



# Possibilities of the right to the city and the urban common in the Viva São Pelegrino project, from Caxias do Sul - RS

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## Abstract

**Objective:** The research aims to verify to what extent the Viva São Pelegrino Project, in Caxias do Sul - RS, is in line with the ideals of the right to the city and the urban common.

**Discussion:** The first topic addresses the concept of the right to the city is pointed out, normative reception and relationship with the meanings of the common. Afterwards, the urban common is studied, identifying the city as common and the city commons. Finally, categories are chosen that summarize the right to the city and the urban common, which will serve to analyze the conformity of the Viva São Pelegrino Project.

**Methodology:** The analytical approach method was used, with bibliographic procedure and case study.

**Results:** Among the seven categories, five were verified, and the shortcomings are in the choice of location, for being a space with infrastructure, and in the insufficient approach to the topic of segregation and property.

**Social / management contributions:** It was verified, when observing the Project under analysis, that the right to the city and the urban commons, normally approached theoretically, can be guidelines for urban management and social mobilization in cities, with concrete results.

**Keywords:** Common goods. Commons. Right to the city. Urban commons. Viva São Pelegrino project.

## Possibilidades do direito à cidade e do comum urbano no projeto Viva São Pelegrino, de Caxias do Sul - RS

### Resumo

**Objetivo:** A pesquisa tem como escopo verificar em que medida o Projeto Viva São Pelegrino, em Caxias do Sul – RS, se coaduna aos ideais do direito à cidade e do comum urbano.

**Discussão:** No primeiro tópico aponta-se o conceito de direito à cidade, a recepção normativa e relação com as acepções do comum. Após, estuda-se o comum urbano, identificando-se a cidade como comum e os comuns da cidade. Por fim, elegem-se categorias que sintetizam o direito à cidade e o comum urbano, que servirão para analisar a conformidade do Projeto Viva São Pelegrino.

**Metodologia:** Utilizou-se o método de abordagem analítico, com procedimento bibliográfico e estudo de caso.

**Resultados:** Dentre as sete categorias, cinco foram verificadas, sendo que as carências estão na escolha do local, por tratar-se de espaço dotado de infraestrutura, e na insuficiente abordagem do tema da segregação e da propriedade.

**Contribuições sociais / para a gestão:** Verificou-se, ao observar o Projeto em análise, que o direito à cidade e os comuns urbanos, normalmente abordados teoricamente, podem ser diretrizes para a gestão urbana e mobilização social nas cidades, com resultados concretos.





**Palavras-chave:** Bens comuns. Projeto Viva São Pelegrino. Commons. Comuns urbanos. Direito à cidade.

## Posibilidades del derecho a la ciudad y el común urbano en el proyecto Viva São Pelegrino, de Caxias do Sul - RS

### Resumen

**Objetivo:** La investigación tiene como objetivo verificar en qué medida el Proyecto Viva São Pelegrino, en Caxias do Sul - RS, se ajusta a los ideales del derecho a la ciudad y al común urbano.

**Discusión:** En el primer tema se apunta el concepto de derecho a la ciudad, recepción normativa y relación con los significados de lo común. Posteriormente se estudia el común urbano, identificando la ciudad como común y los comunes de la ciudad. Finalmente, se eligen categorías que sintetizan el derecho a la ciudad y el común urbano, que servirán para analizar la conformidad del Proyecto Viva São Pelegrino.

**Metodología:** Se utilizó el método de enfoque analítico, con procedimiento bibliográfico y estudio de caso.

**Resultados:** Entre las siete categorías, se verificaron cinco, siendo las deficiencias en la elección de la ubicación, por tratarse de un espacio con infraestructura, y en el abordaje insuficiente del tema de segregación y propiedad.

**Contribuciones sociales / de gestión:** Se verificó, al observar el Proyecto bajo análisis, que el derecho a la ciudad y los bienes comunes urbanos, normalmente abordados teóricamente, pueden ser lineamientos para la gestión urbana y la movilización social en las ciudades, con resultados concretos.

**Palabras clave:** Bienes comunes. Bienes comunes urbanos. Comunes. Derecho a la ciudad. Proyecto Viva São Pelegrino.

### Introduction

The research has as its theme the theory of the urban common and its practical manifestation in the Viva São Pelegrino Project, in the city of Caxias do Sul - RS. The question that guided this work was whether, and to what extent, the referred project characterizes an experience of realizing the right to the city, considering the set of normative provisions that give content to this expression in the Brazilian legal order. Since the normative framework of the right to the city requires a systemic and teleological interpretation, the work makes use of the conceptual framework around the “common”, investigating the possibility of an “urban common” both in a theoretical-conceptual plane and in the case on screen. In this way, the Viva São Pelegrino Project works as a relevant experience, which provides elements of great interest to think about the theoretical-practical possibility of the advent of urban commons in the city of Caxias do Sul / RS and, in general, in Brazilian cities.

Observation of the project from the perspective of the right to the city and the urban common is justified because it is an initiative to mobilize civil society with a focus on changes in the urban planning process, similar to the initiative found in other urban centers, set in the Serra Gaúcha, a region that historically has social actions strongly linked to work and entrepreneurship.



