

Participation, the Right to Rights, and Urban Citizenship

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It seems evident today that there is a worldwide craving for direct participation in democratic rule. People are frustrated with representative democracy, with electing professional politicians to office to represent their interests, even though they vote to do so in record numbers. Instead, especially in the new democracies of the Global South, citizens have formulated constitutions that mandate new kinds of citizen councils to carry out the business of rule in such diverse matters as planning, administration, budget, health services, and education. That the older North Atlantic democracies appear less innovative in this regard is an important problem for study, though we should not forget the significance of popular ballot initiatives in California and electoral caucuses in this year's U.S. presidential election. Surely, there are many reasons for this surge in demands for direct participation. It is not unrelated, for example, to the global expansion of Pentecostal and other religions that offer direct contact with divinity through spirit possession and the contraction of the Catholic Church which only offers a mediated experience. Especially in cities, we find that people of all social classes have made direct access to the internet, email, YouTube, chatrooms, cellphones, text messaging, and digital photography part of their daily lives. We find that these and other forms of grassroots media – such as pirate radio stations, home recording studios, and laser-printer publishers – produce new kinds of knowledge, distribute them quickly, and connect people with each other almost immediately.¹

¹ Passages of this essay are drawn from my recent book *Insurgent Citizenship: Disjunctions of Democracy and Modernity in Brazil* (Princeton University Press, 2008).

As a result of these new forms of direct participation and access, the imagining of modern community has changed. Still dominant is the “empty homogeneous time” of the nation-state – to use Benedict Anderson’s formulation – in which atomized socialities are created when anonymous people simultaneously read the morning newspaper, watch a television program, or log onto CNN. But such imaginings of modern society are challenged by communities of direct calling, as I would describe them, that form when people actively seek and personally receive the “touch” of the spirit, text-message, ringtone, and decision-making in direct, face-to-face, real-time, continuously re-mediated, heterogeneous, conversationalized, and digitized experience. Though organized according to specific memberships, these new forms of direct calling create participatory publics that are far less exclusionary than the lost ideal of face-to-face Athenian citizenship that has long been haunted the modern nation-state.

I suggest in this essay that the development of urban citizenships throughout the Global South has been a primary generator of these new participatory publics. Indeed, urban citizenship is itself such a new public of participatory citizens, one that inspires new conceptualizations of rights, citizenship, and government. As I have emphasized on other occasions, the combination of unprecedented global urbanization and unprecedented global democratization during the last half century has made cities the strategic arenas for the development of new citizenships. Although this combination is intensely local in combustion, it produces a remarkably similar condition worldwide: most city people live in impoverished urban peripheries in various conditions of illegal and irregular residence, around urban centers that benefit from their services and their poverty. Yet this new urbanism also generates a characteristic response worldwide:

precisely in these peripheries, residents organize movements of insurgent urban citizenship to confront the entrenched national regimes of citizen inequality that the urban centers use to segregate them. Not all urban peripheries produce this kind of insurgence. But enough do to qualify this collision of urban and national, insurgent and entrenched citizenships as a global category of conflict.

The results of these processes of urbanization and democratization have been contradictory, to be sure. In many cities, new kinds of violence, injustice, and impunity increased dramatically just as the urban poor succeeded in democratizing urban space and consolidating new kinds of democratic publics. Many of these cities experienced a generalized climate of fear, criminalization of the poor, criminal violence, support for police violence, abandonment of public space, and fortification of residence. The judiciary and the police became even more discredited. Thus, at the moment that new participatory urban citizenships took root, the entanglement of democracy and its counters eroded some aspects of citizenship even as it expanded others.

Yet we would hardly expect insurgent citizenship to be stable in its expansion. It is, rather, a force of destabilization, eroding the coherence of taken-for-granted categories of domination that give daily life its sense of order and security. If it did not, it would be inconsequential. It is not the only force of such destabilization, and it gets tangled with others such as urbanization and privatization. But in itself, democracy provokes violent reactions, some to restore old paradigms of order and others to express outrage that their elements – now more visible because disrupted – persist. My research indicates that in most places, however, neither one nor the other prevails: if democratization has not been able to overcome the violence and injustice of its own destabilizations, neither have these

counter-configurations been able to prevent the development of significant measures of democratic innovation.

