

## THE URBAN-FORM UNDER PATRIMONIALISM: LIMITS OF STATE ACTION IN THE PRODUCTION OF URBAN SPACE IN BRAZIL

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### Abstract

*Urban public policies in Brazil are based on an exaggerated belief in the transformative potential of the state apparatus and urban planning. This is because the State model, which is used, is the model structured within the context of the regulated economies of the welfare state, where the production of urban space is the result of action by a strong State. The problem with this is that this model does not correspond to Brazilian sociability, nor to our urban form. It is therefore necessary to create a theory of the State for the urban, which is capable of covering the specificities of our patrimonialist society. Using the theory of State derivation, it may be inferred that the urban form derives from this specific sociability, defining a process that is not the social production of space, but a patrimonialist production of space, a pattern of domination through space that sustains the elite society.*

### Keywords

*State; Urban Development; Patrimonialism; State Derivation; Urban Policies.*

## A FORMA URBANA PATRIMONIALISTA: LIMITES DA AÇÃO ESTATAL NA PRODUÇÃO DO ESPAÇO URBANO NO BRASIL

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### Resumo

*As políticas públicas urbanas no Brasil se apoiam em uma crença exagerada quanto ao potencial transformador do aparato estatal e do planejamento urbano. Isso porque o modelo de Estado que se utiliza é aquele que se estrutura no contexto das economias reguladas do Estado do bem-estar social, no qual a produção do espaço urbano é decorrente da ação de um Estado forte. O problema é que esse modelo não corresponde à sociabilidade brasileira nem à nossa forma urbana. É necessário elaborar uma teoria do Estado no urbano que seja capaz de abarcar as especificidades da nossa sociedade patrimonialista. Usando a teoria da derivação do Estado, depreendemos que a forma urbana deriva dessa sociabilidade específica, definindo um processo que não é o da produção social do espaço, mas sim da produção patrimonialista do espaço – um padrão de dominação por meio do espaço que sustenta a sociedade de elite.*

### Palavras-chave

*Estado; Formação Urbana; Patrimonialismo; Derivação do Estado; Políticas Públicas Urbanas.*

## LA FORME URBAINE PATRIMONIALISTE: LIMITES DE L'ACTION DE L'ÉTAT DANS LA PRODUCTION DE L'ESPACE URBAIN AU BRÉSIL

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### Résumé

*Les politiques publiques urbaines au Brésil reposent sur une confiance excessive dans le potentiel transformateur de l'appareil d'État et de la planification urbaine. En effet, le modèle étatique de référence est celui des économies régulées de l'État-Providence, dans lequel la production de l'espace urbain est le résultat de l'action d'un État fort. Mais ce modèle ne correspond ni à la sociabilité brésilienne, ni à notre forme urbaine. S'agissant de l'espace urbain, il convient d'élaborer une théorie de l'État qui puisse rendre compte des spécificités de notre société patrimonialiste. La théorie de la dérivation de l'État nous permet de déduire que la forme urbaine dérive de cette sociabilité spécifique, définissant un processus qui n'est pas celui de la production sociale de l'espace, mais plutôt celui de la production patrimonialiste de l'espace – un modèle de domination à travers l'espace qui entretient la société des élites.*

### Mots clés

*Etat; Formation Urbaine; Patrimonialisme; Dérivation de l'Etat; Politiques Publiques Urbaines.*

# THE URBAN FORM UNDER PATRIMONIALISM: THE LIMITS OF STATE ACTION IN THE PRODUCTION OF URBAN SPACE IN BRAZIL

*João Sette Whitaker Ferreira*

Introduction: the impasses of State action in promoting urban reform<sup>1</sup>

In Brazil, the question regarding the nature of the State and its specificities has always been at the heart of fruitful debate in the field of sociology and political economy. Even in the 1930s, those who interpreted our formation began to focus on the great, perpetual dilemmas of our development, such as the dialectical relationship between the *backwardness* that resulted from colonial and post-colonial forms of organization and the project of *modernity* (ARANTES, 1992). In the wake of these analyses, appears the observation of how, in Brazil, the peculiar relations between the “public” and the “private” have become one of the keys to interpreting society and the logics of its formation. Based on a Weberian perspective, it was Sérgio Buarque de Holanda, in 1934 [2001], who first specified the patrimonialist characteristic of the Brazilian State, a term taken up again in 1958 [2000] by Raymundo Faoro, in his work republished in the mid-1970s, when Simon Schwartzman’s (2015) interpretation, with a liberal bias, also appeared. Without using the term patrimonialism, although with many references to Weber, other important authors, such as Gilberto Freyre, in 1933, Victor Nunes Leal, in 1948, or Oliveira Vianna, in 1949, also observed the permanent intermingling of

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1. Urban reform (*Reforma Urbana*) is the title of articles 182 and 183 of the 1988 Brazilian Constitution, reflecting the struggles of social movements to guarantee the right to the city. This term therefore refers to all public policies aimed at promoting access for the most disadvantaged populations to urban structures and services (such as housing, urban mobility, infrastructure, etc.).

private interests in the state sphere. Thus, a significant sociological “school” was constituted, generically called “patrimonialist”, with differences and antagonisms, although with a common concern to interpret the particular nature of the Brazilian State and its role in our social formation.

