INAPLICABILITIES OF THE LAW IN THE AMAZON: FOR AN URBAN ENVIRONMENTAL LAW OF THE AMAZON AND NOT IN THE AMAZON

Thales Maximiliano Ravena Cañete

Social Scientist, Bachelor of Laws, Master's degree in the Post-Graduate Program in Law and PhD in the Postgraduate Program in Sociology and Anthropology, both of the Federal University of Pará, professor of law at the Madre Celeste Superior School (Ananindeua/PA).
Email: thales_canete@yahoo.com.br

Voyner Ravena Cañete

Anthropologist, PhD in Socio-environmental Sciences, Professor of the Postgraduate Programs in "Aquaculture Ecology and Fisheries" (PPGEAP) and "Sociology and Anthropology" (PPGSA), both at the Federal University of Pará.
Email: ravenacanete@gmail.com

ABSTRACT

This article aims to demonstrate the partial inapplicability of the legal framework of urban environmental law in the Amazon, since the concepts oh this legal discipline derive from Brazil´s south-central-west reality, which disregard Amazonian communities and their socio-environmental way of life. It used as an argumentative basis the reflections of Bourdieu, especially the concept of field and symbolic capital, as well as shows the importance of relativizing the rural/urban binomial within the Amazonian context. The research methodology employed was extensive bibliographical reviews of the Brazilian amazon and the urban and rural concept used in it, as well as in the re-interpretation of statistical data about this region, enhanced by experiences in the field of its authors, with researches in several Amazonian municipalities, especially in the region of the Purus river, low Tocantins and coast of Para.

Keywords: urban environmental law; Socio-environmental way of life; Brazilian amazon.

INAPLICABILIDADES DO DIREITO NA AMAZÔNIA: POR UM DIREITO AMBIENTAL URBANÍSTICO DA AMAZÔNIA E NÃO NA AMAZÔNIA

RESUMO

Este artigo tem por objetivo demonstrar a parcial inaplicabilidade do ordenamento jurídico do Direito Ambiental Urbanístico na Amazônia, na medida em que este se baseia em conceitos advindos da realidade sul-centro-oeste, os quais desconsideram as comunidades amazônicas e seu modo de vida socioambiental. Usa como base argumentativa as reflexões de Bourdieu, especialmente o conceito de campo e capital simbólico, assim como evidencia a importância de relativizar o binômio rural/urbano dentro do contexto amazônico. A metodologia de pesquisa empregada configurou-se em extensas revisões bibliográficas sobre a região amazônica e no conceito de urbano e rural empregado nesta região, assim como na reinterpretação de dados estatísticos sobre essa região, potencializados por vivências em campo de seus autores, com pesquisas em diversos municípios amazônicos, em especial na região do rio Purus, baixo Tocantins e litoral paraense.

Palavras chave: Direito Ambiental Urbanístico; modo de vida socioambiental; Amazônia.

INTRODUCTION

The socio-cultural diversity of the Amazonian populations is intrinsically linked to the environmental diversity of this region. In the last decades, its native populations have become protagonists in the protection of the environment, being generically called "traditional populations" (CASTRO and MARIN, 1993). These present a differentiated way of life of the national society, developing throughout the centuries specific and varied ways of life, but with the particularity of having a relatively harmonious relation with the environment, whereas the national society developed a way of life in that the environment is subjugated to the human will, not considering any kind of limit or capacity for resilience (DIEGUES, 1997).

Considering that in the last two decades Brazil has changed from a country markedly agrarian to an urban country, to think the implications of this new scenario for the Amazon becomes imperative. This essay aims to demonstrate the partial inapplicability of the legal framework of urban environmental law in the Amazon to the extent that it is based on concepts derived from the south-central-west reality, which disregard Amazonian communities and their socio-environmental way of life (LIMA AND POZZOBON, 2005; MAUÉS, 1999). It uses as an argumentative basis the reflections of Bourdieu (2004), especially the concept of field and symbolic capital, as well as highlights the importance of relativizing the rural/urban binomial (ALMEIDA, 2008, LIMA AND POZZOBON, 2005); Amazon context. The research methodology was developed in extensive bibliographic reviews of the Amazon region and the urban and rural concept used in it, as well as in the re-interpretation of statistical data about this region. These data are enhanced by extensive experience in the field of its authors, with research in several Amazonian municipalities, especially in the region of the Purus river, low Tocantins and coast of Para.

Thus, this article is structured in this introduction, followed by three more sections and finalized with the final considerations. The first section aims to present the theoretical tools in which this work is based on thinking about the idea of Law and the Region, visualizing them as socially constructed. The second section is responsible for briefly presenting the Amazon socio-environmental reality; a little of the profile of their

communities, detailing the concept of traditional population, specifying it in the case of the Amazon. The third section has as its scope the relativization of the rural/urban dichotomy within the Amazonian context, leaving to the final considerations the implications related to the reflections constructed by this text.