Therefore, the objective is, at first, to clarify the concept of the right to the city for Lefebvre, in the work right to the city. Harvey's contributions are used in the work Rebel Cities, from 2014. Afterwards, the reception of the right to the city in the Brazilian context is analyzed, highlighting the importance of social movements for a possible normative prediction, with a focus in Fernandes' studies), Ferreira (2020) and others. The premises of the right to the city and the possible normative reception and congruence to the theoretical paradigm of the common are identified, being chosen as references Ostrom (1990), Bollier (2016) and Dardot and Laval (2017), authors from whom, despite their significant differences, there is sufficient conceptual coherence for the purpose of this investigation.

In the second part of the research, we intend to study the urban common with greater specificity, whether focusing on the city as common, or observing the common in the city, according to Borch and Kornberger (2015), Dellenbaugh and Kip (2015) and Foster and laione (2016), mostly; and in the Brazilian literature by Tonucci Filho (2017), Maziviero and Almeida (2017).

In the last stage, the Viva São Pelegrino Project is discussed, taking as an analytical instrument the concept of urban common, in order to problematize the congruence of the right to the city and the concept of "common", as well as to identify if, and to what extent, the referred project can be interpreted productively in this reading key.

The analytical approach method was used, but adapted to legal science, identifying the convergence between two distinct theoretical matrices (that of the "right to the city" and that of the urban "common") and choosing categories for this comparison, taking as evaluation criteria elements resulting from the observation of a case. This methodological procedure assumes that the case study (Viva São Pelegrino Project) does not yet allow comprehensive and definitive theoretical conclusions, allows enriching, through an inductive reasoning, the discussion about the compatibility and the need for closer approximation of the referred theoretical framework.

The accordance of the Viva São Pelegrino Project with the notions and categories presented will be assessed by crossing seven elements of the urban common and the right to the city, with the practices and the discourse of the observed action. The seven elements were chosen from the theoretical analysis developed in the first two topics. The discourse analysis will be documentary based on the activity report and the local media coverage. The practical dimension will be observed in the actions carried out in the territory.

### **The right to the city: concepts, movements and influences**

The opening topic intends to explain central elements of the Right to the City, indicating similarities with the theory of the common and demonstrating how the theme



gained space in Brazil on several fronts; in particular, as a matrix for the performance of social movements and influencing the formation of law.

The term “Right to the City” refers to the work of Henri Lefebvre who, at the end of the 1960s, criticizes “the theoretical and practical crisis of the city” (2001, p. 21), a crisis that affects institutions, causes segregation and, consequently, the death of the city (2001, p. 98-104). Different from its original conception, the term “right to the city” influenced social movements and started to be widely researched by sociologists, architects, urban planners and jurists, among other areas of knowledge. However, Ana F. Carlos (2020, p. 354) points out that the hasty interpretation of the Lefebvrian work is also part of the blind field indicated by the author, which stems from the “extreme specialization” of the areas of knowledge, which has “as a consequence the ignorance and the degeneration of utopia limited by the analysis attached to the present, the idea of space as a physical framework, while covering “urbanism as a class strategy”. As a result, the Lefebvrian concept of the right to the city is not identical: the exercise of rights in the city as a social discourse; the realization of rights through public policies or the legal order of the city.

The vision of the Right to the City contributes to the perception that the urban has become a space for the reproduction of inequality, where well-being and quality of life are not benefits that reach everyone. Ferreira (2020, p. 162) points out that “social movements, throughout the democratic restructuring of Brazil, from the 1980s onwards, sought to mediate relations between the State and civil society”, which occurred with “voice and active participation in the process of concretization of legal norms that could influence the transformation of our cities”.

In a different reading of the original Lefebvrian conception, theorists relate the term to the legal protection of human rights. Osório (2006, p. 196) explains that “the law of the city is interdependent with all internationally recognized human rights, conceived in a integral and indivisible way”. In Pires' view (2020, p. 190), the Right to the City “encompasses and classifies fundamental rights in a territory and links them to a space called the city and concerns the dignity of the people who live and use the city”. A series of social struggles against the established order began to raise the question of a (new) right to the city. This process is characteristic of the so-called “new rights”, understood as:

[...] affirmation continues and the specific materialization of individual (personal), collective (groups) and meta-individual (diffuse) needs that emerge informally from any and all social actions, arising from conflicting or cooperative practices, whether or not they are foreseen or contained in positive state legislation, but that end up being formally instituted (Wolkmer, 2012, p. 35-36).

In the global normative context, the term “right to the city” was used in the document New Urban Agenda (UN, 2016), resulting from the United Nations Conference on Housing



and Sustainable Urban Development - Habitat III. In Brazil, authors such as Saule Junior et al. (2006, p. 14-18) demonstrate that the construction of the text of the Federal Constitution (1988) and the City Statute (2001) resulted from the action of social movements. In the first case, with the presentation of the popular amendment of urban reform, and in the second, from the debates of the national forum of urban reform. It can be said that the social discourse of the Right to the City founded ideas such as the social function of the city and property<sup>1</sup>.

However, the partial reception of the discourse was not enough to undermine the solid legal foundations of modernity. In this sense, Pilati (2011, p. 24-25) mentions that the legal model of modernity, despite guaranteeing the security of corporeal property, once conceived based on the values of individualism, ends up reducing what is public to the State. In spite of the insufficiency, the classification of civilist property is a foundation for public or administrative law, where what belongs to society is represented in the legal entity of the State, which is also the owner.