If for sociology it seems clear that more in-depth studies on the State are essential in order to understand our sociability, in the field of urbanism, it would seem that this same understanding has not occurred. Perhaps this is because of the applied character of urban studies, which generally focus on the characteristics, limits and potential of planning, i.e., plans and other instruments of state action on the urban, thereby failing to pay greater attention to the nature of the State that has promoted them.

Most analyzes on the history of urban planning in Brazil have laid emphasis on the number of plans carried out and their characteristics, often to verify their vicissitudes and lack of effectiveness. Flávio Villaça, in 1999, indicated the tradition of creating “plans for the drawer”, excessively technical and hardly or never committed to their effective application. These readings do not fail to show the responsibility of the State, however they do not focus on the specific relationship between the very *nature* of the Brazilian State and the little effectiveness of the planning policies it promotes.

Ermínia Maricato, in 1996, made the interpretative leap from the sociological and economic fields to the urban. By referring to Roberto Schwarz (1990), precisely one of the main interpreters of our formation, she related the unequal and segregating logics that conduced to the sprawling growth of cities with the contradictions and specificities of our society and the forms of political and social domination of the elites.

Not that the structural contradictions of our society and its relationship with the urban had not been specified by other authors, such as Reis Filho (1968), Villaça (1986), or even by authors of urban sociology, such as Kowarik (1979), Bolaffi (1982), and of economics, as Singer (1982) and Oliveira (1977, 1982). Even so, the concern with understanding how the characteristics and peculiarities of the State could be related to the tragic urban framework that had already become explicit was never central to these works. Brazilian thinking with regard to the urban, strongly rooted in the Marxian<sup>2</sup> school, both the French and the Anglo-Saxons, which developed during the 1960s, especially through the inaugural works of Lefebvre (2001) and

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2. Aron (2002) differentiated between “Marxologists”, scholars of Marx’s work, “Marxists”, whose reflection on Marx’s work is associated with a proposal for political action (for example, Lenin), and “Marxians”, who adopt the dialectical method and update historical materialism to interpret their time and area of knowledge. See ARON, R. *Le Marxisme de Marx*. Paris: Edition de Fallois, 2002.

Castells (2000), written in 1968 and 1972, respectively, imported the concept of the *social production of urban space* (GOTTDIENER, 2016), originally considered from the empirical study of cities in the context of social welfare, with a strong presence of the State in the production, regulation and mediation of urban dynamics. Perhaps therein lies the solid belief that, anywhere in the world, this should be the referential model of the State, as well as of the urban space resulting from its actions. This influence also left its mark on the urban planners involved in formulating urban policies within the state apparatus and in their demands, alongside civil society, in which there is a remarkable belief in the potential of urban plans and instruments as a way of facing the problems of cities.

In a variant of *misplaced ideas* (SCHWARZ, 1973), the Brazilian urban prescription, across its ideological spectrum, was inspired by policies and instruments imported from another reality, always viewing the State as the legitimate proponent of urban policy. Even throughout the years of the dictatorship, the belief in state planning was strengthened, promoting large urban works and mass production housing policies. However, with the redemocratization of the 1980s, which culminated in the 1988 Federal Constitution, this logic was also reproduced in the progressive field, linked to demands for a strong State role in promoting urban reform and the right to the city: 130,000 people subscribed to the *Emenda Constitucional de Iniciativa Popular pela Reforma Urbana* [Constitutional Amendment by Popular Initiative for Urban Reform] – a struggle to encourage the approval of Articles 182 and 183 in the Constitution, which introduced the principle of the *social function of urban property* and the obligation to create Master Plans in municipalities with a population of more than 20 thousand, urban planning instruments inspired by the regulatory action of the State in developed countries. In line with the political moment of redemocratization and fresh hopes, there was a predisposition to believe that the State could, after two decades of authoritarianism, fulfil the role of leveraging social changes in the country.

The following years demonstrated, however, that the path would not be so simple. Regulating the articles of urban reform, which should have been an automatic process following the promulgation of the Federal Constitution, took a long thirteen years to become effective in the City Statute in 2001. Political tensions throughout the territory and dominant local interests were not so easily controllable through simple public regulation and the promotion of legal instruments to guarantee urban and social justice. Despite these difficulties, the City Statute nonetheless reinforced the idea that it would be the ideal instrument to promote urban reform, without bringing into question its real capacity to fulfil this function within the Brazilian context. Thus, a set of instruments was regulated, imported from another

reality, with the belief that it would provide tools for municipal executive powers to promote social justice across the territory.

As an example, it is possible to observe some inspirational cases in the so-called French *droit urbain*: the Master Plans, similar to the *Schémas Directeurs d'Aménagement et d'Urbanisme* (SDAU); the *Zones d'Aménagement Concerté* (ZAC), which were zones for State intervention to promote the recovery of “degraded” areas, inspiring both the Special Zones of Social Interest (known in Brazil as ZEIS) and the Consortium of Urban Operations; or the Onerous Grant of the Right to Build, clearly inspired by the *Plafond Legal de Densité* used in France since the 1970s, as well as the Right of Pre-emption.