1. BOURDIEU AND THE CONCEPT OF LEGAL AND REGIONAL FIELD

According to Bourdieu, the functioning of the legal field would be responsible for the construction of a legal practice and discourse, while the specific logic of this field is doubly determined:

> on the one hand, by the specific power relations which give it its structure and which guide the competition struggles or, more precisely, the conflicts of competence which take place within it and, on the other, by the internal logic of the legal works delimited in each the space of possibilities, and thus the universe of properly legal solutions (BOURDIEU, 2004, p. 211).

Thus, Bourdieu draws attention to the influence that the social structure exerts in the construction of the juridical reality in a general way, more specifically the influence that the relations of force within the own field exert in the structure and operation of the same, evidencing the conflicts of competence existing within itself. The author also demonstrates how the internal logic of the legal field ends up delimiting its space of action, that is, "the universe of properly legal solutions" (BOURDIEU, 2004, p. 211).

Bourdieu further expands the notion of legal field, understanding it as

> the place of competition for the monopoly right to say the right, that is, the good distribution *(nomos)* or good order in which they face agents vested with competence at the same time social and technical consisting essentially of the recognized ability to *interpret* (in a more or less free or authoritative way) a *corpus* of texts that consecrate the legitimate, just view of the social world (BOURDIEU, 2004 p. 212).

This concept of legal field opens the possibility of constructing some reflections. One of them refers to the fact that the author on the agenda draws attention to how society is a product of itself, and finds itself in an

eternal process of reconstruction. In the case of the legal field, Bourdieu observes that it is relatively independent, that is, it suffers external and internal influences in the constitution of its organizational structure, consequently, in the product that results from this field. Thus, the legal order is influenced not only by social disputes and conflicts in general, but also by disputes and conflicts within the legal field itself, in the eternal and changing "competition for the monopoly of law" (p. 212).

Thus, one of the main messages that could be presented as the center of Bourdieu's reflections on the legal field would be the affirmation that Law is constructed as a kind of field in which there are disputes and conflicts of any order (economic, social, etc.), both internally (within the field itself) and externally (coming from other fields and from social reality in a more general way). It is worth noting that for Bourdieu, it is the competence that guarantees juridical agents the power to "[...] control access to the legal field, determining the conflicts that deserve to be in it" (p. 233).

Indeed, Bourdieu demonstrates how the legal field can be socially constructed and how it is submerged in the disputes and conflicts of social reality and the reality of its specific field. The author also evidences how this field ends up exerting its influence in other fields of the social reality, configuring itself as a structuring structure[1].

Among these fields of social reality, on which the legal field exerts influence, is the idea of a region, which also exerts influence in the production of the legal field. In this sense, Bourdieu (1989) observes how the idea of region, like other components of the social world, is socially constructed. In the author's words:

> the reality in this case is social on the one hand and the most natural classifications are based on characteristics that have nothing natural and which are largely the product of an arbitrary imposition, that is, of an earlier state of the relation of forces in the field of legitimate delimitation (1989, p. 115).

Consequently, the idea of region and the legal field will be influenced, making the delimitations of a region are products of a juridical

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1 For more details see Bourdieu's book "O poder Simbólico" (Symbolic power), more specifically in his first chapter entitled "Sobre o Poder Simbólico" (On Symbolic Power) (BOURDIEU, 1989, p. 7-17).

act "that produces the cultural difference in the same way that it is product of this" (BOURDIEU, 1989, p. 115), keeping in mind the fact that

> Regionalism (or nationalism) is only a particular case of the strictly symbolic struggles in which agents are involved both individually and in a state of dispersion, collectively and in a state of organization, and in which the conservation or transformation of relations of symbolic forces and correlative advantages, both economic and symbolic; or, if one prefers, the conservation or transformation of laws of formation of material or symbolic prices linked to the symbolic (objective or intentional) manifestations of social identity. In this struggle for legitimate appraisal criteria, agents engage powerful interests, sometimes vital, insofar as it is the value of the person while socially reduced to their social identity that is at stake. (p. 124)

In other words, since the idea of a region constitutes something socially constructed, this same idea will be submerged in social disputes and conflicts, causing the monopoly to delimit the regions and borders[2] and demonstrate that what

> is at stake is the power to impose a vision of the social world through the principles of division that, when they impose on the group as a whole, make sense and consensus on meaning and, in particular, on the identity and unity of the group, which make the reality of group unity and identity (p. 113).

Thus, through the idea of a region, one can reflect on the construction of the legal field in the sense that it will be influenced to the extent that it considers the existing hierarchical order within the idea of region and vice versa. In this way, a region that is nationally identified as little influential within the arena of national dispute, little influence will have in the legal field or, in Bourdieu's words, the "right to speak the right", as well as the social actor within the legal field which is occupying a shallow place in the hierarchical order, has little influence in the process of dictating regional boundaries and identities.

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2 Or, in Bourdieu's words (1989, p. 113): "the monopoly of seeing and making believe, of making known and of making recognize, of imposing the legitimate definition of the divisions of the social world and, by this means of doing and undoing groups."

2. THE SOCIO-ENVIRONMENTAL SCENARIO OF THE AMAZON POPULATIONS: THE DIVERSITY IN THE PATTERN

Because it presents itself as a tropical forest, the Amazon is one of the largest diversities on the planet, both environmental, biological and social. Diverse types of soils, fauna, flora, ethnicities and cultures are present in the Amazonian reality (MEIRELLES FILHO, 2004).

