with the rule of law: a civil and pacified space, governed by the social contract and binding duties of justice. In contrast, international space is conceived as a state of nature abandoned to strategic calculations and the reason of state. Its actors can in any case be guided in it by criteria of moral care, but not of political obligation. In a later work, Rawls elaborated a law of nations by resorting to an extended version of his scheme. According to this, 'peoples' would be the actors in international society, just as citizens are in a domestic society. Such an international society would include 'decent hierarchical peoples', but not peoples 'outside the law' or societies constitutively incapable of developing the human rights of their members.<sup>49</sup>

#### **4. Urban commons**

The economic theory of social goods can help us illustrate the particular characteristics of the city as an object of public policy and, more specifically, identify the conditions that affect the creation, use and distribution of urban goods.<sup>50</sup> In methodological terms, this perspective implies adopting the individualistic approach of collective action theory, but does not in any way exclude the consideration of community rights and goods. In fact,

---

<sup>46</sup> Nancy Fraser: *Scales of Justice. Remaining political Space in a globalizing World*. Cambridge, Polity, 2008.

<sup>47</sup> The adjective refers to the Peace of Westphalia, which ended the Thirty Years' War in 1648 and is often regarded as the beginning of the modern system of relations between territorial states.

<sup>48</sup> John Rawls: *Political Liberalism*. New York, Columbia University Press, 1993, pg. 12.

<sup>49</sup> John Rawls: *The Law of Peoples*. Cambridge, Harvard University Press, 1999.

<sup>50</sup> Paul A. Samuelson: "The Pure Theory of Public Expenditure," *The Review of Economics and Statistics*, 36/4 (1954), pp. 387-389; James M. Buchanan: "An Economic Theory of Clubs," *Economica. New Series*, 32/125 (Feb., 1965), pp. 1-14.



the possibility of theorizing a spatial dimension to justice that includes the development of capabilities in the urban environment must give priority attention to those goods that are constitutively communal.

In the Western imagination, the city has remained a constant political reference throughout history. For the Greco-Roman world, life in the city constituted the only civilized form of existence, since it was through it that individuals complemented their needs and appeased their appetites. It is this classical humanism that reappears in the architectural utopias of the Renaissance, whose aesthetic quest for the 'ideal city' pursued ethical goals: the flourishing of *virtue* and human improvement through the perfection of the built form. The Renaissance also recovered the Ciceronian apology of the city as a place of 'human conversation', where men develop a fuller life through the use of words to resolve their conflicts.<sup>51</sup> It is this vision of life in common that Richard Sennet took up under the concept of 'civility' in his history of public space. Civility is a social practice that protects each person from others while allowing them to enjoy each other's company.<sup>52</sup> The virtue that enables us to live in the city cannot, therefore, be a private competence. It is a character trait generated in a social or collective framework. If city dwellers are to learn the difficult skills for life among strangers, urban space must provide contexts that they can share as public subjects. Hence the semantic nexus of sociability with urbanity and civility. To function as 'social theater,' as a space in which individuals self-represent themselves in public, as Mumford pointed out,<sup>53</sup> the city must be conceived to some degree as a common affair, not merely an aggregation of individual purposes. But social theatricalization also depends on the possibility of turning urban space into a habitat, that is, a place where habits of communal living are developed. The abundance of 'public, but not civil' spaces, as Bauman described them, in modern societies reveals precisely a deficit of habitability.<sup>54</sup> These are spaces devoid of any sense of social interaction, empty spaces that discourage the idea of settling in them, 'non-places' to which no meaning is ascribed, such as *La Défense* in Paris and so many other 'hard squares' theorized by contemporary architecture, or spaces that transform their users into mere consumers, thus inciting action, but not social interaction, since consumption is an individual act mediated by an anonymous instrument: money.<sup>55</sup> Some of the problems generated by contemporary urbanism derive precisely from the neglect of the habitability of the built environment and the gigantism of its design scale, with the consequent loss of control over lived space, the privatization and impoverishment of public life, the fragmentation and dispersion of the city and the destruction of historical heritage. On the contrary, the physical accessibility of urban spaces, their habitability, identity and

---

<sup>51</sup> Ángel Rivero: "Politics as a space for human conversation. From Antiquity to the birth of the modern world", in Francisco Colom and Ángel Rivero (eds.): *El espacio político*. Barcelona, Anthropos, 2015, pp. 69-84.

<sup>52</sup> Richard Sennet: *The Fall of the Public Man*, New York, Vintage Books, 1978, p. 96.