At the time, in an article, I alerted to the possible optimism of wagering on state regulation, in such a different context, of the production of urban space as a means of social transformation:

While there [European countries of developed capitalism] urban planning instruments emerged during the post-war period, concomitantly with the structuring of the welfare state, [...] in Brazil, urban planning instruments emerged as an attempt to react in the face of a model of society and city structurally organized in a deliberately unequal manner, which completely changes their potential and possible scope. Here, it is a question of reversing a historical-structural process a posteriori of spatial segregation, which, in essence, would signify giving the State the capacity to face the urban privileges acquired by the ruling classes over a period of [...] 500 years. It is not, therefore, a simple task. (FERREIRA, 2003, p. 6).<sup>3</sup>

It is important to recognize that both the articles of urban reform and the City Statute itself enabled undeniable advances in facing socio-urban inequalities. In the 1988 elections, a virtuous period of governments began, which promoted important initiatives in this sense, some with international recognition. The creation of the Ministry of Cities in 2002 and the implementation of policies such as City Councils at municipal, state and federal levels, among other examples, fueled expectations that it would be possible to have a State that promoted urban reform in Brazil. However, these advances were due more to management initiatives than to the effects of municipalities systematically applying the instruments of the Statute. Twenty years later, although many cities have regulated some of these instruments, it should be recognized that the application of the City Statute in an

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3. This and all other non-English citations hereafter have been translated by the author.

integrated, systemic manner, as a public tool to truly confront urban inequalities, has not occurred.

My hypothesis is that the result was more effective until the moment in which the mobilization for the City Statute brought together, in a single struggle, the set of forces that demanded urban reform across the country. However, its necessary regulation represented the breakdown of a unified struggle in thousands of Brazilian municipalities. Moreover, it is at the municipal level that disputes and tensions around the *nó da terra* [node of the land] actually occur (MARICATO, 2008), where the actions of the landowners, the real estate business, take place. It is in this territory that the dominant classes exercise their privilege and direct urban public investments toward their own interests. It is on the territorial scale of the municipalities that expresses, in its entirety, what the interpreters of our formation have called patrimonialism. Here, a relationship clearly appears that, as stated at the beginning of this article, has received very little attention: that from between the production of urban space and the structural constraints of our sociability and the nature of the State that has been derived from it.

The need for a theory of the State for the urban

The *urban question* was addressed by Castells with emphasis on the role of space as the locus for the process of production and reproduction of capital, where domination of capital over work, the class struggle and the resulting social conflicts took place. In a broader approach, Lefebvre<sup>4</sup> presented the idea of *urban form*, which understood space as the result of a social praxis that “[...] can only be grasped dialectically because it is a concrete abstraction – one of Marx’s categories, such as value exchange, [...]”<sup>5</sup> (GOTTDIENER, 2016, p. 132). For Lefebvre, space is the territorial basis for the capitalist production process, but it is also, in itself, a product of capital and merchandise, in addition to being the place for the reproduction of sociability, of an urban social praxis. This understanding locates what he called *urban form* not within the scope of what classical Marxist thought calls superstructure, but within the scope of production relations themselves.

While both authors realized the relevant role of the State in the process of space production, they did not always enter into a more profound discussion on the implications of its nature. Castells addressed the issue by indicating the problem

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4. In his classic work *The Social Production of Urban Space*, Gottdiener (2016), by working alternately with the contributions of Castells and Lefebvre toward a theory of space, demonstrated how the contributions of these authors may today be seen as complementary, rather than antagonistic.

5. N.B. For direct citations, the English version was used of GOTTDIENER, M. *The Social Production of Urban Space*. Austin, University of Texas Press, 1997, p. 128.

and the impasses surrounding the “objectively socialized means of consumption” in the urban that depend on the State; while Lefebvre produced an extensive specific study of the State.<sup>6</sup> In addition to not focusing more particularly on an analysis of the nature of the State, both worked on the European context of the central development of capitalism, with the Keynesian State of a social-democratic regime as a reference, as is the case with almost all authors within so-called *Western Marxism*.<sup>7</sup> In 1976, David Harvey also dedicated himself to the study of the State, but he too did not delve into the relationships between the characteristics of the State and the production of space (HARVEY, 2005).<sup>8</sup> While outside the urban scope, the debate on the nature and role of the State took on an important dimension within Western Marxism, especially from the 1960s onwards, the study of the role of the State in its specific relationship with the production of urban space made few advances after the publications of these authors.

This was perhaps due – and this is a hypothesis that I raise – to the fact that, for Marxian urbanists, the question of land, more objectively *ground rent*, channeled reflections on the urban, leaving the specific discussion of the State in second place. When looking to Marx for writings that would allow them to create a base theory for interpreting the modern urban phenomenon, Marxian urbanists stopped at the *theory of ground rent*, since it was only at this point that Marx studied something that came close to the “urban”.<sup>9</sup> As Deák (2016) indicated, this approach, based on a thesis formulated from a rural, agricultural context much earlier than urban development as we know it today, did not enable the creation of categories capable of explaining the complex dynamics of modern cities or apprehending the urbanized space as a product socially produced by capital. As Harvey (2013, p. 532) stated, “the theory of ground- rent resolves [for Marx] the problem of how land, which is not a product of human labor, can have a price and be exchanged as a commodity”.<sup>10</sup> With this theoretical “solution”, the problem would be resolved because “What is bought and sold is not the land, but title to the ground-rent

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6. This involved four volumes of the work entitled *De l'État*, from 1975.

7. A generic label for currents that are often antagonistic to one another.

8. The theme appears in the article “The Marxist Theory of the State”, published in 1976 in the journal *Antipode* (Wiley-Blackwell, New Jersey). In Brazil, it came out as a chapter in the book *The capitalist production of space*, in 2005.