Maués (1999) describes the socio-diversity of Amazonia, drawing attention to how it expresses itself through

> a large number of indigenous peoples, with different languages and customs, constituting an ethnodiversity that must be preserved by respect for their lives and their way of life, as well as for the enrichment of the cultural patrimony of humanity (MAUÉS, 1999, p. 58).

Further, Maués (1999) includes within this socio-diversity

> ethnic groups - caboclos, rubber tappers, fishermen, peasants, garimpeiros, riparians, quilombos negroes, urbanites, people of all classes and social categories - who carry forms of social organization and cultural heritage which, in turn, also deserve respect (MAUÉS, 1999, p. 58).

Such ethnic-socio-cultural diversity can be summarized in the term traditional population. This work will use the terminology of the traditional Amazonian population, so that they are not confused with traditional populations of other regions, which, despite having the same socio-environmental essence, have other characteristics that differentiate them from each other.

This enterprise understands as traditional population those that have the following characteristics: a) its socioeconomic reproduction form must be marked by a consumptive logic, therefore of production and consumption where the surplus is commercialized with the market, but it does not constitute a factor determinant of the group's choices (LIMA and POZZOBON, 2005; ARRUDA, 1999); b) they must present a *modus vivendi* of integration with nature (DIEGUES, 1993, 1994; SANTILLI, 2004, 2005); c) their social and economic reproduction activities are marked by a low environmental impact (ARRUDA, 1999; LIMA and

POZZOBON, 2005; DIEGUES, 1993, 1994); d) low integration with the market (LIMA and POZZOBON, 2005; ARRUDA, 1999); e) lack of documents legitimizing their ownership (ARRUDA, 1999) and consequent social fragility as regards the guarantee of their lands; f) direct dependence on local natural resources, both in the sense of obtaining some income that gives them a minimum of access to diverse objects and foodstuffs, and in the sense of subsistence through their direct consumption (LIMA and POZZOBON, 2005; 1993, 1994, ARRUDA, 1999); g) must self-determine themselves as traditional populations (CUNHA, 1999; CUNHA and ALMEIDA, 2001; ALMEIDA, 2006; ALMEIDA, 2007).

However, so-called "traditional" populations do not have to have all these characteristics, but they have minimally self-identified as a culturally differentiated group of national society. As a result, these populations exercise their internationally recognized right of self-recognition[3], acquiring the possibility of having access to other rights, these specific rights of these populations, which were widely declared through the national legal system (Law 9985, art 225 of the CF, decree n ° 6040, and several others). It is worth mentioning that this is a term under construction, being created by the national society to classify other societies. Thus, these populations are not always called traditional, but are called by other social actors as such.

In fact, the abundance and diversity that marks the environment, as well as the social scene of the Amazon, demand a closer look capable of translating the local specificities found. Consequently, this is how the legal field should visualize the traditional populations, placing them closer to themselves or the possibility of having the "right to speak the law". However, as will be seen below, this approximation or even participation of traditional populations with the legal field and its hierarchical ordering is practically non-existent. Thus, traditional populations are hardly considered when making decisions in the performance of this field.

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3 ILO Convention 169.

3. THE NEED FOR RELATIZATION OF THE RURAL/URBAN DISTINCTION

It was demonstrated above how the Amazonian reality is extremely diversified, with cultures, environment, social groups, ways of life, religiosities, in short, a series of factors and variables that diversify traditional Amazonian populations. This diversity extends to the cities, but not always to the urban way of life, which ends up incorporating traditional practices. Thus, the Amazonian cities assume a peculiar aspect, since they are composed of social actors with rural and socio-environmental values and ways of life.

As an example we can mention the studies of Souza (2009) in the municipality of Tapauá-AM. This author observes that "the inhabitants leave the rural area to live in the city, not [...] motivated by attraction of urban life or economic interest" (p. 98), but by the ease that the city brings in the access to diverse social security, health, education, among others, almost nonexistent in the rural area or with a very high cost of access.

In effect, Souza (2009) observes that, for the inhabitants of the municipality of Tapauá, the change "[...] to the city does not represent change in the form of work. The activities previously carried out in the rural area remain, only the rural inhabitant happens to reside in the urban environment. Activities such as agriculture, extractivism, fishing and breeding are maintained. "(p. 95). In this sense, in the case of Tapauá, "it was not the city that advanced to the countryside, but the countryside that occupied the city and thus there was not complete urbanization, but on the contrary, there was complete ruralization" (p. 96).

Therefore, studies by Souza (2009) argue that the notion of urban should be relativized within the socio-environmental context as diverse as the Amazonian. Corroborating this argument, Almeida (2008) observes that it has become increasingly common and constant the exodus of typically rural populations (such as riparian, extractivist, quilombola and even indigenous) to the urban space. In this sense, this author corroborates the attempt to relativize the rural/urban distinction by observing that:

> organizational expressions and forms of occupation that are thought to be intrinsic to the rural area emerge within the urban perimeter, leading scholars to relativize the rural/urban and nomadic/sedentary dichotomies in the characterization of the so-called "traditional communities" and in the recognition of their identity expressions. (p. 87).