In this brief essay, I focus on one sort of destabilization that strikes at the foundations of entrenched inegalitarian systems of citizenship and that often sustains their reformulation in more participatory and egalitarian terms. I focus on the kinds of justifications people use to legitimate the transformation of their needs into demands. In most cases, this entails framing needs as rights and, further, changes in the conceptualizations of right itself. I suggest that most citizenships – especially insurgent urban citizenships – are articulated using the language of rights due to a variety of historical processes through which democracy has become a global discourse but which it is not my purpose here to discuss here. But there are alternative justifications of demands, including human needs, revolution, and divine orders. But it is the case that in the last thirty years, rights-based legitimations have trumped and been established at the core of citizenships worldwide. As research on the urban poor has largely neglected their changing conceptions of rights as they mobilize to redress their urban conditions, I want to emphasize the importance of this transformation for democratic citizenship.

To grasp this significance, it is necessary to understand the existing dominant formulation of citizenship in which the alternative of urban citizenship develops. I begin, therefore, with a brief historical proposition before discussing urban citizenship and its new forms of rights. I close with an intriguing problem for urban citizenship: its different consequences for political community and governance in cities where most of the marginalized are national citizens compared to cities where a significant proportion are noncitizens.

Differentiated Citizenships

Most citizenships systematically legitimate the distribution of inequalities. They are designed to do so. In fact, all nations have developed at one time or another a type of citizenship that remains among the most common: a citizenship that manages social differences by legalizing them in ways that legitimate and reproduce inequality throughout the social system. Such regimes of legalized privileges and legitimated inequalities typically persist under every kind of rule, thriving under monarchy, dictatorship, and – as my more recent research shows – democracy. It is useful to consider the historical trajectories of specific citizenships as a combination of two aspects. One is formal membership, based on principles of incorporation into the political community (generally the nation-state); the other is the substantive distribution of the bundle of rights, obligations, institutions, and practices that membership entails to those deemed citizens. Both dimensions define the histories of particular citizenships.

In these terms, the paradigm of inegalitarian national citizenship I am talking about uses social differences that are *not* the basis of national membership – primarily differences of education, property, race, gender, and occupation – to distribute different treatment to different categories of citizens. It thereby generates a gradation of rights among them, in which most rights are available only to particular kinds of citizens and exercised as the privilege of particular social categories. I describe it, therefore, as a differentiated citizenship that uses such social qualifications to organize its political, civil, and social dimensions and to regulate its distribution of powers.

Citizenships do not directly create most of the differences they use. Rather, they are foundational means by which nation-states recognize and manage some differences as

systematically salient by legitimating or equalizing them for various purposes. Typically, a regime of citizenship does both simultaneously, and its particular combinations give it historical character. Thus, most differentiated citizenships equalize social differences for national membership, creating national societies of vast diversities, but they legalize some differences as the basis for differentially distributing rights and privileges among citizens. In this way, these regimes of citizenship may be described as universally inclusive in membership and massively inegalitarian in distribution. India and Brazil are good examples. For example, from the beginning of Brazil's nationhood, the only criteria for citizenship among Brazil-born residents was freedom. Its *ius soli* citizenship was inclusive and unrestricted for all free people regardless of race or religion. Thus, there was never any doubt, unlike in the United States, that freeborn Brazilian blacks, Indians, and freed slaves were anything but national citizens. However, the very first republican constitution (1891) used gender and literacy to restrict political citizenship while denying education as a citizen right. In legalizing such differences, it denied political rights to the overwhelming majority of Brazils who were all, nevertheless, national citizens. In this manner, Brazil's differentiated citizenship consolidated social inequalities and perpetuated them in other forms throughout society.

This kind of special treatment citizenship based on social categories that have nothing to do with national membership continues to this day in Brazil. Among other differentiations are those that entitle women to retire five earlier than men; people who hold post-secondary degrees to receive a private jail cell when arrested; registered workers to get certain labor rights not available to others; police, elected representatives,

and other high officials to be tried in special courts; and, until 1985, only the literate to exercise political citizenship.