In its legal bias, the problem of institutionalizing the right to the city is related to the types of goods and categories of property, divided between public and private, which are a legal fiction imposed by the dogmas enshrined in the 18th century. Based on Pilati (2017, p. 45), dogmas can be summarized as follows: a) “incarnation of the State as a legal person under public law, separate from the community of people”; b) “representative democracy as a form of government”; c) “the legal autonomy of goods as the basis of the legal order” and d) “figure of the subject of law as a support for legal individualism” (Silveira, 2014, p. 161).

For Dardot and Laval, (2017, p. 19), the absolute character of property was significantly affected as a result of several movements that are consistent with the “political rationality of the common”. The common emerges, contemporaneously, as an interdisciplinary debate that comprises ethical, anthropological, economic, political, legal and aesthetic derivations, always assuming the overcoming of the limitations of the public-state versus private-individual binomial, or State versus Market, and the restoration of the idea that assets and resources can, in many cases, be maintained in a regime of co-responsibility and mutual benefit. Whichever the legal corollary of this regime is, which derives before praxis than from a predetermined abstract institutional form, therefore standing in the collective and relational sphere (Silveira, 2019, p. 20). This basic notion comprises ethical, anthropological, economic, political, legal, ethical and aesthetic derivations. The debate about the common is located at the intersection of several theoretical traditions that are sometimes contradictory, as revealed by Dardot and Laval (2017), the most successful authors in proposing an

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<sup>1</sup> Although on a small scale, there are decisions issued by the Federal Supreme Court in which the presence of these characteristic elements of the “new legal-urbanistic order” is perceived: ARE 791237 / SP, dated 2014, confirms the individual-collective connotation of the matter and the recent ARE decision 1.158.201 / SP, of September 2020, whose wording in full recognizes the right to the city.





“archeology of the common”, as the starting point of their project to define the common as “instituting praxis”.

Bollier (2016, p. 13) describes that the “forgetting” of the common was not a natural process, but resulted from the strategy of the privileged classes and, even, it was the result of a violent process of transforming communal properties into private properties, called *enclosures*). Bollier (2016, p. 67) explains that this process has not ended, but is expanding in several areas, but that instead of stone walls and fences at the end of the Middle Ages, the instrument of modernity is carried out “through agreements international trade agreements, property rights, negligent regulations and the acquisition of commercial assets”. And the city, undoubtedly, was not free of this appropriation of goods and resources, since they affect not only the material, but also the incorporeal, because “cities are one of the most disputed scenarios for commercial enclosures” (Bollier, 2016, p. 59). This enclosure process undoubtedly causes segregation, a problem highlighted by Lefebvre (2001, p. 111).

In a criticism of the institutions, Lefebvre (2001, p. 98-100) warns that the villain is not only the private and his “productivist rationality”, but the public, represented in the figure of the State, that “in a democratic country, cannot publicly decree segregation as such”; as a result, he will be able to adopt “a humanist ideology that becomes utopia in the most unusual sense, if not demagoguery”. For the author, the State and company institutions, “despite their differences and sometimes their conflicts, converge towards segregation” strive to “absorb the city, by suppressing it, as such”, being that “the State acts above all above and the company below “through the” functioning of bureaucratic rationality “which, in practice,” it becomes evident the absurdity of the limited (demarcated) rationalism of bureaucracy and technocracy” (LEFEBVRE, 2001, p. 99).

Lefebvre (2001, p. 109) understands that “it is up to us to resolve this double crisis, notably by creating with the new city, the new life in the city”; for that, this ‘we’ has the contribution of scientists or intellectuals, but alone they don’t have the power to “create social relationships”. This view is largely convergent with that of Hardt and Negri (2016), authors who have the merit of having produced the first political theory of the common, as well as with that of Dardot and Laval (2017), since everyone sees us social groups the legal subjectivity capable of actively creating the collective spaces of existence. Despite the differences in nuances in terms of the qualification of revolutionary subjectivity, the activity is always collective and guided by praxis. This element is especially clear in Dardot and Laval (2017, 430-435), who are concerned with the sociological reduction of the institution to the instituted, in other words, the error of emphasizing the result of the social institution and not the act itself of the institution of new forms of management based on autonomy. Dardot and Laval (2017, p. 429) propose the common as a political principle, which will be instituted through *praxis*.



*Praxis* presupposes participation and integration, however, whether intentionally or not, “society practices segregation”, even when its objective is virtuous, since even intellectuals do not elaborate their conceptions “from the meanings perceived and experienced by those who they inhabit (Lefebvre, 2001, p. 111). Integration and participation are inserted in the proposal of the common, and Esposito (2003, p. 30), to substantiate the concept of community or *communitas*, traced the etymological genealogy and indicated that the community, at the same time that it denotes the collective, demands belonging. Because of that, for Dardot and Laval (2017, p. 44), it is necessary to consider that there is no natural rule of inappropriateness, that this rule can only be a rule of law ”; that is, nothing will be common by nature, for that it is necessary to practice, “only the practical activity of men can make things common, just as only this practical activity can produce a new collective subject”.