Almeida (2008) gives continuity to his text reflecting on the sociopolitical organization of traditional populations. The author observes that the socio-political organization and the various social movements, the fruits of this, allow traditional populations to move between geographical and symbolic frontiers: social movements bring together traditional populations from different states of the Federation, from diverse ethnic groups, with both rural and urban origins. Thus, networks of kinship, compadrio and sociability are formed with the intention of opening possibilities to those populations long forgotten by the government. With this socio-political organization, the traditional populations can claim and guarantee several rights, legitimizing their way of life. In the words of Almeida (2008),

> we have the advent of categories that affirm themselves through a collective existence, politicizing not only the appointments of everyday life, but also a certain way of living and its routine practices in the use of natural resources. The complexity of identity elements, typical of affirmative self-denominations of cultures and symbols, which make the ethnicity an organizational type (BARTH, 1969), was brought into the field of political relations, with a profound rupture with the homogenizing colonialist attitude historically erased ethnic differences and cultural diversity, and diluted them into classifications that emphasized the subordination of the "natives", "savages" and "agraphic" to the erudite knowledge of the colonizer. (p. 89).

Among the classifications "[...] which emphasized the subordination of the "natives", "savages" and agraphic to the erudite knowledge of the colonizer. "(Almeida, 2008, p. 89), one can place the dichotomy between rural and urban that is increasingly tenuous and even useless, since it has been diluted as traditional populations, once seen as exclusively from the countryside rural, enter the urban space, yet remain with its peculiar and specific way of life. According to Almeida (2009) economic relations also help in breaking the rural/urban barrier.

The author cites several examples, among them the case of the Babassu coconut breakers who founded in the city of São Luis, capital of Maranhão, a commercial and political representation warehouse that " Works in the Historical Center and offers a commercial product line peculiar: mesocarp flour, recycled paper with babassu fiber,. . . as well as books and other publications pertinent to extractivism "(p. 93).

Thus, from the organization of the social movements of the traditional populations, Almeida concludes that there is

> a theoretical struggle against the force of the interpretative schemes of the "positivists in the law", who always want to confuse ethnic, minority and/or traditional peoples within a generic notion of "people", eliding cultural diversity, and against the action without subject of schemes that are inspired by "structuralisms", which privilege and constrain the symmetrical oppositions between "common" and "individual", between "collective" and "private", between "ownership" and "use", between "open" and "closed", between "traditional and "modern", belittling the dynamics of concrete situations produced by traditional peoples and groups in their social relations with their historical antagonists. (p. 20)

To this observation can be added the rural/urban distinction, which ends up being crystallized by the legal system through Decree-Law No. 311 of March 2, 1938, which establishes, in its article 3, that every municipal seat has the category of city. After more than six decades of the origin of this norm, cities today face difficulty in managing both the demographic dimension they occupy and the economic importance they exert in the Brazilian scenario. However, the regulations established during the Estado Novo are still in force. With this, Souza (2009) points out the inadequacy of this legislation for the current situation in the country, especially with regard to the growth of the number of cities and the mobilization motivated by policies of occupation of space. In Graph 01 you can view and compare the increase in the number of cities by regions.
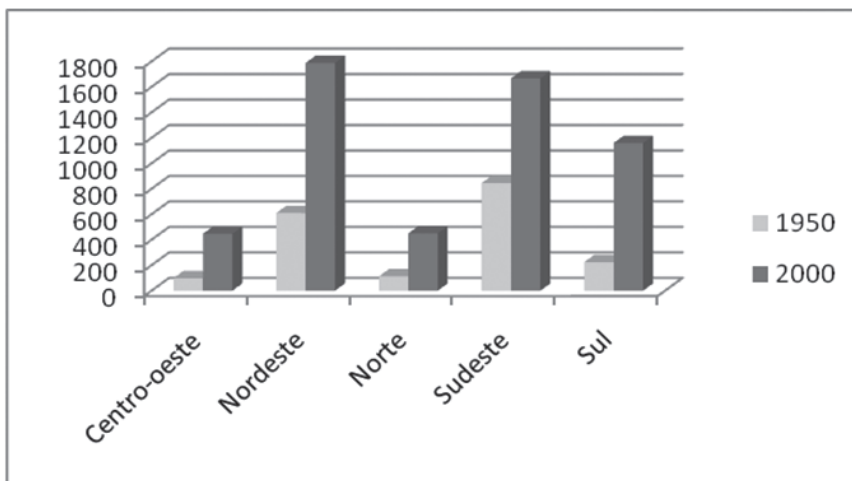
CHART 01 - Number of cities in the years 1950 and 2000. **FONTE:** SOUZA, 2009.

The oldest demographic census made available by the IBGE refers to the census of the year 1950. This pointed the total of 1,887 cities, while for the census of the year 2000, the total jumped to 5,507. However, the increase in the number of cities does not mean urban growth, since in this criterion urban variables are not considered, which means that the legislation does not distinguish between a small municipality and a large urban center (SOUZA, 2009).