Probably the majority of the world's citizens live under differentiated citizenships that distribute special treatment rights and liabilities. As a result, most of them are, for example, denied political rights, forced into segregated and often illegal conditions of residence without infrastructure, estranged from law, and funneled into servile labor. These disabilities result from a differential distribution of rights, not from an exclusion from citizenship itself. If that were the case, it would be difficult to explain why the Brazilian, Indian, or South African poor have a strong sense of belonging to the nation. Rather, they are citizens who are discriminated against because they are certain kinds of citizens. To evaluate changes in such regimes of citizenship, therefore, the question to ask is what kinds they are and how the application of a particular formulation of differentiated citizenship generates their discriminations.

Urban Citizenship

As the world's population shifted to cities during the 20th century, the urban poor began to transform the enabling conditions of differentiated citizenship. In "autoconstructed" peripheries (to use the Brazilian term) where they were forced to live and build for themselves, they experienced the same discriminations that conditioned their lives in the countryside, including the denial of political rights, residential illegality, exclusion of property, misrule of law, and servility. Yet in the urban peripheries, these very same historical sites of discrimination fueled the irruption of an insurgent citizenship that destabilized the differentiated. As the urban poor struggled against the hardships of their daily lives, they mobilized the new densities of opportunity in the city to address the

liabilities of these conditions. They organized into new kinds of neighborhood associations and social movements to campaign for housing, infrastructure, land tenure, and urban resources such as schools, health clinics, and child care – all primarily issues of residence, not labor. By participating in these struggles, in the new urban publics thus generated, the city's poor changed the outcome of citizen differentiation: they became functionally literate, gained political rights, established claims to property through house building and to urban infrastructure, learned to use law in their struggles against eviction, became modern consumers, and achieved personal competence through their experience of the city.

Changing the distribution did not merely reproduce the old system of citizenship, revitalizing the hegemonic with new members. Rather, it motivated people to pursue new formulations. These demanded full participation in the legal city and full recognition of citizen dignity, based on the residents' appropriation of the city's very soil through autoconstruction, long-term residence and service, and occupation itself. The sum of their efforts created a new source for citizenship rights: the experience of the city itself, of suffering it, building it, and constituting its overwhelming majority. It produced new kinds of citizens and created alternatives to clientelistic relations of dependency. I stress that older conceptions of differentiated citizenship are still vital. Yet, by bringing the urban experiences of the poor under the calculus of citizen rights, the mobilizations of urban peripheries initiated new conceptions. Though entangled with the old, the new citizenships are nevertheless unprecedented developments for global democratization. The inclusion these citizenships claim entails remaking society rather than merely perpetuating the old.

Throughout the Global South, these achievements generated what I call urban citizenships among residents based on three core processes. The first generated a new kind of participation in alternative public spheres based on the residents' own grassroots organizations. Through these organizations, they articulated their needs in terms of rights and in so doing constituted an agenda of citizenship. The second gave them a new understanding of the basis of these rights and of their dignity as bearers of rights. The third transformed the relation between state and citizen, generating new legal frameworks, participatory institutions, and policy-making practices. I consider that these processes constitute an urban citizenship when they develop under four conditions that all refer to the city: when urban residence is the basis of mobilization; when the agenda of mobilization is about rights to the city; when the city is the primary political community of comparison for these developments; and when residents legitimate this agenda of rights and participatory practices on the basis of their contributions to the city itself. Thus, the mobilizations of urban citizenship typically politicize residents around claims for rights to the city focused on the residential conditions of daily life.

The politicized city-regions that emerged throughout the Global South through this process of peripheral urbanization are quite different from the politicization that postcolonial nationalism structured. Peripheral urbanization established a space of opposition – the peripheries – within city-regions. This space confronts an old culture of citizenship with a new imagination of democratic values. Its insurgent citizenship opposes the modernist and developmentalist political projects of absorbing citizenship into a plan of nation-building monopolized by the state. Such state projects homogenize the multitude of social and cultural identities of modern society to produce formally

commensurable national subjects, most of whom have little substantive citizenship. Urban citizenship does the opposite. It has no formal standing in the sense that it is not generally recognized in constitutions along with national and, occasionally, state memberships. Rather, it is a de facto regime of new identities and claim-making. Having no formal status per se, urban citizenship is all substance and symbol. Rather than homogenize and dematerialize difference to arrive at a formal national identity, urban citizenship takes as its substance the heterogeneity and materiality of urban experience.