Urban projects considered well developed, comprise “models, forms of urban time space, without worrying about their currently achievable or not, utopian or not (that is, lucidly 'utopic') character”, where the possibilities, and “the forms of time and space will be, save experience to the contrary, invented and proposed in practice ”(Lefebvre, 2001, p. 101-102). Harvey's criticism (2014, p. 63) is that, currently, the “right to the city” movement is more in the power “of a small political and economic elite able to shape the city more and more according to their particular needs and your deepest desires ”. The challenge is to rethink the city and the urban in a complex way and not only with a focus on the interests of some part of society, but focusing “on the single objective of acquiring greater control over the uses of the surplus”, a “collective right, both as a slogan and as a political ideal (Harvey, 2014, p. 65-66).

From these convergences, Tonucci Filho (2020, p. 374), making historical reservations, identifies “a theory of the urban common in Lefebvre”, since “the concrete and experimental utopia, defended by Lefebvre, demands“ generalized self-management ”and he possesses “a revolutionary sense of citizenship based on not alienated daily life, free from capital and the State, just as in many of the most critical formulations about the common”.

Therefore, despite the multiple possibilities of the common and the absence of uniqueness, there is a convergence between the Right to the City and the conception of the common, especially as “instituting praxis” in the version of Dardot and Laval, it is that the duality between the public's windows (State) and the private (individual) needs to be overcome, not in order to discard some achievements in the scope of legal certainty, but to allow other forms of relationship between subject and object. It starts with the valuation of goods and spaces, not only in the market sense, but cultural, environmental and collective, proposing their management and exercise as common through participation, inclusion and





integration beyond institutional means. In other words, from the praxis, the social practice that is not instituted, but institutes.

The political and intellectual social influence, which gave impetus to the debate on the “right to the city”, and which converges to the ideals of the common, undoubtedly reached changes in the order, with the inclusion of rights that are related to urban life. However, these normative receptions were not sufficient to undermine the solid legal foundations of modernity.

### **The city as common and the common people of the city**

With significant contribution and recent popularity, the study of commons as goods initially remained directed towards the analysis of rural space or large-scale natural resources, such as forests, pastures, fishing areas, etc. Afterwards, new manifestations were mapped, such as culture, knowledge, internet, etc. Now, the challenge for theorists is to direct the common to the perspective of the city, verifying how urban commons are identified and how they manifest themselves, through an observation of the forms of collectivity, their organization and governance.

Considered precursors of the theory of the common, Hardt and Negri (2016, p. 9-24), end the trilogy with the writing *Commonwealth*, in criticism of the “property republic”, defend “a political project for the constitution of the common”, but that it is “neither public nor private, nor capitalist, nor socialist”, since this “public-private dichotomy” proved to be pernicious. This conception is used by Dardot and Laval (2017, p. 14), for whom, “the idea of a common destiny of humanity has not been able to impose yet, the ways of indispensable cooperation remain blocked. In reality, we are experiencing the tragedy of the uncommon”.

Under the economic point of view and in response to the thesis of the tragedy of the commons, defended by Hardin (1968), Ostrom (1990, p. 15) proposes a classification of goods based on variable characteristics and defends, under empirical bases, the possibility and feasibility of common management, through collective rules for the use of a resource, which are alternative forms to the (private) market versus State dichotomy. Therefore, the classic legal classification would not correspond to the factual one, since the goods cannot be considered only as public (State) or private (private).

Based on Ostrom's proposal (1990, p. 6), the classification of goods can vary according to the characteristics of exclusivity (exclusion) and rivalry (subtractability). Exclusivity designates the aspect “in terms of how easy or expensive it is to exclude or limit potential beneficiaries (users) from consuming them, once provided by nature or through the activities of other individuals”. Rivalry refers to the degree of subtraction from the use of one





person from what is available to be used by another, that is, the reduction in the availability of the good for others to use.

From that point on, private goods are considered “exclusive (or excludable) and rivals”; on the opposite side, public goods are considered non-rival and non-exclusive), “there are also“ club goods ”(club goods or toll goods), which are exclusive and not rivals and, finally, there are the so-called“ goods common goods, which are, in turn, non-exclusive and rivals, such as fishing zones, open pastures and irrigation systems, that is, goods whose access can hardly be restricted or prohibited ”, but can its limitation may occur “by setting usage rules”. Ostrom termed such assets as “common-pool resources”, CPR) or common-fund resources, which “can be the object of individual exploitation, but there will be a risk of diminishing or even depleting the overall amount of the resource if everyone tries to maximize its personal utility”(Ostrom, 1990, p. 9-15).

In a later work, Ostrom and Hess (2007, p. 5) in *Understanding Knowledge as a Commons*, distinguish rival and non-rival resources, suggesting that knowledge is a non-rival resource, as its use does not negatively affect the amount available when people share it. As a result, the notion of CPR proposed by Ostrom applied to the urban may raise more questions than present answers, as the view of Borch and Kornberger (2015).

What gives life to the city and makes it common is the use of its spaces, and sometimes the greatest use does not mean the exclusion or reduction of availability to others or the reduction of its value. Even if it is intended to establish other forms of space management in addition to the public and the private, state action and the influence of the market cannot be totally excluded. Therefore, some concepts brought by Ostrom and the concern of the free-rider as one who benefits from the efforts of others may not be directly applicable to the context of the city (Borch; Kornberger, 2015, p. 5).