In this sense, Veiga (2002) points out the need for repeal of Decree-Law No 311/1938, which defines the entire city municipal headquarters. The author suggests the adoption of criteria adopted by other countries such as Portugal, which determines the existence of at least eight thousand voters and a minimum total of ten equipment considered urban, such as theater, public transportation, libraries, museums, among others. To support this argument, Veiga uses the disparate example of size of the city as the Union of Serra in Rio Grande do Sul, which was created with only 18 inhabitants and still in the demographic census of 2001 inhabited 286 people (Souza, 2009).

Another study of small towns in the Amazon region refers to that developed by Sousa (2009). This author researched the municipality of Prainha and the process of constitution of the Master Plan of this municipality, presenting data that corroborate this specificity in the way

of life of the Amazonian cities, which are permanently influenced by the surrounding environment. This is how the author writes about the "rurality" of the city of Prainha:

> [...] in the city of Prainha, in the west of Pará, [...] this researcher heard several times men, women and young people saying that they would spend the weekend in the region of floodplain or in the colonies, where several families have sites, cultivating the plantation in the clearings or in the floodplain areas with the creation of buffaloes and even the subsistence or professional fishing for the local sustenance. (p. 88).

Later, the author extends this view to other cities around Prainha that present a similar dynamic. Among them are cities like Almeirim, Monte Alegre and Santarém, "all of them with an expression of diffused urbanization, that is, they are confused with the ways of life of the forest and the rural ways of life. " (SOUSA, 2009, p. 136). Thus, these cities still have strong internal dynamics of activities such as extractivism, family farming, agriculture, and artisanal fishing (SOUSA, 2009).

These cities are located in the middle of the forest, between diverse rivers and Igarapés. In this sense, Sousa (2009) points out how even urban populations are familiar with the rural way of life, living in "[...] boats along rivers, streams; people who know how to live with the swamps or floodplains for a long period of each year due to rainfall [...]" (SOUSA, 2009, p. 137). Further, Sousa (2009) emphasizes the isolation of these cities in relation to other urban centers, since it may take days to "reach other more developed urban centers, such as the long distance separating the Lower Amazon region, Capital of the State- Belém do Pará" (SOUSA, 2009, p 137).

Another interesting feature of these "cities in the forest" would be the structure that they present in their urban center: warehouse (s), police station, Catholic and Protestant churches, the public buildings of the City Hall that hardly extends more than two, to account for their municipal secretariats, the Forum, a school and a health post (SOUSA, 2009). All this "urban cluster" is located around a square that, as a rule, is the only one in the city. The remainder of the "urban" space consists of a few streets, most of which are unpaved, usually covered by beaten earth, or by pebbles or blocks; the rest of the municipality is characterized by rivers or other

bodies of water and forests in general[4].

In this sense, Cardoso and Lima (2006) present an interesting opinion about the typologies of the city in the Amazon. These authors undertook a scientific investigation in some municipalities of Eastern Amazonia, namely: Medicilândia, Placas, Novo Repartimento, Igarapé-Miri, Baião, Cametá and Limoeiro do Ajuru. As a result of their investigations they suggest the existence of different types of land use in the Amazonian municipalities: the municipal headquarters in themselves (the cities in order placed by Decree-Law No 311/1938, just quoted), riverside villages, rural villages, settlements projects, environmental reserves, indigenous reserves and farms (CARDOSO AND LIMA, 2006, p. 64). Further, the authors note the existence of two general patterns of city typologies: one related to the river, the other to the roads.

In the pattern related to the river would be those oldest cities, which played an important role in the process of generating a local and regional market as well as of the "insertion" of the Amazon in the national and international market, in that they played the role of points of production in the great cycles that were part of the economic history of the region (drugs of the sertão, rubber, big projects). These cities had an extractive and rural profile and, depending on their specific history, followed different patterns of land occupation. As an example, the medium-sized city of Santarém, which has been strongly influenced by the implantation of large projects of national development, is the city of Belém, which became the state capital taking a different aspect from other cities in the region, two cities considered large in the Amazon region), and the various small towns that continue to develop rural and extractive activities, among other types of cities located on the edge of water bodies (CARDOSO AND LIMA, 2006, p. 66).

It is important to note the importance of fairs in a geographically isolated region, since they play a role that will meet the supply needs of the population. The cities and towns, through the space of the fair, marketed products from the rural area, turning these spaces into points of great interest and convergence in the urban agglomerations ". . . at the edge of the rivers, articulating the riverside population of different localities, among if

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4 I participated in several studies on the Amazon, visiting municipalities of the Purus-AM river (such as Tapauá, Lábrea, Canutãma, Beruri, etc), Baixo Tocantins (Igarapé Miri, Cametá, Oeiras), Coastal Zone (Bragança, Primavera, Vigia, Colares, etc.). In all these municipalities, the aforementioned pattern repeats itself with very few variations.

and with the urban population, increasing the consumption alternatives of the population in general" (p. 67).

It is also imperative to point out that the main means of transportation of the Amazonian populations, up to the 1980s, was carried out by river, in this sense, cities located on the riverside played an important regional role in that they provided a infrastructure to the general population, especially through schools and health centers or hospitals (CARDOSO AND LIMA, 2006, p. 67).