<sup>53</sup> Lewis Mumford: "What is a city?", *Architectural Record* LXXXII (November 1937), p. 185.

<sup>54</sup> Zygmunt Bauman: *Liquid Modernity*. Cambridge, Polity Press, 2000, p. 97.

<sup>55</sup> The idea of 'non-place' ("a space that can be defined neither as identitary, nor as relational, nor as historical") is from Marc Augé: *Non-Lieux. Introduction à une anthropologie de la surmodernité*. Paris, Seuil, 1992, p. 100.

originality, as well as the promotion of vital capacities, are assets that require a certain density of the civic fabric. This loss of a holistic vision of urban space and the needs of its inhabitants is what architect Jan Gehl has described as the 'Brasilia syndrome'.<sup>56</sup>

Urban forms of life are not only a compendium of diversity, dynamism, freedom and creativity (virtues traditionally extolled by sociologists), but also bring together a series of goods of a relational and non-subtractive nature. As we shall see below, the idea of the commons as a predetermined and self-evident realm loses some of its conventional meaning when transposed to the urban environment. Common resources need to be socially framed before they can be conceived and used as such. As the militants of the new communitarian movement have denounced, it is society that defines the mode of access to resources, turning them into common goods or not.<sup>57</sup> Location is a decisive factor in the distribution and consumption processes of an urban system. A wasteland on the outskirts of the city, for example, can become a landfill or a collective garden: it depends on the capacity of urban actors to use it, on relational factors (such as social mobilization to define its use) and on the density of users that stress its consumption and give it added value. In fact, many practices of urban use and consumption are part of the production of common goods. Ultimately, these authors warn us, "consuming the city is but the subtlest form of its production".<sup>58</sup> Henri Lefebvre anticipated this very idea when he referred to the 'use value' of the city:

[The urban] is a place of encounters, of convergence of communications and information [...] A place of desire, of permanent imbalance, a place of dissolution of normalities and constraints, a moment of playfulness and unpredictability [...] The urban is a mental and social form of simultaneity, grouping, convergence, encounter, the signifier where we seek meanings, practical-sensitive realities that are realized in space with a morphological basis and that overcome the division of labor.<sup>59</sup>

Economists use two fundamental criteria to define goods: the *principle of rivalry* (whether the consumption of a good prevents or reduces the availability of that good to others) and the *principle of exclusivity* (whether it is possible to prevent other actors from consuming a good according to some criterion). The theory of public goods thus asks three interrelated questions: 1) whether a good can be consumed exclusively by those who produce it or whether the number of consumers affects its consumption; 2) whether each individual contribution matters equally for the production of a good; and 3) whether the size of a group or institutional factors affect the incentives for the production of that good.

---

<sup>56</sup> Jan Gehl: *Cities for People*. Washington, Island Press, 2010; Allan Jacobs & Donald Appleyard: "Toward an Urban Design Manifesto," *Planners Notebook. Journal of the American Planning Association* (Winter 1987), pp. 112-120.

<sup>57</sup> Silke Helfrich: "Common Goods Don't Simply Exist - They Are Created," in David Bollier & Silke Helfrich (eds.): *The Wealth of the Commons. A World beyond Market & State*, Amherst, Levellers Press, 2012, pp. 104-111.

<sup>58</sup> Christian Borch & Martin Kronenberg (eds.): *Urban Commons. Rethinking the City*. Milton Park, Routledge, 2015, p. 8.

<sup>59</sup> *Le droit a la ville*. Op. cit. pp. 77 and 79.

*Public goods* are, by definition, those that are consumed in common without diminishing the quantity available and from whose enjoyment other consumers cannot be selectively excluded. *Private goods*, on the other hand, are those goods of rival consumption from which certain persons are excluded, unless they pay for or contribute to the production of the good. Technological advances have meant that some goods that were previously public, such as access to television broadcasts, have over time become *toll goods* for which an access fee is paid, since their consumption does not in principle limit their generic availability, but their production is the result of the collaboration of private interests following the model of an insurance company, club or mutual society. Another example is the 'securitization' of some neighborhoods and residential complexes, which depends on the contracting of private services by the communities of owners. The only impediment to its enjoyment is the possibility of paying for it, but once inside the 'club', security functions as if it were a public good for its members. The generic provision of public security is quite another matter. One of the earliest arguments to defend state sovereignty appealed precisely to the need to monopolize the exercise of violence in order to provide security as a public good. This was the case of Hobbes, for whom civil peace could only be achieved through the action of a 'common power': the state *Leviathan* that would put an end to the state of nature.