9. This is chapter 46, Book III, of *Capital*, about ground rent on land to be built, in addition to a short passage in chapter 23, of Book I, on real estate dynamics.

10. N.B. For direct citations the English version was used of HARVEY, D. *The Limits to Capital*. Oxford, Basil Blackwell Publisher, 1984, p. 367.

yielded by it” (HARVEY, 2013, p. 532).<sup>11</sup> Pursuing the Ricardian theory of ground rent was a reasonable solution to the problem<sup>12</sup> that agricultural land, even when not “produced”, was a commodity.

The point is that in modern urbanization, which Marx did not witness, this explanation became insufficient, generating an impasse that did not allow us to go any further in understanding how urban space did not become a parasitic element of productive capital (because of the supposed retention of ground rent), but rather a powerful driving force in the process of expanded capital reproduction. In the second half of the nineteenth century, urban reforms in Paris, led by Louis Napoleon Bonaparte and Haussmann, were the main lever for a modernization of capitalism, with financial capital entering the production circuit of built space. This movement in the sphere of circulating capital not only produced the well-known road works linked to the real estate sector (and the social control of space), but also urban infrastructure works, railways or large commercial stores – all essential investments for productive capital and for consolidating capitalist industrialization, as presented by David Harvey (2015). The capitalist urban form was born not as an impediment, but as a necessary condition for the emancipation of capital and the commodity form.

However, analyzes on this period generally focus more on the immobilizing role of Parisian speculators than on the dynamizing effect it had on productive capital. The mismatch in updating Marx’s categories occurred, in my view, due to a misunderstanding. By indicating land ownership (and the search for a surplus resulting from this property) as the main obstacle to the production and reproduction of capital in the urban, it was not understood that the plot of land is not “bare land”, a “gift of nature”, but a small part of a systemic and complex network of infrastructures that is socially produced (by the State), and because of this, therefore has value. In fact, what “is bought and sold” is not exactly the land itself, but the “urbanized land” or, in Deák’s terms (2016), the *location*. A socially “produced product”,<sup>13</sup> a commodity like any other, a fragment of a systemic set of infrastructures, which gives it its material condition as a commodity, and thus having a price, is able to be bought and sold like any other commodity and presents the role of the State as fundamental in its production, as demonstrated by the Haussmannian experience.

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11. N.B. For direct citations the English version was used of Harvey (1984, p. 367).

12. Although Harvey (2015, p. 532) states that not even Marx was entirely satisfied with it.

13. In Abu Dhabi, there are entire neighborhoods built over the sea, where “bare land” never even existed.

Thus, attempts to develop and broaden the theory of ground rent to explain the production of contemporary urban space quickly proved to be anachronistic, having been abandoned even by its main theorists, although the theory is still recurrently used today. It so happens that, rather than dwelling on a supposed ground rent that hinders urban dynamics and its possible regulation, what we have is the need to analyze the way in which the socialized production of this network of infrastructures, that materializes the urban space, takes place. In other words, instead of developing theories on ground rent, it would have been more useful for the reading of urban problems to develop a *theory of the State for the urban*. As Deák (2016) mentions, the main characteristic of location, as part of a systemic set of infrastructures, is that it cannot be, as a whole, produced individually by the capitalist as a commodity. At this point, the central role of the State appears since it has the ability to “collectively execute” the production of space.

If everything could be produced as a commodity – all use values, at their exchange value – an economy entirely regulated by the market would be conceivable. However, not everything can be produced as a commodity, for profit. If a given use value cannot be produced by an exchange value, but it is still necessary for the production of other commodities, it may be said, that it is socially necessary, the State intervenes to ensure the production, directly or indirectly, of the use value in question (DEÁK, 2016, p. 101).

### The State and the Urban in Welfare Capitalism

The question of the State will be addressed briefly. Western Marxism has developed an intense debate regarding its role in the ambit of the expanded reproduction of capital, which cannot be detailed in this article. It should be noted that the core of the discussion, based on the writings of Marx and Engels, lies on the level at which the State would or would not be an apparatus specifically serving the interests of capital, or whether it is a political instrument of the ruling classes in general, whoever they may be. In the monopoly finance capitalism that became established from the beginning of the last century, the question of the “relative autonomy” of the political sphere in relation to the economic sphere has appeared increasingly more, a term proposed in the mid-1920s by the Soviet jurist Evgueni Pachukanis (1988).

This question became even more relevant in understanding how, in order to sustain capitalism, or even to leverage its development, as occurred in Paris at the turn of the century, the State had to place itself “above” particular capitalist interests, so as to be able to regulate the system in the interest of “capitalism in general”. This precept became even more relevant in the necessary rearrangement to overcome

the great structural crisis of overproduction in the 1930s. To escape from the impasse of underconsumption (and, therefore, of breaking the fundamental M-C-M equation – money is transformed into a commodity, which is again transformed into money with surplus value), caused by the liberalism of the previous period, which had intensified the exploitation of labor at the same time that Fordist-Taylorist production grew exponentially, the solution was to promote an increase in employment rates and wage levels and, consequently, mass consumption, capable of sustaining the inexorable expansion of the commodity form.