The road-related pattern emerged with the advancement of the regional development and integration model over the Amazon, especially in the mid-twentieth century, through the implementation of major projects in the region (mining, hydroelectric and settlement projects of INCRA notably). These projects needed a way of flow for their production, forcing the creation of roads, which, in the course of time, served as a place for the emergence of several agglomerations that, over time, became cities. The authors also note the important role these cities played in providing basic services such as education and health to the rural and even urban population of the surrounding municipalities. "In this sense, road accessibility becomes an essential factor in the development of an agrovila, just as river accessibility is determinant..." for the riverside villages (CARDOSO AND LIMA 2006, P. 68).

Cardoso and Lima (2006) conclude their text corroborating the idea of relativization of the urban-rural dichotomy, observing that

> The clear hierarchization of cities (capital, city, town) and the distinction between rural and urban ways of life in the past were lost after the transformations that took place in the conditions of accessibility. . . in the economic dynamics. . . and the redefinition of the concept of city . . . (when all the county seats become a city) (p. 90).

In a similar reflection, Pereira (2006), referring to the history of the Amazon, questions "the thinking that associates city and urbanization as resulting from a linear and cumulative evolution (from the indigenous village to the metropolis)" (PEREIRA, 2006, p. 28-29). The author also considers "an error to call urbanization the agglomerations that arose during the colonial period, or even to consider agglomerations as a city."

(PEREIRA, 2006, p. 28-29)

In this sense, Pereira (2006) expands the typologies of cities proposed by Cardoso and Lima (2006), suggesting the existence of an Amazonian urban network, resulting from the period of the great projects (1960s and onwards). According to the author, "This period marks the definitive presence of the State [in the Amazon], through a set of programs, projects, institutions, ideologies and political actions." (PEREIRA, 2006, p. 31).

The author gives continuity to his text by constructing the reflection that medium-sized cities play an important role within the regional context by a number of factors, including that of providing space for a minimum urban infrastructure, notably related to the area of health and social security. Another conclusion of the author refers to the definition of three modalities of medium cities:

> . . . **medium-sized cities at the roadside** have a better connection with other cities and greater ease of access for the migrant population, Marabá and Castanhal, for example; the **medium-sized cities on the banks of the rivers** maintain characteristics with the dendritic pattern and have in the river their main means of articulation with the smaller cities of their respective mesoregion, as is the case of Santarém; and **the medium-sized state capital cities** (Rio Branco and Porto Velho), which in turn present the best indicators regarding the supply of goods and services to its population. (p. 49, emphasis added).

This author observes that since the 1960s, the annual rate of urbanization in the Amazon surpasses that of all other regions of Brazil (PEREIRA, 2006, p. 31). Further, Pereira (2006, p. 41) uses statistical data, especially demographic mobility, to observe that the average cities of the Amazon have an average urbanization of 86%, higher than the national average, which is 81. 2%, concluding that urbanization in the Amazon is a given situation (Pereira, 2006, p. 31). Below is some of the data analyzed by Pereira (2006).

Table 1: population living in the Metropolitan Region of Belém

City	General population	Urban population	Overall/urban (%)
Pará	6,192,307	4,120,693	66. 55
RMB	1,795,536	1,754,816	97. 73
Belém	1,280,614	354)	99. 35
Ananindeua	393,569	392. 657	99. 77
Marituba	35,546	20,912	58. 83
Benevides	74,429	64,884	87, 18
Santa Barbara	11,378	4. 009	35. 23

Source: PEREIRA, 2006, p. 36 (apud IBGE, Demographic Census 2000).

Table 2: Population of capitals of the northern region - 2000

Capital	Total	Urban	Rural
Belém	1,280,614	1,272. 354)	8. 772/16.
Boa Vista	200,568	197,098	3. 470
Macapá	283,308	270,628	12,690
Manaus	1,405,835	1396. 768	9,067
Palmas	137,355	134,179	3. 176
Porto Velho	334,661	273,709	60,952
Rio Branco	253,059	226. 298	26,761
Total	3,895,400	3,771,034	124,366

Source: Pereira, 2006, p. 37 (apude IBGE, Demographic Census 2000).

Table 3: Distribution of the Population of the North region, according to classes of municipality

Population	PA	AM	RO	RR	AC	AP	TO	TOTAL	%
Up to 5,000	03	0	05	01	03	06	80	98	21. 83
5. 001-10. 000	15	09	10	09	07	04	37	91	20. 27
10. 001-20. 000	42	25	20	04	07	03	12	113	25. 17
20. 001-50. 000	60	22	11	0	03	01	07	104	23,16
50. 001-100. 000	17	05	04	0	01	01	01	29	6. 46
100. 001-500. 000	05	0	02	01	01	01	02	12	2. 67
More than 500,000	01	01	0	0	0	0	0	02	0. 45
Total	143	62	52	15	22	16	139	449	100. 00

Source: Pereira, 2006, p. 38 (apud IBGE, Demographic Census 2000).