Although I do not have space here to examine these processes in depth, I want to emphasize the change in conceptions of rights as fundamental in developing this insurgent urban citizenship and its new forms of participation. I do so by taking the case of Brazil and specifically São Paulo, using my own ethnographic research there.

Rights

“Why do you think you have rights?” I asked a pioneering resident of one neighborhood in São Paulo’s urban peripheries, a retired textile worker and former neighborhood association president:

Well, one part is just what we were saying. I am an honest person, thank God. I don’t steal from anyone. I am a worker. I fulfill my obligations at home, with my family. I pay my taxes. But today I think the following: I have rights because the *Constituinte* [i.e., Constitution] gives me these rights. But I have to run after my rights. I have to look for them. Because if I don’t, they won’t fall from the sky. Only rain falls from the sky. You can live here fifty years. You can have your things. But if you don’t run after your rights, how are you going make them happen?

The public spheres of citizenship that emerged in Brazilian peripheries forced the state to respond to their new urban conditions by recognizing new kinds and sources of

citizen rights. These rights concerned issues of both substance and scope that the state's existing laws and institutions had generally neglected. In that sense, they developed on the margins of the established assumptions of governance: they addressed the new collective and personal spaces of daily life among the poor in the urban peripheries; they concerned women and children as well as men; they established duties to provide state services. Without doubt, the greatest historical innovation of these rights is that they initiate a reconceptualization: their advocates began to conceive of them as rights of general citizenship rather than of specifically differentiated categories of citizens, such as registered worker. In these ways, the emergence of new participatory publics in the peripheries not only expanded substantive citizenship to new social bases. It also created new understandings and practices of rights that have had profound consequences for Brazilian citizenship and governance.

Yet, as the resident's statement above indicates, this foundation of rights remains a mix of new and old formulations. When I ask residents why they think they have rights and on what basis, they consistently invoke an amalgam of three conceptions. They speak about rights as privileges of specific moral and social categories ("I am honest; I am a worker"), as deriving from their stakes in the city ("I pay my taxes," "I built my home and helped build this neighborhood"); and as written in the Constitution ("the *Constituinte* gives me rights"). In other words, they present a hybrid of what I call special treatment rights, contributor rights, and text-based rights. This typology has a temporal organization, following the participatory strategies residents deploy in their housing and land conflicts. Thus, text-based rights appear only after the Constitutional Assembly and remain mixed with the other two in discussion. This is not to say that

people never referred to earlier constitutions and laws. But when a few occasionally did, it was to complain that, with the exception of labor rights, they did not apply to them.

In these three formulations, people use the same concept to describe the realization of rights. They speak of “looking for your rights” or “running after them,” a notion of participatory agency. However, doing so generally means something different in each case, with a different outcome. The conceptualization of rights as the privilege of certain kinds of citizens grounds, in its various incarnations, entrenched systems of differentiated citizenship. As long as it prevails, citizenship remains overwhelmingly a means for distributing and legitimating inequality. As it is a foundational concept for citizen differentiation, let me discuss it briefly.

Residents use the category “rights” in three modalities. It may denote a specific right (*direito de*), a condition of having rights (*ter direitos*), and a condition of being right (*ser direito*). The last refer to a moral condition of correctness: having rights depends on being right and being right is a matter of achieving certain statuses, basically those of “a good worker, family provider, and honest person.” Those who have citizen rights deserve them because they are morally good and socially correct in these publicly recognized terms. Similarly, those who fail to be morally right – criminals, squatters, deviants ... an expandable category to be sure – deserve to be denied rights. By extension, the logic of this special treatment citizenship also produces the a priori judgment that those who lack rights – the poor, for example – must be assumed to have failed morally. Both negative judgments allow some Brazilian citizens to assume that other Brazilian citizens lack rights in relation to themselves and therefore that they have no duty to them if they consider them marginals in one way or another.