The rise of new common goods (Hess, 2008) coincides with urbanization on a world scale, with cities being the main spaces where they take shape. Thus, the effort of some authors "has been to further explore the connection between these developments", that is, "to examine the struggle for urban commons and to ask what is specifically" urban "about them, as Dellenbaugh et al. in *Urban commons: moving beyond state and market* (Dellenbaugh *et al.*, 2015, p. 9).

On the urban structure, Dellenbaugh et al. (2015, p.12) emphasize that, on the one hand, density and diversity “create a fertile field to mobilize like-minded people or to create and test new social strategies”, aspects relevant to “the development of new collective resource management forms at different scales ”. However, often related to urban lifestyle, manifestations of individualism, can be “significant barriers to such commoning efforts”. Based on this, they understand that the dialogue between theories of urban space and the common offers a new advantage for the contentious constitution of commons.





The common, in a broad sense, is related to the ideals of the right to the city, or the city as a common, as it conceives the urban as the result of constant work of relations among its inhabitants; the synonym for local, in criticism of the global paradigm of urbanism; the city as an entity; a space with a specific shape; the kingdom of modernity, etc., as exemplified by Dellenbaugh and Kip (2015, p. 17) and Foster and Iaione (2016). In addition to the city as common, common resources in the city can also be identified, or a common resource in the city, and their study is complex, as the definition varies according to theoretical perception.

Despite the potential fruitfulness of this theoretical approach, it is worth agreeing with Tonucci Filho (2017, p. 109), for whom the theory of the city as common or of urban commons is still nebulous: many researches are limited to exploring possible factual manifestations, but few are "concerned with discussing the specifics of the urban common, or, in other words, how substantially urban the urban common is". The views from the common to the urban are not exclusive, but complementary:

Unfortunately, this inseparability between the two dimensions of the urban common is not reflected in part of the literature dedicated to the theme. Although many researchers make a clear distinction between urban commons and the city as common, few emphasize its complementarity. In addition, different theoretical perspectives have been mobilized in a selective and arbitrary way to address these two "fields" of the urban common. While most of the studies on the so-called urban commons drink from Ostrom's liberal-institutionalist references, thus offering an economist and apolitical reading of the phenomenon, the authors of a more critical and historical line, close to the Marxist approach, were very busy as a whole, or from urban life itself, as a broad common resource (Tonucci Filho, 2017, p. 112).

Regarding the common itself, it can be said that the theories indicate a series of characteristics, but three are recurrent: a) the common resource; b) the institution and c) the community. As for urban commons, Dellenbaugh et al. (2015, p.16), find that:

The challenge of the urban commons is that any such commoning effort is subjected to the urban condition, albeit in different ways and to different degrees. On the one hand, urban commons have to deal with the challenge of devising strategic scales and boundaries for collective action. On the other hand, the ongoing urbanization of society, with its mobilities, ephemerality, and diversity of subjectivities, constantly undermines and challenges boundaries. (Dellenbaugh *et al.*, 2015, p. 17)

Considering the elements present in the theory of commons applied to the urban, some questions emerge. Regarding the first aspect a) common urban resource, if the common is an alternative to domination and the public-private dichotomy, will the proposal for a common urban resource escape the State and the market? Apparently, there is no urban space without state interference, even if (only) by means of urban law rules (and others), given the inapastability and the exercise of police power.

With regard to the private sector, it is clear that, despite the criticisms of the academy and the people themselves, the fundamentals of modern individual property have not yet



been appreciably shaken and other models of proprietary relations are unable to emerge. In addition, even though the intention of the right to the city, the city as common or common to the city is of a social nature, there is no urban space isolated from the market context. Another issue that seems to be overlooked is the rural, which, even removed from the spectrum of activity and distinguished from the urban, still has an inevitable relationship with the city, so the common urban space or resource cannot be seen in isolation, under penalty of creating a 'bubble' or 'island', which it is precisely intended to avoid.

As for the characteristic b) institution, it is asked who will be the urban actors with a voice and the ability to determine the use and function of a space? What will be the criteria and limits for management and participation? If the city is considered a common resource or if common resources of the city are elected, under what point of view and values? With regard to the element c) community, it is questioned who is part of it and who will be the recipient of the resource? What are the criteria established to consider a community, a participant or a recipient? Is it possible to identify who would be a free-rider and under what conditions? The theory of the common applied to the urban context is still a problematic issue, since the consideration of space varies according to the urban actor, his social class; genre; schooling; interests; location etc. As a result, there is a risk of repeating the 'disintegrating integration', coined by Lefebvre (2001, p.110).

Thus, abstracting the theoretical ambiguities of the common and, therefore, the urban common, this work is based on Grassi's perceptions (2019, p. 457), because it emphasizes the countless congruence in the study of the right to the city from the common ( in the double sense of studying the urban commons and studying the city as a "common"). The author suggests that "the notion of the common is capable of inspiring an understanding of the complexity of urban problems", since there is a "limitation of the modern legal concept to face abuses of shared values, goods and practices, which create social and sustain life ". The theoretical approach between the study of the right to the city and the study of the common must be oriented towards "the formulation of new modes of management of urban space, in an experimental process, but well grounded in principal terms".