From an economic viewpoint, this involved adopting the Keynesian model of strong state interventionism, inaugurated in the USA with Roosevelt's *New Deal*. From a political viewpoint, social democracy was consolidated as a path that was capable of legitimizing the redistribution of gains in order to sustain, for the "general interest" of the system, the consumer market. From the social perspective, a model was created that was capable of providing, through the euphemism of social welfare, the living conditions necessary for the expansion of the commodity form. According to Joachim Hirsch, "the capitalist state is essentially an intervening state" (HIRSCH, 2010, p. 41). For the French regulationists,<sup>14</sup> it concerned the passage to a new *regime of accumulation and regulation*, of an intensive nature, when the reproduction of capital and the expansion of the commodity form began to demand: rationalization that would guarantee technical progress, an increase in the productivity of labor; adjustments to wage regimes to support consumption; political-institutional arrangements to maintain such changes (JUILLARD, 2002, p. 226). This also included a new rationality of urban space (DEÁK, 2016).

Even in a "social" version capable of providing conditions of consumption for all, there is no doubt that the role of the State was, in fact, to maintain in the central countries the unequal conditions inherent to the system of accumulation itself. As Harvey (2005, p. 79) stated, it is about understanding "how state power can have all the appearances of autonomy vis-i-vis the dominant classes at the same time as it expresses the unity of class power of those classes".<sup>15</sup> Or, in the words of Pierre Salama (n.d., apud CALDAS, 2013, p. 113): "The specificity of the capitalist State is to appear to guarantee an equivalent exchange so as to enable, in fact, an unequal exchange".

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14. See AGLIETTA, M. *Régulation et crises du capitalisme*. Paris: Odile Jacob/Opus, 1997; and BOYER, R.; SAILLARD, Y. (Org.). *Théorie de la Régulation: l'état des savoirs*. Paris: La Découverte, 2002; Juillard (2002).

15. N.B. For direct citations the English version was used of HARVEY, D. *Spaces of Capital – Towards a Critical Geography*. New York, Routledge, 2001, p. 271.

It should be noted how much the virtuous period of growth that followed for three decades<sup>16</sup> saw the expansion of the large cities of developed capitalism. If state intervention was necessary to structure societies of mass consumption and social welfare, such objectives would only be achieved if there was, at the same time, a compatible improvement in urban living conditions. Moreover, public regulation of the economy, labor, social security and universal health and education also translated into strong public intervention in the production of urban space. In France and the UK in particular, housing policies for the poorest population, unable to acquire this good, were totally taken over by the State through social rental policies.

An impressive set of urban instruments was implemented, the same that would reappear as a model in the Brazilian Constitution of 1988. Urban and building regulations, associated with massive investments in infrastructure and urban equipment, promoted compact cities, supported by dense mass public transport networks, with the objective of rationalizing public expenditures through population densification in well-served areas.<sup>17</sup>

The power of the State in this process is clearly evident. By being responsible for the social production of the systemic network of urban infrastructures, the decisions to insert them into the territory become, at least in theory, at the discretion of the public authorities. With more homogeneous investments in infrastructure, there would be more widespread access to the city. The more heterogeneous they were, the more price variations<sup>18</sup> there would be, along with more inequality in the appropriation and use of urbanized land. Capitalist cities have this contradiction: social investment in infrastructure causes prices to rise and plots of land, because they are expensive, are ultimately purchased individually by the wealthiest. Thus, in the midst of the set of urban instruments, there are tools designed to correct this contradiction. As the offer of completely homogeneous infrastructure in the territory is impossible in practice, the imbalances are equated through taxation, such as territorial tax. In short, owners with better infrastructure pay more than those with less, and the “relative autonomy of the State” is also expressed in its action on the urban. This is why David Harvey summarizes that the “claim to the

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16. The *Golden Age* for the Anglo-Saxons, or the *Glorious Thirty* for the French, was actually a brief interim in the history of capitalism, since the *Welfare State* (but not State spending in favor of capital) became destructured from the crisis that began in the 1970s.

17. See GROPIUS, W. *Construction horizontale, verticale ou de hauteur intermédiaire*, 1931. In: *Architecture et société*. Paris: Éditions du Linteau, 1995.

18. This will not be discussed here, but it is worth noting that the price of the urban plot is the result of the social work invested in the production of locations, added to the dynamics of market demand.

right to the city” is nothing more than “to claim some kind of shaping power over the processes of urbanization” (HARVEY, 2014, p. 30).<sup>19</sup>

Political form and urban form on the periphery of capitalism

The problem we perceive is that the analysis constructed above examines developed capitalism. The cities seen as a model of democracy and civility, which export the ideas of urban planning based on plans and regulatory instruments, are, in fact, the developed capitalist cities of Keynesian social democracy. It is pointless to insist on the obvious: it is not the cities of the Global South.