Treatises on urban economics added to the above list *preferential* and *undesirable goods* and *redistributive payments*. *Preferential goods* are those which, despite involving a certain rivalry in their consumption, a society has decided that they should be collectively accessible to all its members regardless of their income level. The criterion guiding them is not strictly profitability, but social inclusion, although the fiscal resources that make them possible are, by definition, limited. Conversely, *undesirable goods* are those collective conditions that most people want to avoid. *Redistributive payments*, such as the idea of 'minimum income', are finally a type of compensation that is not regulated by price either, but by some moral or political criterion. The typology of a social good, its public or private nature, should not be confused with the way it is provided. Public goods can be provided by the State, by mixed consortiums or by private companies. The provision of urban public goods is in many cases associated with preferential goods, that is, with the political decision to make general access to them feasible. This is the objective, for example, of public policies on housing, transportation, security and social welfare in general, which should be aimed at increasing urban livability, mobility, health, safety, etc. The regulation of its provision and consumption through subsidies, exemptions or tolls of different types cannot be decontextualized from the set of political values, social practices and institutional forms in which it is inserted. Material conditions also influence its provision, such as economies of scale, housing density, the income level of residents, the segregation of urban spaces or the distances to be covered.<sup>60</sup> It is well known, for example, that an increase in building density tends to increase the price of real estate. Likewise, the higher the income level, the lower the tendency to resort to the public provision of goods, as illustrated by the proliferation of *gated communities* in the middle

---

<sup>60</sup> Wilbur R. Thompson: *A preface to urban economics*. Barcelona, Gustavo Gili, 1971.

class sectors of large cities or the growing use of private health insurance policies. In both cases, the political "desertion" of certain social strata from the public provision of collective goods has to do with the perceptible deterioration of the State's capacity to carry out this task.

**TYPES OF GOODS AND COOPERATION DILEMMAS**

<b>Consumption</b>	<b>Excludable</b>	<b>Not excludable</b>
<b>Rival</b>	<b>Private goods</b> E.g.: automobiles, private housing Production dilemma: ability to bear the cost	<b>Common-pool resources</b> E.g. forests, parks and communal gardens, open spaces, wi-fi spaces, web content, historical heritage, etc. Production dilemma: overconsumption
		<b>Preferential goods</b> E.g.: social housing, public transport, health and educational infrastructures Production dilemma: supply shortage <b>Redistributive payments</b> E.g.: minimum income
<b>Non-rival</b>	<b>Toll or club goods</b> E.g.: gated neighborhoods and parks, private television and internet, toll highways Production dilemma: agglomeration	<b>Public goods</b> E.g.: habitability, sociability, safety, mobility, health, knowledge, etc.
	<b>Undesirable goods</b> Ex: criminality, urban congestion, unhealthiness, segregation, etc.	

Classical political economy conceived of free markets as the optimal way to balance private interests. In an open economic system, the role of prices is to allocate scarce resources among competitive demand. From a political perspective, however, authors such as Max Weber warned that autonomy and competition between individuals leads to a war of all against all. A center of power is therefore necessary to dominate social relations and impose order. If markets are usually efficient in regulating the consumption of private goods, the application of pure mercantile logic to common resources leads to the typical problems of utilitarian rationality: the 'prisoner's dilemma', *free riding* (strategic behaviors) and, ultimately, scarcity and the 'tragedy of the commons' (the depletion of common resources by individual maximization of short-term profits).<sup>61</sup> The production of collective goods therefore requires some form of regulation, which is what has traditionally justified the public policy and governance agenda of cities. The question that arises at this point is the logic applicable to such regulation.

The usual prescriptions have been to privatize them in order for them to survive or to submit them to a central authority (stateize their management). However, Elinor Ostrom,

