**URBAN LAND QUESTION**

PLANNING, PROPERTY AND (IN)SECURITY OF TENURE  UNDER THE EMPIRE OF FINANCE ( Raquel Rolnik)

Since it was introduced, as a tool for State intervention in urban conflicts over the use of space in a context of fast urbanization,  planning has always been a strategy of establishment  control and sovereignty   over territories  and  people.

The practice - which includes urban codes and regulations associated with investments on urban expansion or renewal - is strongly embedded in the liberal  thinking prevalent at its birth,  a model of socio-political organization where property, rights and citizenship are interweaved .

Private property of land, connected with land appropriation and allocation only through market transactions inscribed within certain contractual rules,  which are the forms through which land rent can be extracted and a fundamental element of the capitalist accumulation regime – also have an essential political dimension. According to Polanyi, the freedom of commercializing properties, especially land properties, constitutes an essential part of individual freedom, which is the basis for individual citizenship rights.

However, since than, and still now, land and tenure regimes and modes of creating cities and territories are rather multiple, generating not just one, but several forms of production, appropriation and allocation of space. Planning has never fulfilled its utopia of total order and control of cities, neither the total transformation and submission   of tenure regimes to one and only mode of  allocating and transforming space.

To theorize these situations, Boaventura de Sousa Santos suggests the idea of a juridical pluralism: the encounter, coexistence and, often, conflict between different juridical orders operating on the same territory, in which one of them – the utopia of a place that could be totally free to circulate, depending exclusively on the individuals will and  valued only by the potential of extracting rent  – is superimposed as sovereign power over the others .

 Acording to Alex Ferreira Magalhães, a permanent disjuridicization of juridical situations involving lower classes and minority groups , which reflects and replicates socio political and other  inequalities, are put in place by planning regulations, as they set the borders between the  “official”, “registered” settlements  and the  “others”, defining thus whose “rights and freedoms” related to land should be protected and promoted, and whose not.

 Rather than eliminating the “others”, planning theories and policies have been  responsible for generating a territorial stigma: still today, in cities of the developed, emerging or impoverished world, a discriminatory hegemonic spiel resists, employing ethnic, economic, juridical and spatial elements in order to designate this persistent, in the words of Wacquant, “place of urban outcasts”, a permanently transitory place within/outside the city, in which the political/juridical order can be suspended , anytime.

This process has been known since the origins of capitalism, when the “enclosures of the commons” blocked access to land for former servants, pushing them to proletarianization in cities in a cycle of territorial expansion and dispossession. By then, all kinds of tenements and slums were essential to provide a reserve industrial army to feed the hunger for a cheap and available  workforce .  In global north and south the conditions of permanence – as well  as the possibilities of better accessing urban services and opportunities in cities-   has been an arena of political negotiation within and outside the institutional order.

Are the scenes of evictions, foreclosures and disposessions  that we are witnessing today in global north and south the reproduction of the same mechanism in the era of financial capitalism? In the new cycle of capitalist occupation of space, structured by a  new relation between capital and space place under the hegemony of financial and rentier capital,  land, more than a means of production, is a powerful reserve of value. Expulsions and dispossessions are no longer a machine for the production of proletarians. They are, according to David Harvey, a kind of collateral effect of a new geography, based on the control of ”assets” – a capitalised property title  which is set in anticipation of either some future stream of revenue or some future state of scarcity.  Land – and real state – became more and more an arterial route for the circulation of finance.

To be able to be an investment vehicle, land and built space should be freed from its fixity: the material and legal bonds that relate individuals and communities to territories.

Subprime credit , as well as mass evictions of “non registered” settlements are two faces of the same machinery:  by weakening tenure security – including within private property regimes -  by generating  placeless indebted men and women, finance is the new colonial power that governs cities and territories.

Under this new sovereignity, planning is being reformed, as entire parts of  cities – through  urban large or megaprojects -  are being declared “out of negotiations” within the political and institutional order , to ”unlock” their potential to circulate as investment vehicle.

Again, this projects are the new utopia, but never the new reality of cities, which is continuously been produced and appropriated by multiple forms and orders. It is exactly these practices that urgently require attention, nurturing, recognition, and valorization by an insurgent planning.