In the Brazilian context, the overvaluation of private property to the detriment of spaces managed in community, the absence of the State in the social aspect and its presence only for the purpose of regulation or repression and the forgotten sense of community prevent new forms of relations with the urban. And, as warned by Maziviero and Almeida (2017, p. 15), there is no tradition of using public spaces (not just State-owned ones). The very confusion between the public as a state domain and the public as a shared space, enjoyed, managed and even produced, in common, by the public, is symptomatic both of the limitations of the institutes and of modern rationality and of the potentiality of the theoretical approach referred to above. As a result, the requirement of praxis, present, both





in the conception of the right to the city and in the theory of the common, is still fragile in the sense of guaranteeing the constitution of urban commons.

### **Aspects of the urban common and the right to the city in the Viva São Pelegrino Project, in Caxias do Sul-RS**

This topic presents the Viva São Pelegrino Project, highlighting its origin, territory of scope and actions, to assess whether it is in line with the precepts of the urban common and the right to the city. The project takes place in Caxias do Sul, the second largest municipality in the state of Rio Grande do Sul, with approximately half a million inhabitants. The idea is to develop urban actions and interventions in a region of the city, which includes a series of tourist, historical and cultural facilities, some of which are underutilized. The name is related to the reference building of the locality, the São Pelegrino Church, which is well listed, which features paintings by the artist Aldo Locatelli, being the most visited tourist spot in the city and one of the most sought after in Rio Grande do Sul.

The location also includes the old train station, opened in the 1910s, the point that gave rise to urban occupation and commerce in the city. With its decommissioning in 1975, the area was marked by degradation and insecurity for decades. Since the end of the 2000s, some specific actions have been taken to recover areas and restore historic buildings in the locality, both at the initiative of the owners and the government. Such changes were not enough to guarantee an identity of the population with these new spaces. Despite the good infrastructure and the existence of initiatives, part of the common assets of the territory, both public and private, are characterized by abandonment, degradation or poor use. While the region is a central location, served by good infrastructure and public services, at the same time, it has inappropriate urban coexistence spaces, without due care with the historical-cultural heritage. This motivated the election of the territory by the Project.<sup>2</sup>

The option for this region is related to visibility and to being able to receive the proposed actions and interventions immediately. In this context, when analyzing such actions in São Paulo, Maziviero and Almeida (2017, p. 13) point out that “it is more widespread in neighborhoods such as Vila Madalena, Pinheiros, or even in the city center”, as a way of seeking “ appropriation and improvement of these spaces ”. The examples brought up by Marino (2018) also involve regions served by the government, which reinforces the tendency to occur in places without significant social vulnerability.

The Viva São Pelegrino Project, at first, consisted of professionals with different backgrounds, who aimed to indicate the application of urban planning instruments and structural changes in the territory, with a more technical focus and concern with the

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<sup>2</sup> The territory was listed in a multidisciplinary technical study that identified 10 potential centralities of major urban intervention projects, elaborated at MOBI Caxias (Mobilização por Caxias - 2040), which is an action of organized civil society.



development of urban planning and legal viability, a function that is typically of the public power, moment that was called “1st Stage: Ideation, analysis and feasibility”, having occurred from March to July of the year of 2019. The period “2nd Stage: Social Engagement and Research”, occurred between July and December 2019, involved the society with the objective of uniting efforts, collecting opinions, carrying out various actions to raise awareness and activate the territory and check if the technical proposals of the volunteer professionals, presented in phase 1, made any sense to the community.<sup>3</sup>

Phase 2 incorporates an institutionalized partnership between IDEMER - Municipal and Regional Development Institute<sup>4</sup>; and Vivacity<sup>5</sup>, a spontaneous social movement, coordinating entities of the second phase. Other associations participated: from the traditional nature, such as the Paróquia São Pelegrino, to cultural movements, such as the Associação Paralela Varsóvia, which is the headquarters of the carnival block called Bloco da Ovelha; Caxias Creative School; Ecological Fair; Kunlaborí (art-oriented coworking); Free Parade (LGBTQ+ movement); Unnica (Union of Cyclists Caxienses); Marcopolo Association (social foundation of a large metallurgy company), among others. This momentary union around a common objective, even if apparently different groups, has marked as urban manifestations of the last years, as highlighted by Maziviero and Almeida (2017, p. 8):

The rhizomatic and nomadic character of collectives added to their form of independent organization, allows for unusual connections through co-creation, juxtaposition and collision, which redraw other possible dimensions of existence, highlighting the concern with otherness and with other coexisting worlds.

In Phase 2, the Viva São Pelegrino Project takes on a collective format, moving away from an institutional character, which, in the words of Marino (2018, p. 171) aims to “encourage questions about the destiny of the city and of public and private spaces that composes it”. The action strategy itself is characteristic of movements of urban collectives, with the punctual approach of organizations and citizens, uniting for immediate actions in that territory, to then follow its main and original purposes. It is based on the union of efforts of different bodies of society, independent of state power or private initiative, that the movement starts to provoke a series of actions in the territory, involving the most different social actors and the most different concrete actions.<sup>6</sup> Three of them will be presented in this article as a form of observation: the Viva São Pelegrino Circuit, the São Pelegrino Viva Week and the Cities in Transformation, which concluded the second phase.

<sup>3</sup> In Phase 2 of the Project, scientific research on quality of life was carried out in the region of São Pelegrino, developed by PPGA (Postgraduate Program in Administration) at UCS.