<sup>61</sup> Garrett Hardin: "Tragedy of the Commons," *Science* 162 (3859), pp. 1243-1248; idem: "Lifeboat Ethics: The Case against Helping the Poor." *Psychology Today* 8: 38-43  
<<https://rintintin.colorado.edu/~vancecd/phil1100/Hardin.pdf>>

winner of the Nobel Prize in 2009 for her studies on *public economies*, maintained that state monopolies can also fail to generate and provide collective goods efficiently and equitably. Local public economies, such as those represented by cities, are neither markets nor have a hierarchical structure: "they are units of collective consumption of varying size that provide services by organizing their production, regulating access, patterns of use and appropriation of collective goods".<sup>62</sup> Urban public goods and services vary among themselves in the characteristics of their production and consumption. The production of services also requires some form of active participation on the part of those who receive them. In a market, preferences over the quantity of a good can be ascertained through consumers' willingness to pay for the goods for sale. In the case of collective goods, where exclusion is difficult, it is more difficult to design mechanisms that reflect the preferences of the beneficiaries and their willingness to pay. Ostrom leaves aside in her work the ethical aspects of the production of common goods. The various solutions for resource management are presented as normatively indifferent. Behind her analyses there is no such thing as a 'theory of justice'. His critique of the alleged 'tragedy of the commons' rather denounced the extreme formality of his model of collective action and its deviation from empirically observable behaviors in the management of common pool resources, not least because there is locally mediated social capital (shared norms to reduce monitoring and sanctioning costs) that can be used for the resolution of collective management problems.<sup>63</sup> The concept of 'rational action' that Ostrom handles is broader and more socially nuanced than the utilitarian one: it includes expected benefits and costs, internal norms and discount rates (the desire to sacrifice current benefits for greater future benefits), but above all it conceives of subjects capable of communicating, establishing rules of sharing and means of compliance.<sup>64</sup> Ultimately, the ways of producing, consuming and sharing common-pool resources are rooted in local contexts. This is why she believes that groups will be more likely to solve collective action problems through internal rules if they are small, homogeneous, have abundant social capital and depend on the common resource in question.<sup>65</sup> Mancur Olson has already pointed out in his seminal work on the subject that one of the alternatives for organizations to deal with the *free rider* dilemma is to seek compulsory membership within their scope, to incentivize membership by providing non-collective benefits, or to achieve a strong degree of normative integration.<sup>66</sup>

Considered from the perspective of human capabilities, the consumption of goods presupposes the possibility for subjects to interact with their habitat, so that they can make free choices about their ways of life. Access to the goods that define 'ways of being and doing', to use Amartya Sen's terminology, therefore depends on the realization of human capabilities and functions. The goods that guide this free choice can be of very different

---

<sup>62</sup> Elinor Ostrom: "The Comparative Study of Public Economies," *The American Economist* (2016) Vol. 61(I), p. 93.

<sup>63</sup> Elinor Ostrom: *Governing the Commons*. Cambridge, Cambridge University Press, 1990, p. 36.

<sup>64</sup> *Ibid*, p. 37

<sup>65</sup> Elinor Ostrom: "Coping with tragedies of the commons," *Annual Review of Political Science* 2 (1999), pp. 493-535.

<sup>66</sup> Mancur Olson: *The Logic of Collective Action*. Cambridge, Harvard University Press, 1971.

types. This is something that Sen does not consider, since it would imply entering into a definition of human ends, not capabilities. In any case, the enjoyment of certain goods or the lack of them has a direct influence on human development. The idea of *urban commons* has gained momentum in recent decades.<sup>67</sup> The 'urban commons' can be material or intangible, natural or social, universal or local. However, what is understood as 'common' and its configuration yields diverse interpretations: on the one hand, the commons has been understood as a form of ownership and management of resources that transcends the opposition between public and private; on the other hand, it has generated a terrain of experimentation for decentralized political practices based on collaboration, citizen engagement and social justice.<sup>68</sup> In the case of the city, theories of the commons maintain that open spaces, territory and infrastructures should be accessible and usable by urban communities to produce goods and services crucial to their maintenance. The first type of interpretation corresponds to a neo-institutionalist current that follows the line traced by Ostrom in his analysis of the problems of collective management of natural resources. However, when applied to the urban environment, the traditional criteria of rivalry in consumption and exclusion from access are undermined in their consistency. For example, although transportation systems have a subtractive dimension and are often subject to access tolls, no city can be a city without its inhabitants making intensive use of its streets, as Jane Jacobs insisted. Communication, along with free public access to property, remains one of the main functions of streets.<sup>69</sup> In contrast, the approaches of the *garden cities*, Le Corbusier's *radiant city* and Wright's *Broadacre city* devalued or outright eliminated the role of the street in their designs. Similarly, the subjective and commercial value of many public places - parks, squares and shopping malls - can increase with their use, as indirectly reflected in the processes of 'gentrification' of some neighborhoods. This reveals that *urban commons* are not given in advance, but must first be produced and, from there, must be constantly reproduced, since "urban resources result from the use, consumption and appropriation of the city by the people".<sup>70</sup>