The materialist theory of the State, developed by Joachim Hirsch (2010), based on the debate regarding State derivation, which began in the 1960s, brings an understanding of the modern State as a political form peculiar to capitalism, which may only occur within it, unlike other forms of earlier historical periods. It is the political form derived from capitalist social relations and is not only a functional superstructure for capital. It is a category in itself of the production and reproduction process, “a particular historical form of social relations”, directly linked to the need for constant expansion of the commodity form. Responding to Pachukanis’ inquiry as to why “the machinery of state coercion [does] not come into being as the private machinery of the ruling class”, but “detach[es] itself from the ruling class and take[s] on the form of an impersonal apparatus of public power separate from society?”<sup>20</sup> (PACHUKANIS, 1988: 95), Hirsch states: “the political form, or the State, is itself an integral part of the relations of capitalist production. The particularity of the capitalist mode of socialization resides in the separation and simultaneous connection between ‘State’ and ‘society’, ‘politics’ and ‘economy’” (HIRSCH, 2010, p. 31). It is interesting to observe how the statement that the State “is not simply defined as a given and functional organizational link, but as an expression of an antagonistic and contradictory socialization relationship” (HIRSCH, 2010, p. 24) is very reminiscent of the Lefebvrian definition of “urban form”, although the French geographer apparently had no connections with the derivation debate.<sup>21</sup>

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19. N.B. For direct citations the English version was used of HARVEY, D. *Rebel Cities*. New York: Verso, 2012, p. 5.

20. N.B. For direct citations the English version was used of PACHUKANIS, E. *The General Theory of Law & Marxism*. New Brunswick, US, Transaction Publishers, 2003, p.139.

21. On the other hand, the derivation debate approached the reflection on the urban, as evidenced by an article by Hirsch in the book *Urbanization & urban planning in capitalist Society* (HIRSCH, J. The apparatus of the State, the reproduction of capital and urban conflicts. In: DEAR, M.; SCOTT, A. J. *Urbanization & urban planning in capitalist society*. London & New York: Methuen, 1981.)

Capitalism, if we leave the Eurocentric framework, is an unequal, combined system, through which the growth of the social welfare model was only sustained thanks to the international expansion of the division of labor within the capitalist world-economy, to use the Braudelian terms, of *imperialism by spoliation* (HARVEY, 2003), carried out in what Alain Lipietz (1985) called *peripheral Fordism*. If we understand the State as a political form derived from a certain sociability, in the same logic proposed by the debate on the derived State, we may assume that the State, which derives from Keynesian capitalism, is not the same as the State that derives from dependent peripheral capitalism, another capitalism within capitalism. Similarly, we may say that the urban form also derives from a certain sociability and that, therefore, cities in developed capitalism are the urban form that derives from a sociability completely different from ours and cannot be transferred to Brazil.

Understanding the urban depends, therefore, on the study of the dynamics that characterize Brazilian “private capitalism” and its political derivation (the State), something that the interpreters of national formation have been doing for a long period of time. It is only from this exercise that it becomes possible to explain the peculiarities and vicissitudes of the production of urban space in Brazil. As Deák (2016, p. 168) stated, “describing, understanding or interpreting the urbanization process in Brazil actually implies describing, understanding and interpreting the nature of its own society”.

The social patrimonialist form

Although they are not related to the theory of derivation, it is interesting to realize how the interpreters of our national formation visualized the direct relationship between the nature of the State and our social formation. To speak of the “the patrimonialist state” makes a lot of sense, since it corresponds to the perception of the need to understand which political form derives from our peculiar (peripheral) position in capitalism.

The most common understanding is that “patrimonialism” indicates the recognition, by several interpreters of our formation, of an instrumentalization of the State by the dominant sectors, to the point that, in state actions, “public” and private interests become confused. It is the interference of the private in the public sphere, through capturing the state apparatus, for the execution of specific businesses of the propertied class. This pattern of State instrumentalization has specificities that indicate a differentiation of our sociability within capitalism.

The concept of patrimonialism originated in the work of Max Weber to express, in his analysis of absolutist monarchies in opposition to the emergence

of the modern State in the capitalist genesis, the lack of distinction between what was public patrimony and what was the private patrimony of the monarch. Weber opposed patrimonialism to the effectiveness of the Modern State and its rational bureaucracy, exercised by officials aware of the “public sense” of their role. According to Holanda (2001) and Faoro (2000), the Portuguese monarchy was characterized by its patrimonialist character and transferred a colonial estate to Brazil that reproduced the same dynamics of State functioning, marked by the intrusion of private interests into the public sphere or, other words, by the control and instrumentalization of the state apparatus by the nobility in power. This characteristic has become indelible in the way that the Brazilian administrative machine functions, as well as in all other spheres of our society (SCHWARCZ, 2019). It is important to note that it was this structure, due to its characteristics, that enabled the long-lasting slavery regime to become established, leaving marks that have never been overcome.<sup>22</sup>

Holanda and Faoro specified the patrimonialist characteristics in the genesis of the Brazilian State, but afterwards, obviously, our social formation developed its own characteristics, very different from the context analyzed by Weber. Brazilian “patrimonialism” thus gained its own complex meaning, which has not necessarily followed the original concept. It is impossible to say that there is a “patrimonialist school”, as some critics have argued, because its interpretations are diverse, many of them even antagonistic – the concept varies even in Weber’s original work (SELL, 2016). He even had a liberal reading among Brazilian researchers, as in Schwartzman,<sup>23</sup> in the sense of opposing “the irrationality and inefficiency of state bureaucracies”.<sup>24</sup>

The concept we use is that which was appropriated by progressive authors in Brazilian sociology, such as Florestan Fernandes, Francisco de Oliveira and others, for whom, over the years, patrimonialism has made it possible to conceal a “state-liberal” apparatus exclusively at the service of the elites. As Fernandes states, it is

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22. Contrary to what the sociologist Jessé Souza argues, a staunch critic of what he calls the “usipian patrimonialist school”, slavery does not come before patrimonialism, but it is one of its consequences, certainly the worst and structurally more harmful to the society that was constructed from then on. See: SOUZA, J. *A tolice da inteligência brasileira* [The foolishness of Brazilian intelligentsia]. Sao Paulo: LeYa, 2015.