<sup>4</sup> Civil Society Organization of Public Interest recognized by the Ministry of Justice, which provides training activities on Urban Development.

<sup>5</sup> Project with the purpose of guaranteeing the implementation of the visual pollution law in the city, through the action “Limpa Caxias”, which, over time, starts to act, still informally, as an urban activation laboratory.

<sup>6</sup> In Phase 2, the following stand out: City Talk, which promoted a debate in a collaborative environment and social activation activity, through a mini cinema at the Mississippi Delta Blues Festival, which is the largest Blues event in Latin America.





The Viva São Pelegrino Circuit was part of the 2019 Urban Circuit, promoted by the UN-HABITAT agency. Its objective was to encourage people to walk in the public spaces existing in the territory and highlight its historical, cultural and social importance, with an explanation of the importance of the 24 points chosen, involving buildings, streets, sidewalks, squares etc. The “Circuitinho Viva São Pelegrino” was also developed as a way to create belonging also for children. The activity was publicized especially via social networks, aiming to engage to see the city outside the residence-work logic, as an open-air museum. The circuit involved hundreds of participants, several of whom joined the group along the way. It is understood that the action is an example of activism in building the city, which according to Marino (2018, p. 172-173) occurs when people are encouraged to put “the body on the street” and claim the right to the city “by adopt direct action and urban appropriation tactics”.

The second relevant action is the Viva São Pelegrino Week, in which actions were carried out to stimulate the community sense: creative coffee, sidewalk cinema, guided tour at the ecological fair, workshop, skates and night pedal, chat of the parade free, pilates in the fair square, youth choir, yoga in the square, where approximately 600 people circulated. The activity can be categorized as specific actions of tactical urbanism, which used actions and everyday spaces, as a space to debate and observe the city. For Maziviero and Almeida (2017, p. 11), such “experiments in urban practice based on everyday life invite a debate on local resilience” and “also help to think about an agile and inexpensive approach to the production of space, which can result long-term transformations or broader urban policies”.

The last action highlighted is the Cities in Transformation event, which ended Phase 2 with a debate by different social actors, led by a professional and academic approach, making it possible to indicate guidelines for the future phases of the project. On that occasion, active methodologies were applied, encouraging the construction of solutions in heterogeneous groups, which defined 13 guidelines for the follow-up of the Project. At the end of phase 2, the involvement and the direct impact of more than 2,500 people were counted, through collective actions of organizations and social movements, without the participation of the government. The private sector started to participate as a partner, providing financial and structural resources, which helped in the operationalization of activities, without any management of the actions.

From the theoretical framework, categories were chosen for Project analysis, which are: 1) critical to the traditional format of making cities; 2) focus on issues of social vulnerability and wealth distribution; 3) questions about the scope of private property rights; 4) collective character, originated in civil society and social movements, with a focus on social participation; 5) enhancement of common spaces; 6) activism with appropriation of the street and common spaces and 7) community role in the construction of the city, with the debate of different social actors.





**Table 1 – Analysis of the Viva São Pelegrino Project**

	<b>Elements of the Urban Common and the Right to the City</b>	<b>Viva São Pelegrino Project Actions and Speeches</b>	<b>Results</b>
<b>01</b>	Criticism of the traditional format of making cities.	Viva São Pelegrino Project a different way of looking, planning, debating and using public spaces. He observed reality in a more complex way and pointed out a proposal for differentiated urban intervention, which may consolidate a vision of urban commons and the right to the city, although there is a risk of departing from these precepts.	Verified
<b>02</b>	Focus on issues of social vulnerability and wealth distribution.	The region chosen for action by the movement is a central location, served by good infrastructure and public services. The criticism consists in the existence of inappropriate and underutilized spaces for urban coexistence, without due care with the historical-cultural heritage.	Not verified
<b>03</b>	Questions about the scope of private property rights.	The theme is not present in the speeches or practices of the Viva São Pelegrino Project.	Not verified
<b>04</b>	Collective character, originated in civil society and social movements, with a focus on social participation.	The movement incorporates an institutionalized partnership between IDEMER - Institute for Regional and Town Development; and Vivacity, a spontaneous social movement, coordinating entities of the second phase. Other organizations participated: São Pelegrino Parish; Associação Paralela Varsóvia; Caxias Creative School; Ecological Fair; Kunlabori; Free Parade; Unnica; Marcopolo Association.	Verified
<b>05</b>	Appreciation of common spaces.	The performance of the current movement, concern with the improvement of the street and the spaces of use.	Verified
<b>06</b>	Activism with appropriation of the street and common spaces.	The activities of Viva São Pelegrino Circuit and São Pelegrino Week are incentives for people to put “the body on the street” and claim the right to the city “by adopting direct action tactics and urban appropriation”.	Verified
<b>07</b>	Community role in the construction of the city, with the debate of different social actors.	Cities in Transformation event, with social iterations through active methodologies, encouraged the construction of solutions in heterogeneous groups, which defined 13 guidelines for the follow-up of the Project.	Verified

**Source:** Prepared by the authors.

It is important to note that, although the Viva São Pelegrino Project is evident as an urban collective that seeks, according to Maziviero and Almeida (2017, p. 2) “alternative propositions to use, look at, plan, discuss, build and inhabit”, having as a basis for a collective construction of the city, a more complex observation points to a proposal for urban intervention, based on a major project, which may consolidate a vision of urban commons and the right to the city, but also, it may remove these precepts.