Thus access to rights in this conceptualization of special treatment depends on two conditions. On the one hand, people think they have rights because they hold statuses recognized and legalized by the state. On the other, the state only bestows these rights on the right people. Laws establish both conditions. For example, the 1937 Constitution created a perduring construct of social marginality and exclusion with regard to unemployment and informal work. However, having or not having rights is not only a determination of law. Rather, legal rights may be available to all workers in theory (as Vargas's populism proposed), but they can only be acquired and realized by those who deserve them in terms of specific personal attributes (e.g., whether they became literate or registered in a profession). For most residents of the urban peripheries, therefore, the exclusions of differentiated citizenship often appear to result less from legal and political causes than from personal failings. This depoliticization perpetuates the legitimacy of exclusionary citizenship rights by blaming the excluded for not having them.

It also perpetuates by assigning to the privileged the powers to determine, through their recognition, those who have the right statuses to deserve rights. As these rights can only be acquired by the right citizens, people who need to use them "have to chase after their rights." In the context of special treatment citizenship, the ubiquitous phrase "look for your rights" means not only knowing what rights adhere to a particular status. Above all, it means having to prove to the proper authorities that you possess the right status to deserve its rights. Such proof is not only a matter of knowing what rights people have – twenty-five years ago a knowledge not easily obtained and typically requiring the help of someone in the know (a "good boss," a "special bureaucrat"). It depends much more on proving to the authorities who provide the benefits of rights that the petitioner is worthy,

that is, not a “marginal” of any sort. This proof requires having correct paperwork – clear police report, signed work contract, voter registration card, house payment receipts, tax records, and so forth – because only honest persons and steady workers are assumed to have such records.

Fundamentally, however, this proof requires that the correct status and paperwork of the petitioner be acknowledged by the provider, typically a bureaucrat, official, or employer. This personal acknowledgment is required not only because special treatment rights always depend on the identification of subsets of statuses within the general status of citizen. More significant, it is necessary because the application of law in Brazil is rarely routine or certain. Rather, it must be made to apply through the personal intervention of someone in a position to acknowledge the good standing and just deserve of the petitioner. The need for such special pleading exacerbates the struggle of the poor to run after their rights. It always puts them on the defensive, forces them to find the right person to intercede on their behalf, renders uncertain their dignity and respect, and makes them acknowledge their inferiority. Consequently, proving one’s worth to find one’s rights is always frustrating and often impossible for them. It is therefore not surprising that being “treated like trash” is a reason I frequently hear to explain why people desist pursuing their rights.

The personalization of rights means that their exercise depends on the discretion, not the duty, of someone in a position of power to recognize the personal merit of the petitioner and grant access to the right. This discretionary power converts rights into privileges, in the sense that it becomes a privilege to obtain what is by law a right. A right creates a duty when it makes someone vulnerable to a claimant’s legal powers. In

that sense it empowers the claimant. When these relations depend on personal intervention, discretion, and mediation, they become legally subverted. In Hohfeldian terms, the acknowledger now has the power to decide when rights apply and yet no duty to make them available. He is not liable to the claimant's legal power and has thus gained an immunity. In turn, the claimant is vulnerable to the exercise of that power, having no right to determine its course. He therefore suffers a disability that can only be overcome by personal intercession. When the latter occurs, the claimant exercises his right only as the favor of the person who grants it. In a system of citizenship rights thus based on the immunity of some and the disability of others, rights become relations of privilege between some who act with an absence of duty to others who, in turn, have no power to enforce claims. The disprivileged lack rights and are vulnerable to the power of others. The privileged experience citizenship as a power that frees them from the claims of others, leaving them unconstrained by legal duty and exempt from legal responsibility. These relations of privilege and disprivilege constitute the core relations of power that define differentiated citizenship.