The interpretation of the data constructed by Pereira (2006) understands that the urbanization of the Amazon is a given fact and its elevation is inevitable. As an interpretive tool for its data, the author uses the concepts such as medium cities (p. 23-24, among others), urban network, dendritic network, regional urban network, complex urban network[5], urbanization (p. 34), urban border (p. 31), concentrated urbanization (p. 35), urban centers in the design theory of the central seating (p. 39), among other concepts. With its analysis, Pereira (2006) concludes that there is a trend of increasing population in the city centers, linked to the proliferation of small cities and the increase of importance of medium cities in the regional economic context, constituting themselves as new vectors of economic and demographic growth.

It appears that the tables demonstrate how urban populations are increasing, however, do not necessarily lead to the understanding proposed by Pereira (2006) that there is an urbanization of the Amazon. In this sense, Nunes (2008), when analyzing similar data, arrives at similar results in some moments, however controversial at other times.

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5 These network concepts are concentrated from page 26 to 32, but are repeated in other parts of Pereira's text (2006), especially the concept of urban network and regional urban network.

From the beginning of its text Nunes (2008) observes that "the tendency of generalization of monetarized relations in the urban environment has not imply in the [Amazonian] region a rupture with traditional forms of connection between urban and rural modes" (NUNES, 2008, p. 41), that is, the interface between the urban and the rural "reconstructs eternal 'primary forms' of sociability, as the 'secondary forms' advance. In other words, Nunes (2008) means that despite the advance of the urban frontier over the Amazon forest, most of the way of life of its inhabitants remains, resulting in a specific way of life that mixes old forms of sociability and mode (the primary forms, in the words of Nunes, 2008) with new forms of sociability and way of life (the secondary forms, in the words of Nunes (2008), allowing some of the rural values to remain in "urban" spaces.

Further, the author ratifies this view by stating that

> in urban agglomeration, although there is a trend towards the generalization of contractual and monetarized relations, there is simultaneously the reproduction of traditional social coexistence, which does not automatically imply a radical rupture with rural ways of life. (NUNES, 2008, p. 48)

Thus, when analyzing the 19,913,335 inhabitants of the 750 municipalities of the Amazon, Nunes (2008) points out that of the total population, 31. 15% live in rural areas, that is, "there is still an important part of non-urban dwellers "(p. 49). Continuing his analysis, the author relativizes the criteria of interpretation of the data, noting that often urban dwellers "inhabit small towns, whose environment is closer to the characteristics of villages than of cities in the more usual sense of the term" (p. 49). In other words, the author tried to relativize the concept of city and urban dwellers that is adopted by IBGE[6].

Later, the author ends up contradicting himself by stating that "the phenomenon of urbanization is also evident in the Amazon" (p. 49), that is, Nunes (2008) ends up presenting the same interpretation as Pereira (2006). It occurs that this contradictory position is clarified throughout the text, since Nunes (2008) differs from Pereira (2006) by relativizing the concept of urbanization, trying to adapt it to the Amazon region. As a result of this relativization, the author presents concepts and statistical data in a

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6 The concept of urban inhabitant refers to the same concept formulated by Decree-Law No 311/1938, in which it is considered urban all county seat, regardless of their characteristics.

different way than is usually done.

Nunes (2008) analyzes several data, however the most relevant for this reflexive enterprise can be condensed in the table below:Table 4: Legal Amazon - urban network by size (2000)

Size class	No unicipalities	Total population	Urban population	Rural population	Total Pop. %	Urban Pop. %	Pop. rural%
More than 1,000,000	2	2,683,675	2,666,339	17,318	13,48%	19. 45%	0. 28%
500,000 - 1,000,000	1	867,690	834,968	32,722	4. 36%	6. 09%	0. 53%
100,000 - 500,000	17	3,688,751	3,275,363	413,388	18. 52%	23. 89%	6. 66%
50,000 -100,000	44	3,056,782	1,993,358	1,063,424	15. 35%	14. 54%	17. 14%
20,000 - 50,000	161	4,835,867	2,647,852	2,188,015	24. 28%	19. 31%	35. 27%
Less than 20,000	525	4,780,588	2,291,676	2,488,912	24. 01%	16. 72%	40. 12%
Total	750	19,913,353	13. 709. 556	6,203,779	100. 00%	100. 00%	100. 00%

Source: IBGE. Demographic Census 2000 apud Nunes (2008, p. 51).

Before starting the interpretation and analysis of the table, it is imperative to observe that Nunes (2008) continues its text through the presentation of solid and diverse data and arguments, addressing themes and concepts such as globalization, GDP, industrialization and others. However, it is not necessary here to detail such arguments, limiting the text to the urban/rural dichotomy, explored through the table above and some quotes that will follow. Thus, Nunes (2008) observes that the first three municipalities with the largest number of inhabitants (Belém, Manaus, and São Luis respectively) have a large contingent of inhabitants of the region, especially those in the urban area, but 48. 29% of the total population of the region is concentrated

in the municipalities that are in the ranges between 20,000-50,000 (161 municipalities) and less than 20,000 (525 municipalities), which represent 91. 47% of the municipalities in the North. Of the population of these municipalities, it is estimated that only 36. 03% is urban and 75. 39% is rural (Nunes, 2008, pp. 49-50).