It is not uncommon for spontaneous social actions over a given territory to refer to economic interests or governmental proposals for urban intervention, as Marino (2018, p.



181) mentions about Minhocão, where “the massive arrival of new private enterprises in the surroundings was verified , as residential and cultural buildings ”, in which the municipality used urban planning instruments to transfer the right to build in Parque Augusta and the proposition of a PIU - Urban Intervention Project, in Elevado Minhocão.

Some movements tend to be natural in the next stages of the Project, as identified by Marino (2018, p. 183) in the São Paulo cases, where he highlights “the tension between institutionalization and the freedom of action existing in the dispute for urban spaces” and warns that , over time, "most activist actions stopped using direct action tactics and started to adopt more institutionalized action strategies". Thus, the São Pelegrino Project, at a given moment, as it is an urban intervention proposal, will be coordinated by the Public Power, as happened with the São Paulo references, with a tendency towards institutionalization. In this context, common management, observed in phase 2, becomes a constant request, as occurs in traditional actions, where the struggle for the common aims to “maintain collaborative management in space, even after being conquered as public property” (Marino, 2018, p. 183).

The São Pelegrino Project, especially in its phase 2, presents itself as a case in which civil society has created a public debate, which has defined a social interest, which will seek to be implemented in the form of unprecedented urban instruments, which do not follow the logic of traditional appropriation. Thus, it can be identified as (an attempt to) value space and community, which is in line with the ideas of the common and the right to the city, although it cannot be isolated from State action and the context of the market.

## Conclusion

From Lefebvre's sociological perspective and Harvey's contributions, it can be said that the right to the city is the place of criticism, of pleading and of exercise: criticism of the concept of a segregationist city, where the segregated demand guarantees and rights that you have been denied; thus, it becomes the place to exercise an urban alternative. Although its origin is not strictly legal, the ideals that inform a right to the city have been gradually embraced by the Brazilian normative system; observed, mainly, in the question of the social function of the city. In addition, the term was recently used in decisions of the higher courts.

However, these receptions were not enough to shake the solid legal foundations of modernity, in which goods are preferentially categorized as public (state) or private (individual). For this reason, the common, although manifested in different theoretical conceptions, is uniquely critical of the public-state versus private-individual binomial, or State versus Market. It is the proposal to overcome the limitation of this legal model, with the restoration of the idea that assets and resources can, in many cases, be maintained under a





co-responsible management regime. Therefore, the main convergence between the right to the city and the common is that only praxis can guide towards this objective, as well as towards collective construction.

It was found that the Project partially complies with the ideals of the right to the city and the urban common. The initiative arose from a voluntary community effort, based, therefore, on social praxis and not on the purpose of adapting the conduct of citizens to the law, which corresponds to the normativist imaginary. On the other hand, according to the criticisms pointed out by Lefebvre and Harvey when doing urban, it is certain that the experiment was conceived by a privileged part of society, both in the financial aspect, as well as in terms of instruction, since most of the participants have education higher education and are experts in urban issues.

The Project's discourse is in favor of the collective, characterized by an indeterminate number of citizens, not to meet the requirements of the law, nor to achieve private / individual objectives. This makes the experiment an excellent case for discussing the common as a dimension of sociability that requires its own legal conceptualization, in the direction of the collective sphere of exercise and protection of rights. Nevertheless, the objective was formulated based on a strict perception of these urban actors, which contemplates what the group directly involved understands to be the main collective demands, but does not necessarily address the needs of the segregated portion of the population. This is a manifestation of the disintegrating integration, raised by Lefebvre. The action does not aim to promote only individual, but collective interests; however, it benefits a specific collective inserted in a broader collective.

The focus of the Project is on the recovery and valorization of the urban space for the benefit of the community, however, it is questioned if the possible result of this valorization will only attend the interests of part of the society, in the sense of the market value, or if it will be able to include the aspect social, cultural, environmental and collective. In addition, the location object of intervention does not consist of a location outside the urban context, but a "developed" space, from a socio-economic and central point of view, which refers to the criticism of the city as a product and the appropriation of the city by social groups to the detriment of others.

The proposal for management and exercise as common, through participation, inclusion and integration beyond institutional means, also encounters barriers in the public and private sectors. In the public sector, the difficulty is the monopoly of state rationality over public-collective spaces: the State, although sometimes inefficient in managing potentially common spaces, often opposes obstacles to social initiatives. In fact, there is a dependence on the "political" endorsement of any proposal. In the private sector, there is resistance to the alternative, as the conception of the full powers of the owner prevails over private property:





this vision is supported by a much more consolidated, sophisticated and efficient legality, as well as by the proprietary ethics that sees in the exclusive domain the purest, if not the only one of the rights. From an individual point of view, the collective benefit is generally taken into account through a perspective of individual and immediate economic gain.

Thus, there are countless challenges when it comes to thinking about the relationship between the institution of the common from the praxis and urban planning, in the traditional sense. It is urgent to recognize alternative forms of management and put them into practice through collective spaces. The case studied shows many of the difficulties that surround the theme, both at the experimental and conceptual levels, while reinforcing the importance and the need to rethink the urban with support in the paradigm of the common.

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