The new urban citizenships confront this core formulation of rights as privilege with new and insurgent conceptualizations. In Brazil, two emerged as residents in the urban peripheries developed new participatory spheres of citizenship. The coexistence of these conceptions creates a mixed and at times unstable foundation for the development of citizenship. The first to emerge refers to what I call contributor or stakeholder rights. Whereas the rights workers "paid for" under the old regime of citizenship were overwhelmingly labor rights, contributor rights constitute a different set, of new substance and ethical significance. They concern the "rights to the city" that were

fundamental in mobilizing the new practices of citizen participation in the peripheries – rights to public services, infrastructure, and residence that pertain to urban life as a condition of dwelling. I call them contributor rights because residents advance them as legitimate claims on the basis of their contributions to the city itself – to its construction through their building of homes and neighborhoods, to city government through their payment of taxes, and to the city’s economy through their consumption. They are stakeholder rights because residents ground their legitimacy in the appropriation of the city through these means.

Contributor/stakeholder rights are, therefore, based on three identities unprecedented for most of the urban poor: property owner, tax payer, and mass consumer. These identities engage an agency of self-determination entirely different from that embedded in rights-as-privilege and state-supplied labor rights. Yet, as not all Brazilians share these statuses, they also ambiguously perpetuate some elements of special treatment citizenship.

The fundamental identity organizing the bundle of contributor rights is that of property ownership. For most people, it motivates both their claims and their duties in relation to the city. For most, their identities as tax payers and consumers also develop around the requisites of property, as they pay taxes and fees for their residential lots, buildings, and services and as much of their consumption consists in purchases for their homes. As rate of homeownership in São Paulo’s peripheries is remarkably high, varying between 70 and 90%, the identity of homeowner is predominant. Yet, with regard to landed property, ownership excludes squatters and renters. Although they account for a comparatively small number (10% on average), the distinction between those who have

some claim to own their residential lots and those who do not is sharp and often antagonistic among the residents.

Nevertheless, the sense of having stakes in the municipality is not confined to lot owners in the peripheries. Squatters often own their homes, many of which are well furnished and equipped. Moreover, most residents pay a variety of service fees and taxes as consumers, including those for utilities, retail sales, and industrial production. Moreover, some pay income tax. Thus, although the identity of stakeholder is without doubt strongest among owners of real property, residents very generally view homeownership, tax paying, and consumption as evidence of their stakes in the city. This conviction not only legitimates their demands for rights to the city. It also gives residents the sense that they are citizens of the city, for many a first substantive understanding of their citizenship and its agency. “If he pays taxes, he is a citizen and must be respected wherever he goes” is an assertion I heard routinely in various versions. In the stakeholder conceptualization of rights, the “municitizen” merits respect not because he or she is a good honest worker or family provider. He does not have to prove some personal moral attribute individually to an official or have it acknowledged by the state to “find his rights.” Rather, urban citizens find their rights by demanding them. They insist without relying on the quid pro quo of deference and favor precisely as municitizens, as they sometimes call themselves, that is, citizens of the municipality.

This change in attitude results from the conviction that urban citizens have earned their rights and respect by building the city, paying its bills, and consuming its products. As a result, they demand their rights on the basis of self-determination, accomplishment, and earned independence. Contributor rights thus promote a citizenship based on an

entirely different agency from privilege or state recognition. Whereas the latter are fundamentally other-determined, this agency of urban citizenship is “autoconstructed.” Thus, as city-builders, tax payers, and consumers, these urban citizens have inverted the real-stakes argument that 19th and 20th century liberals used to exclude Brazil’s poor from citizenship rights. Instead, they use that very argument, recasting it in different terms, to justify their rights to full citizenship.

On occasion, I have seen people at neighborhood meetings pull a concise edition of the Citizen Constitution from their back pocket or purse to make a point. More frequently, I hear them refer to what it “says in the Constitution.” This reference to the constitution and the legal codes deriving from it secures the second new understanding of rights to emerge in the peripheries. It is based on textual knowledge. To residents, text-based rights are evident, clear, accessible, and above-all knowable precisely because they are written down for all to see. People access them in three ways. They read them in inexpensive paperback editions of the 1988 Constitution available at any newsstand. Some, consult them on-line. Many also utilize new government institutions associated with innovations in the Constitution. These aim to democratize access to and information about rights as a matter of policy and to make them work for citizens by simplifying legal bureaucracy. Hence, residents frequent Small Claims Courts, Poupa Tempo (literally, Save Time), ProCon (consumer rights bureau), and various departments of public administration that are now more numerous and accessible in the peripheries. As one resident put it, these institutions constitute “a source for you to go to and get a return for your effort; today, you can get a return.” It is no small historical irony that this confidence in text-based rights has turned the popular classes of São Paulo into

enthusiastic positivists, not so distant from those of the “Order and Progress” positivism that some of Brazil’s 19th century nation-builders venerated.