According to this expanded criterion, urban commons, rather than being defined by intrinsic characteristics, are defined by locally contextualized social relations: a set of resources, the community that generates them and sustains their reproduction, and the way they are managed. As a result, the term has come to be understood in a much more open and diffuse manner, without being limited to a specific type of economic good.<sup>71</sup> Finally, there is a neo-Marxist current that has analyzed the phenomenon in an antagonistic relationship with the dynamics of capitalist reproduction, understanding it as the contemporary prolongation of the historical process of *enclosures* of communal lands

---

<sup>67</sup> Mauro Castro Coma & Marc Martí Costa: "Urban commons: from collective management to the right to the city", *EURE* 42/125 (January 2016), pp. 131-153; Matías Leandro Saidel: "Reinventions of the common: towards a review of some recent debates", *Revista de Estudios Sociales*, 70 (2019), p.11 <<https://doi.org/10.7440/res70.2019.02>>

<sup>68</sup> David Bollier & Silke Helfrich: *Free, Fair & Alive. The Insurgent Power of the Commons*. Gabriola Island, New Society Publishers, 2019.

<sup>69</sup> Allen B. Jacobs: *Great Streets*, MIT Press, 1993, p. 16.

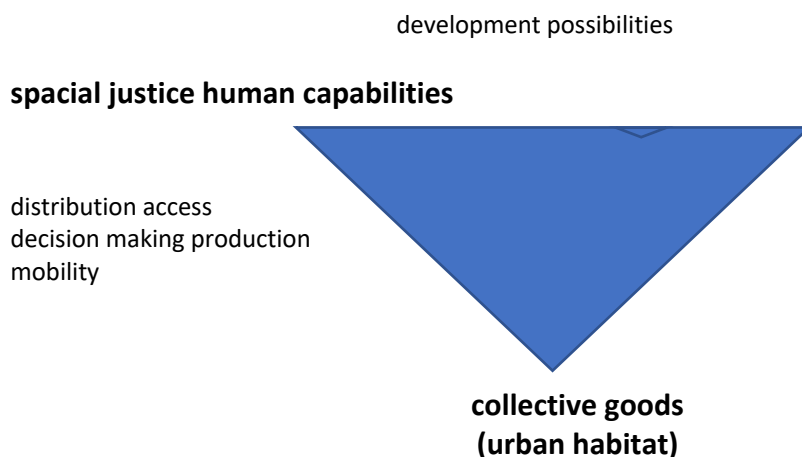
<sup>70</sup> Borch & Kronenberg: *Urban Commons*, Op. Cit., p. 8.

<sup>71</sup> Charlotte Hess: "Mapping the New Commons". *SSRN Electronic Journal* (July 2008)

in the phase of 'primitive accumulation'.<sup>72</sup> The 'neoliberalization' of cities today would include phenomena such as the privatization and financialization of urban land, the commodification of lifestyles, social exclusion and population displacement. According to this thesis, capital has shifted its center of gravity from the old industrial environment to the cities, which have become new sources of valorization, thus generating mobilizations to recover the common goods of the great 'social factory' that is now the urban.<sup>73</sup> According to this interpretation, a common resource will be common when there is a community that claims it as such. Communalization would be instituted in the very action of mobilizing and democratically managing public resources in order to gain autonomy from the type of social relations promoted by capital and the State.<sup>74</sup>

### 5. Tentative assumptions

An urban theory of justice is difficult to approach from a 'transcendental' perspective. Ideal schemes are less operative for studying concrete situations and social goods of a diverse urban nature than an approach to social inequalities from the perspective of human capabilities. This requires incorporating the normative dimension of spatial relations into our analysis, so that the distributive principles involved in the production and allocation of goods, the scale of decision-making about them, and the processes affecting freedom of movement and social segregation illustrate how location operates in each case. The question to be asked is which goods enable the development of human capabilities in the urban habitat and which principles of justice are applicable in each context.



The notion of 'urban habitat' refers to the material and qualitative dimensions of the built environment. From this perspective, the idea of a 'just city' would actually allude to a

<sup>72</sup> Massimo de Angelis: "Separating the Doing and the Deed: Capital and the Continuous Character of Enclosures," *Historical Materialism*, 12/2 (2004), pp. 57-87.

<sup>73</sup> David Harvey: *Rebel Cities: From the Right to the City to the Urban Revolution*. London, Verso, 2012.