With this, Nunes (2008) begins to carry out its conclusion, observing that, despite considering the "city" as a social environment that par excellence is commodified, insofar as the urban social existence is practically regulated by monetary relations, small Amazonian cities do not conform to this pattern, since they do not present themselves as a social space where the equivalence model is hegemonically material and symbolically based on the exchanges made there (NUNES, 2008, p. 54-55)[7].

According to the author, the Amazonian cities are marked by regional characteristics (mineral economy, extractivism, frontier regions, etc.), forming a complex and heterogeneous network of cities that, given the precariousness of the transport infrastructure, is low connection and dispersed flows, often polarized by extra-regional centers" (NUNES, 2008, p. 55). With this, the author observes that it is the coexistence between the mercantile and non-mercantile spheres "that confers specificity to the urban fact in the region, requiring its decoding to understand it as a cultural phenomenon" (NUNES, 2008, p. 55). In other words, the author draws attention to the need to adapt the concept of urban to the Amazon region, as this concept assumes cultural aspects within this region so dominated by rural and socio-environmental logic.

As a conclusion, the author notes the need for a more holistic look at the specificities of the Amazon, because:

> In the relation between "networks" (primary sociabilities) and "apparatuses" (secondary sociabilities), **the social logic of the region in its urban/rural totality could be inserted**. This is because **the urban in the Amazon is heterogeneous** : it is a **mixture of rural life styles and life in the agglomeration**, reinforced by the enormous diversity of extractive products that compose the set of goods that circulate in the urban environment. (NUNES, 2008, p 56. emphasis added.).

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7 It is worth noting that the author, in principle, characterizes the urban area as a mercantile, industrial space of production and consumption, while the Amazonian rural area is characterized by its non-mercantile vein, based on exchanges more symbolic than monetary.

Later, the author concludes the text by relativizing the concept of urbanization, linking it to the idea of culture, that is, regionalizes the concept of urban to the Amazon, resulting in cities or urban agglomerations permeated by rural logics. In the master words of Nunes:

> However, even if urbanization depends, in its most essential characteristics, on preexisting historical conditions and factors of industrial development or even elements largely independent of industrial concentration and manufacturing employment - in the case of capital cities - it is not unreasonable to consider the phenomenon of urbanization as a "cultural" given by impregnating the mentalities, regardless of the fact that the populations live in the countryside or in the city. The circulation of new values in cities may justify the importance of urban space as the diffuser of innovations, both in economic production and, above all, in the production of symbolic forms. This consideration becomes more pertinent if we look at the fantastic development of the media in the last years of the twentieth century, which radically altered the notion of time and space, particularly strategic dimensions for the peoples living in the forest. In this sense, the research that needs to be done on the disposition of the elements in the urban context and on the sensations they provoke requires bold hypotheses, which must be corrected constantly in the light of experience, criticism and self-criticism (p. 57).

As a conclusion, the reflection that has been tried from the beginning of this work has been tried to construct: the notion of rural and urban is socially constructed, consequently, it will suffer intense regional influences and, why not, to think this dichotomy as regionally constructed. In this way, it is possible to import concepts of this dichotomy that do not apply to the Amazon region, creating the need for the State in general (Executive, Legislative and Judicial Branches, Federal, State and Municipal Spheres) to take local specificities in planning urban. In this sense, it is concluded that legislation based on the rural/urban binomial enters a very tenuous and even non-existent conceptual field, in this way, the legal system is not always able to regulate the Amazon socio-environmental reality taking into account the regional specificities of the concepts in question.

CONCLUSION

Through Bourdieu (2004) it has been possible to demonstrate that the legal field is in an arena of dispute in which the traditional populations are excluded. It has also been shown that the *modus operandi* present in this field differs from the *modus operandi* of these populations, resulting in a legal/law field that does not apply to traditional populations. In other words, law (understood as a space of dispute for the right to speak law, according to Bourdieu, 2004) that is produced by legislators, judges, lawyers, legal theorists, etc., does not apply to the Amazonian reality, which produce the legal capital, have a differentiated way of life of the traditional populations. This inapplicability is expressed especially when it regulates the relationship between society and the environment, since traditional populations have a way of life different from those who produce laws and jurisprudence, they do not apply to the way of life of these populations. Indeed, some of the norms of urban environmental law fit into this model of inapplicability, especially because they were based on the rural/urban distinctions that should be relativized within the Amazonian socio-environmental context.

In this sense, the paper concludes that: 1) There is a crisis of traditional legal standards due to the legal pluralism emerging from the socio-environmental practices of the Amazonian communities; 2) the mosaic of realities that make up the Amazonian context, from an environmental and social point of view, is quite complex and peculiar in the comparative relation with other regional scenarios, usually from where the construction of norms regulating the rights scenario emanates in Brazil. Thus, the cities in the Amazon show the difficulties in the use of the norms that regulate the urban space, as they define it; 3) Within this crisis of legal standards, there is a need to relativize, among others, the rural/urban distinction within the Amazon context (VEIGA, 2002; SOUZA, 2009; ALMEIDA, 2008). Before the reflections presented here, then, the question: Is there an urban environmental right **of the** Amazon or **in the** Amazon?

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