23. The author’s site is available on <http://www.schwartzman.org.br/simon/atualidad.htm>. Viewed in January 2021.

24. This aspect has even recently served to appropriate the term by sectors of the Brazilian extreme right, using it as a synonym of corruption, of “casting in certain nuclei of the state bureaucratic apparatus of individuals who took advantage of the circumstance to get rich” (PAIM, 2015, p. 8). PAIM, A. *O patrimonialismo brasileiro em foco*. Campinas: Vide Editorial, 2015.

a “competitive order”, but only for the possessing elites. It is important to note that all authors who are inspired by this “patrimonialist matrix” mention the degree to which it is not only restricted to the State, but is rooted within the whole of society. According to Ricupero (apud BRITO, 2019, p. 11), Florestan Fernandes and Maria Sylvia de Carvalho Franco “saw a patrimonialism in the country based on society”, which, according to him, led to a situation whereby “such an interpretation favors a certain combination of Weber and Marx”, corroborating the view of Werneck Vianna (1999) in which patrimonialism in Brazil can only be apprehended within the scope of its own social conformation. Thus, they approach derivation: the patrimonialist State makes sense if we understand it as the political form that derives from patrimonialist sociability, a form peculiar to capitalist development.

In order to obtain a better understanding, it would be necessary to delve into the thinking of Brazilian political economy, which identifies and characterizes our peripheral capitalism, of a dependent character, in which the trait of underdevelopment is a specific modality of development - backwardness nourishing the modern, as indicated by Francisco de Oliveira (OLIVEIRA, 2003a). We would have to review the debate on the origins of our “colonial capitalist slavery” (MAZZEO, 1988, p. 8) and the reflections of the Marxist theory of dependence, as well as those of other interpreters of our formation, such as Caio Prado Jr., Celso Furtado, Florestan Fernandes and many others, which does not make part of the scope of this article.

We only register that a development model was structured in Brazil that did not follow the stages of the bourgeois revolution, but constituted a peculiar society, a “bourgeois autocracy” (MAZZEO, 2015), of domination by the landed aristocracies, subordinately inserted into the international capitalist system, marked by the extreme concentration of wealth and the high degree of poverty, in contrast to the fact that it is among the richest economies in the world, which Deák (2016) rightly called an “elite society”. An elite that appropriated the state machine to promote its own interests through its historical control over land and labor, and that over time, has become more diverse, beyond the agricultural elite of large estates and fortunate immigrants, expanding to a commercial, industrial and financial elite, without, in the words of Florestan Fernandes, “the regime of castes and estates suffering any crisis” (FERNANDES, 1968, p. 22). This elite was not exempt from disputes and antagonisms and was based on “a structure that even allowed constant coups and counter-coups between the dominant factions, without, however, any changes in its basic aspect” (MAZZEO, 2015, p. 109).

It is this group that Faoro indicated as the one that “acts in its own name, using the political instruments derived from its possession of the state apparatus [...]

[and] conduces, commands, and supervises business, as its own private business” (FAORO, 2000, p. 819). A group that was not committed to national autonomous development, but to an association with the hegemonic interests of world capitalism, which strengthened its internal domination without having to face the risks of internal economic and political emancipation. It is, therefore, impossible to reconcile, as was the case in the welfare model, capitalist development with national integration. As Sampaio Jr. explained:

The “backward” bourgeois revolutions are characterized by the fact that their political leadership is monopolized by ultra-conservative, dependent bourgeoisies that, by closing the political circuit to the participation of the popular masses and sealing a strategic association with imperialism, ultimately associate capitalism and underdevelopment (SAMPAIO Jr. n.d., p. 1).

There is then the fact that the “patrimonial social form” is a construction that reflects a historical duality between, on one side, a minority group, the owner of wealth (land, industrial, commercial, financial), which holds political and economic power and exercises it omnipotently to protect its “individual” interests, even if they are an obstacle to the broader construction of a classical capitalist society. Returning to Pachukanis’ inquiry, in Brazil, there is no State autonomy in relation to the economy in order to guarantee “general progress”: it is an instrument appropriated by the elites to guarantee their own interests. More than that, in Brazil, given that its economy is focused on the permanent expatriation of surpluses (DEÁK, 2016), it was never necessary for the system to build a society of mass consumption, based on social “welfare”. At the other pole of this duality, there is a mass of a working population that did not need to be consumers (which changed somewhat from the 1990s onwards), that originated in the African diaspora and in other external and internal immigrations, permanently dominated and excluded from the emancipatory processes and the leaps of modernization.

The patrimonialist urban form and the “permanent counter-planning”

Therefore, the conclusive question remains: which urban form derives from this sociability and how to understand the role of the State as an agent of social change? The urban space produced in the context of patrimonialism reproduces its logic at all levels: it reinforces and naturalizes socio-spatial segregation and socially legitimizes this condition, thereby generating great difficulty in order to overcome it. What Marxian urban studies have defined as the *social production of urban space* could well be described as *patrimonialist production of urban space*, since it has no relation to the context of social democracy, from which the first term was

taken, let alone an interest in producing more socially democratic cities. There was no historical moment in which the rationalization of the urban was a condition for the existence of dependent capitalism, except for occasional improvements in the centers of the elites, at certain moments throughout time.

