Citizenship, Equality, and Urban Property Rights in Latin America: The Peruvian Case

David G. Becker

Research on liberal democracy in newly developing countries has been hampered by the view of civil society as a bounded realm; by insufficient attention to power, class, and legal-juridical institutions; and by too limited a conception of social movements with democratic potential. In this study of urban migrants’ struggle for property rights, the migrants’ political action is found to be associated with a capitalist social movement. The legal changes that the movement helped institute and the means that it employed have enhanced democracy by extending property rights to the poor and by opening up policy processes to public debate and input. Insofar as liberal reform involves the law and its administration, it requires a positive, facilitative state, in spite of liberalism’s broadly antistatist commitments. The study also reveals that liberal reform can have a popular content even if supported by elites. The findings suggest that the realization of full citizenship rights is, for now, at least as crucial to the future of Latin American democracy as the narrowing of economic inequalities.

One of our most deeply ingrained beliefs about democratic politics is that citizens judge governments according to how they perceive their current material well-being and near-term prospects. Neither seems bright in Latin America, where wealth and income are distributed less equitably than in any other world region and

David G. Becker is associate professor of government at Dartmouth College, Hanover, NH 03755. He is the author of The New Bourgeoisie and the Limits of Dependency (Princeton University Press, 1982); a coauthor of Postimperialism (Lynne Rienner Publishers, 1987); and the author of “Beyond Dependency: Development and Democracy in the Era of International Capitalism,” in Dankwart A. Rustow and Kenneth P. Erickson (eds.), Comparative Political Dynamics (HarperCollins, 1991), in addition to many other articles on aspects of political development. Becker’s current research centers on the nature of constitutionalism and democracy in Latin America. He is preparing a book-length treatment of the rule of law in Latin America, along with an edited book on postimperialism that will present new case studies of a variety of countries and world regions.

where the poor majority’s share has been stagnant or shrinking. If the institutions of liberal democracy respond to the will of the majority, as they are supposed to, governments should be doing all they can, given the exigencies that constrain them, to alleviate poverty or mitigate its worst effects. Instead, Latin American governments are busy dismantling, in the name of economic reform, whatever tattered “safety nets” they once provided. This, to many analysts, is proof positive that the region’s political institutions need a thorough overhaul to make them more responsive and democratic (Bresser Pereira et al. 1993; Lijphart 1993; Linz and Valenzuela 1994; O’Donnell 1994).

But election returns are saying something different. Throughout the region the Left is in decline; its most popular leaders, such as Brazil’s Luiz Inácio (“Lula”) da Silva, Mexico’s Cuauhtémoc Cárdenas, and El Salvador’s Rúben Zamora, go down to defeat at the hands of neoliberals in elections that impartial observers find reasonably free and fair. Of course these outcomes do not prove that all is well with Latin American liberal democracy. They warn us, however, that economistic modes of analysis may not be suited to the task of locating and overcoming its deficiencies.

Urban “informals” who operate their own microbusinesses and live as squatters in self-built houses comprise the bulk of Latin America’s popular majorities. Most are migrants (or the first urban-born offspring of families that migrated) from the countryside, where conditions were usually much worse. No matter how rickety the houses they have constructed, they are de facto owners of the land beneath. Economic independence and ownership of one’s home are pivotal popular aspirations; those who have attained them, even partially and without much security, feel entitled to a government that treats them with dignity and respects their hard-won autonomy (Becker 1988; Turner 1987: 190–92). This, I suggest, is where the problem really lies: Latin American liberal democracy does not yet do so.

Although the right to possess, use, and transfer property is one of the basic civil rights that liberal democracy is supposed to guarantee, urban squatters’ property has no legal standing. In failing to recognize de jure the rights of squatters who, in some cases, can produce records of continuous de facto possession that go back two or three generations, Latin American legal orders create two tiers of citizenship: one superior, peopled by the elites and most of the middle classes, where property rights are recognized and, therefore, secure; the other inferior, peopled by the majority, where property rights are unrecognized and, therefore, precarious. The consignment of the popular majority to an inferior level of citizenship threatens to deprive Latin American democracy of the social support it must have to survive.

This article explores the ramifications of restating Latin America’s problem of inequality in terms of citizens’ property rights. It begins by examining the recent literature on Latin American democratization that views the issue through the conceptual lenses of civil society and social movements. After having explained why most such treatments are inadequate, it sets forth an alternative framework of analysis. Next it describes the new society that is being constructed by the urban migrants of Peru (where this kind of urban development has been studied most extensively over the longest period of time), together with the forms of political action they