<sup>74</sup> Michael Hardt & Antonio Negri: *Commonwealth*. Cambridge, Harvard University Press, 2009; Bengi Akbulut: "Commons," in Clive Spash (ed.): *Routledge Handbook of Ecological Economics*. London - New York, Routledge, 2018, pp. 395-402.

plural set of principles of justice applied spatially in different spheres. The 'spatialization' of such principles will depend on the material and social characteristics in which each type of good is rooted. The fair **territorial allocation** of infrastructure, for example, can be contextualized according to criteria of equity or proportionality. Edward Soja illustrated the problem posed in Los Angeles by the confrontation between the *Bus Riders Union*, an organization of public bus users, mainly belonging to ethnic minorities and economically disadvantaged, and the *Los Angeles County Metropolitan Transportation Authority*, the administration that in the mid-1990s tried to promote a rail transportation system focused on the suburbs, inhabited mostly by white middle classes.<sup>75</sup> In this case, environmental concerns and unequal access to urban mobility for different social strata were at odds.

With regard to **residential segregation**, a possible normative approach is the principle of non-discrimination, but the way in which racialization, sexualization and classism overlap with other structural causes of social discrimination may require stronger principles (recognition, compensation, protection, etc.) depending on each situation. European fiscal redistribution systems have generated less segregated cities than North American ones, whose financing depends largely on real estate taxation, although the tendency to let the market drive housing policies is creating growing inequalities in Europe. Peter Marcuse has distinguished in this context 'enclaves' (spaces where self-defined groups voluntarily locate themselves to further their social, economic, political or cultural development) from 'ghettos', concentrations of people involuntarily identified as inferior who have had their residential locational capacities limited by dominant interests. There are also 'citadels' in which certain elites isolate themselves in order to preserve their privileged position.<sup>76</sup> However, disputes over space are often linked to forms of segregation that are not only limited to the residential aspect, but also extend to the material and symbolic uses of space. To measure the levels of segregation of heterogeneous communities, for example, the 'dissimilarity index' is often used, which compares the factual distribution of the members of a group in space with that which would occur by chance. An absolutely random distribution of group members would yield a dissimilarity index of 0, whereas a case of absolute group segregation, such as that practiced by *Apartheid* in South Africa or by the 'equal but separate' doctrine (*Plessy v. Ferguson*, 163 US 737, 1896) in the United States, would yield a degree of dissimilarity of 1.

If we refer to the **symbolic plane**, the identity of cities consists of a register of individual and collective memories that we could call 'urban memory' and that is often expressed and configured by means of spatial markers. Subject to continuous transformations by the action of their inhabitants, cities constitute a material repository of meanings in permanent mutation. In this sense, we can affirm that 'places of memory' spatially define the narrative map of collective identities. According to the terminology coined by Pierre Nora, these are elements invested with a specific relevance for the historical self-

---

<sup>75</sup> Edward W. Soja: *Seeking Spatial Justice*. Minneapolis, Minnesota University Press, 2010.

<sup>76</sup> Peter Marcuse: "The Ghetto of Exclusion and the Fortified Enclave: New Patterns in the United States," *American Behavioral Scientist*, 41/3 (1997), pp. 311-326.



understanding of a society, bastions behind which are entrenched identity references that, without commemorative vigilance, would be swept away by history.<sup>77</sup> The term used by Nora is actually a metaphor, since such *places* can also be events, people or symbols, but the truth is that the most common places of memory are usually spaces. Certain rituals and monuments give meaning to urban space and can delimit symbolic boundaries in the city. In fact, the word *monument* comes from the Latin *moneo* (memory). An object or a place becomes memory when it escapes oblivion through a series of commemorative markers and is covered with affection and emotion on the part of a community. Therefore, opting for a particular location for a monument or weighing its possibilities for re-signification involves opening a debate around anamnestic justice and symbolic function in urban space. The same is true of the spatial scale for **making decisions** about resource redistribution or urban relocation processes. The suitability of the neighborhood, the municipal district, the metropolitan area, the province, the national state or the planetary sphere can be guided by criteria of efficiency and/or by the possibilities of political participation. Finally, the **interaction of the city with its surroundings** entails a normative burden that is expressed in questions such as environmental impact, its short- and long-term sustainability or the equity of the socio-economic and productive relations that maintain supply chains. All these sections open up a broad research agenda for the normative evaluation of urban policies in the different areas covered by this project on the idea of the 'just city'.

---

<sup>77</sup> Pierre Nora: "Between Memory and History: Les Lieux de Mémoire", *Representations*, 26, special issue *Memory and Counter-Memory* (Spring 1989), pp. 7-24.