The keystone of this new foundation of rights is access to knowledge. If, in the past, it was almost impossible for a poor person to know her rights without the intercession of a superior, today’s access to this information is practically self-evident. It is common in the contemporary peripheries to hear people speak about law in terms of researching its texts. If they have a problem, they search for the legal text that establishes their rights. Access to text-based knowledge has given the urban popular classes an unprecedented confidence in their struggles to achieve citizen rights and respect. Coupled with their sense of being stakeholders, it provides an effective means to challenge the culture of deference that dominated the practices of differentiated citizenship.

This sense of security in knowledge does not mean that residents do not tremble before the law. Yet the access to text-based law and the sense of empowerment it brings have thus fundamentally changed the meaning of “look for your rights” for working-class citizens. Today, they not only emphatically say that “a person has the right to look for his rights,” echoing precisely Hannah Arendt’s notion of justice. The important point, they overwhelmingly agree, is that “if you look today, you always find them.” They are certain of this outcome because the rights they seek are accessible, demonstrable, tangible, look-and-point at, written text. These battle-seasoned residents know that knowing rights does not insure getting justice. But as a director of one neighborhood residents’ association observed, “without knowing the laws, one cannot know justice.” Moreover, the justice they seek is not only that of social rights and labor law. Text-based

rights now refer to other kinds, including property, consumer, personal, human, and ecological rights, including the civil rights that have been a particularly problematic aspect of Brazilian citizenship.

In large measure, this momentous change depends on citizens conceiving of their citizenship as a means to establish a common ground and equal measure among them. In turn, this commensurability depends on their sense that their status as citizen has an absolute, unconditional, equal worth in rights, one not based on individual market value or on any other status. In that evaluation, rights become universally egalitarian rather than differentiated. There is much to suggest that the deep involvement of the urban popular classes with drafting the 1988 Citizens' Constitution and its text-based principles is creating conditions for that kind of assessment. Even though the constitution contains many provisions for special treatment, residents overwhelmingly understand it as a charter that establishes equal rights. Their participation in its construction was grounded in their insistence that the new charter include as a foundational source of social rights and justice their experiences as the modern urban residents of Brazil, as its urban citizens. This insistence resulted in the submission to the constitutional assembly of 122 "popular amendments" based on over 12 million signatures gathered by these organized urban citizens. These signatures represented approximately 12% of the electorate, an enormous portion considering the extensive formal requirements necessary for submission.

A new agent of Brazilian citizenship thus emerges. It is the anonymous citizen, a condition that has virtually no utility in the regime of differentiated citizenship. Among the urban popular classes, therefore, the new foundation of rights in the text of the constitution confronts the old regime by advancing anonymity as the condition and

equality as the outcome of citizenship practices. Coupled with new civic participation, the new understandings of rights sustain the growth of significant measures of egalitarian citizenship. The equality of inclusion it demands is insurgent, even though it also elbows into the existing system. It is insurgent because the *right-to-rights* citizens claim is not minimal. It already assumes the totality of possible rights. Hence the recognition of these citizens as right-to-rights bearing members creates a radical opportunity to remake Brazilian citizenship for a democratic society.

Limits of Rights and Urban Citizenship

1. Nevertheless, the development of citizenship in the peripheries remains contradictory: residents support anonymous citizen equality while also holding that various kinds of social inequality justify the legalization of special treatment.
2. Rights and liberalism. But property rights struggles have also been leading to (a) collective property rights, (c) redefinitions of property that qualify classic liberal “rights against the world” conceptions with social justice conceptions: especially important is the “the social function of property” principle in this regard.
3. The case of urban citizenship among national citizens versus urban citizenship among noncitizens. Different outcomes for democratic governance.