In Brazil, in the same way that backwardness has fueled the modern, structural urban segregation has fueled a pattern of urban domination by the elites. This dynamic is structured in two aspects: the very production of unequal space and of maintaining functional inequality, by permanent and institutionalized means of coercion. We cannot argue that it is specific or even due to “errors”. No, the patrimonialist production of space is desired, effectively functional and permanent.

With regard to the first aspect, the production of urban space takes place through a segregating logic, commanded not by “public interests”, but by the interests of the elites, who conduce their growth according to their decisions, using the state apparatus, as illustrated by Flávio Villaça. (1998). Within the state apparatus, there is a reverse directioning of “public” action, promoting the exact opposite of what the logic of the regulatory state would entail. Those who work within it, as much as they may desire to work for the “public good”, face a machine that has been oiled for centuries to work in the exact opposite direction, hindering any initiative, rendering procedures nebulous, bureaucratized and marked by clientelism, corruption and favor, all indelible marks of patrimonialism. Thus, cities are born excluding through the purposeful logic of the heterogeneous distribution of infrastructure, excluding the poor population from urbanized areas, growing through logics opposed to the rationality of population density, using segregation as a permanent instrument of domination.

A brief observation of examples in the formation of Brazilian cities is unequivocal: a single landowner conducting the subdivision and urbanization of his lands due to the economic intensification of his own agricultural activities, sometimes donating his own patrimony to create public-institutional equipment, as discussed by Maria Sylvia de Carvalho Franco (1983). This generates a weak State, subjected to patrimonialist forces right from its genesis. This same landowner determines the subdivision of (his) territory with wealthy areas, well equipped with infrastructure and regulated by occupation laws, leaving the marshy, peripheral lands for popular occupation. In large cities, it was common for central areas to receive strong “public” investments to develop urban plans in “European” patterns on the limits of the quadrangles where the landowners, commercial or industrial elites lived. According to Villaça (1998), these elites, in partnership with the real estate market, have conducted public investments in infrastructure according to the

axes that they themselves have defined, omitting any “public” concern in the sense of promoting a more homogeneous distribution across the territory, relegating the poorest to distant, informal peripheries, in a process masterfully described by Erminia Maricato in *Metrópole na periferia do capitalismo* [The Metropolis on the periphery of capitalism] (MARICATO, 1996), which continues to this day. The Brazilian city, an expression of the patrimonialist slave society, was born excluding the poor population, mostly black, from the “right to the city”. In Brazil, the “social” production of urban space is the production governed by patrimonialist interests.

The second aspect concerns the fact that, once the unequal urban space has been produced, the “patrimonialist urban form” structures a set of mechanisms, socially accepted, to maintain the condition of segregation and the privileged existence of rich neighborhoods, as an official political policy of spatial domination. These mechanisms affect both the “public” administration and the biased use of laws: the appropriation of the concept of “public” by private interests is expressed in an abusive priority in investments in maintaining and expanding privileged high-income areas, in the arbitrary use of a set of laws and legal instruments to maintain territorial domination, in the subjective understanding of what is legal or illegal, according to the interests of the moment, all this covered by the mantle of cordiality – another fundamental trait of patrimonialism –, which “normalizes” these perversities. It is also possible to highlight the historical manipulation of land rules, conveniently keeping part of the population in informal ownership, until market interests “resolve” their formalization. Furthermore, in addition to the instrumentalization of public management and the liberal interpretation of laws, maintaining the poor population in “communities” – often ostensibly and even violently prohibiting their access to “wealthy neighborhoods” –, structural racism – which is expressed in a naturalized manner in the daily life of the city - and the true genocide of young peripheralized black people<sup>25</sup> are, among many examples, instruments for maintaining the patrimonialist social form in the urban space.

In short, the “patrimonialist production of urban space” is structured in such a way as to deliberately promote unequal production and, at the same time, to guarantee the permanent maintenance of the segregated city. Thus, it is not surprising that the normative framework for regulating the production of urban space has not achieved significant results in promoting the “right to the city”. Unlike the countries that inspired the urban planning instruments that are desired here, there are entanglements of laws and regulations that ultimately confuse more than

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25. In 2016, 23,000 young Black men were murdered in Brazilian peripheries. See ADÃO, C. *Territórios de morte: homicídio, raça e vulnerabilidade social na cidade de São Paulo*. 2017. Dissertação de Mestrado (EACH) – Universidade São Paulo, São Paulo.

put order, and that are subject to enormous subjectivity in their interpretations, depending on whether or not they align, of course, with the interests of the elites.

Following on with the terms of Florestan Fernandes for the “permanent counter-revolution” that prevented the classic bourgeois revolution of capitalism in Brazil, a “permanent counter-planning” is practiced here, which prevents any possibility of promoting urban reform. Non-regulation is part of a purposeful dynamic of “not planning”, something that effectively results in a city model where domination over space is one of the instruments of social domination.

However, it is important to state that this structural impasse, when assimilated in all its variants and specificities, should not, because of this, cut off hopes or derail mobilizations or arguments for changes, which must occur, even if slowly. Awareness of our social structure, our historical role in world capitalism and urban forms will help us to understand the enormous difficulty of the challenge.

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