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Abstract

Recent literature has drawn the attention to the impact of neoliberal and financialised urban policies on the enjoyment of access to housing by the urban poor, as well as on how these policies limit the spheres of action that are possible in urban margins. Yet literature tends to pay less attention on the modes of government the state actors use to manage access to housing. Examining housing exclusions and their contestations gains relevance in the current context, in which homelessness is growing and evictions are increasing in numbers. This paper examines how council housing managers negotiate access to housing with occupying families, using neoliberal and disciplinary modes of governance. The concept of informality is used as an analytical device to explore diverse interpretations on occupations as well as to shed light on the management practices of council housing estates. The article is based on ethnographic fieldwork, conducted from December 2017 to April 2019 in the Metropolitan Area of Lisbon, in close collaboration with the Association Habita. It contends that while occupations are criminalised, the state itself also resorts to extra-legal practices in the governance of homelessness. The forms of governance employed by council housing managers are enmeshed with diverse forms of informality, producing both housing exclusions and inclusions.

Keywords

Portugal, occupations, modes of governance, informality, housing exclusion

Struggling against housing exclusions via occupation

In October 2018, I was in one of Lisbon's council housing estates, together with activists from the collectives Habita and Stop Despejos, demanding a halt to the eviction of Tita and her children. Three months earlier, Tita decided to occupy an apartment that she had identified as vacant in one of the city's social housing estates. During the 1.5 years that

I actively participated in the activities of the Habita collective in the Lisbon Metropolitan Area, I met many families like Tita's, who had reached the conclusion that their only viable housing alternative was to occupy an abandoned council estate apartment. According to the representatives of the Lisbon and Loures City Councils, these forms of inhabiting were referred to as ocupações abusivas, a term that translates to 'abusive/unjust/illegal occupations.' I was personally struck by the high number of occupations, and by the fact that single low-income mothers constituted a clear majority of these occupiers.

In Europe, studies on these so-called 'deprivation-based' occupations (in contrast with 'politically motivated' or collective occupations) (Martínez, 2020a; Pruijt, 2013) often consider the relationship of neoliberal state policies or macro-economic processes with occupiers' agency (Gonick, 2016; Grazioli & Caciagli, 2018; Martínez, 2020b; Muñoz, 2018; Pradel-Miquel, 2017; Roy, 2017). However, less attention is given to how occupiers negotiate housing rights with the social housing managers. Institutional mechanisms and multifaceted forms of governance can have a significant role in the production, reproduction and transformation in the possible positions of the urban poor in face of neoliberal modes of government (Auyero, 2010; Nygren, 2016; Wacquant, 2016). The few studies that exist on the topic contend that evictees' resistance strategies and the way in which they build room for manouevre through state frameworks can condition the eviction strategies of state actors in important ways (Baker, 2017; Hilbrandt, 2019). Housing managers' and social workers' working practices might be guided by the perception of scarce housing resources (Wilde, 2020) or by the uncertainty of their professional lives (Pozzi & Rimoldi, 2017). They can also have a fundamental role in shaping the forms that occupations of public housing can take (Esposito & Chiodelli, 2020). In addition, the personal biases and the everyday routines and practices of the work of council housing managers and other municipal employees, such as bailiffs, can significantly contribute to further exclusions and alienations (Baker, 2017; Bhan, 2014; Bullock et al., 2020; Motta, 2016).

This paper seeks to contribute to this emerging field of literature by an analysis of council housing managers' modes of governance, furthering the examination on how marginalisations and exclusions might be actively produced by state actors (Nygren, 2016, 2018; Soederberg, 2016, 2018). The analysis reveals how both neoliberal and more authoritarian or disciplinary forms of governance intersect in council housing managers' practice, exposing the use of informality as a modality of governance (Roy, 2015).

The next section will contextualise this study within historical and current housing struggles in Portugal. Thereafter, I discuss how occupations and social housing governance have been understood in relevant literature, bringing in the notions of informality as a modality of government. The section 3 goes on to explain the methodology used for this study, while the following section examines different perceptions of occupations. The sections 6 and 7 present the central findings of this study, analysing how occupations and evictions are managed, using the analytical device of informality as a modality of governance. The concluding section considers the implications of the research findings, arguing that they have important repercussions in terms of conceptualising present modes of government of council estates.

Housing struggles: Responding to old and new housing questions

As evictions are increasing in numbers and violence globally (Farha, 2017; Rolnik, 2019) and homelessness is steadily growing in EU countries (Eurostat, 2020; FEANTSA & Foundation Abbé Pierre, 2018), examining housing exclusions and their contestations is a key issue today. Housing exclusions are quickly becoming an important factor causing poverty (Desmond, 2016). These dynamics are global, but their effects might be felt stronger in a country such as Portugal, where access to housing depends heavily on the private sector. The financialisation and the commodification of housing and the change in the state's role in the housing sector, as well as other practices associated with advanced capitalism and neoliberal housing policies, have been identified as the main promoters of these housing exclusions (Farha, 2019; Harvey, 2005; Rolnik, 2013, 2019; Sassen, 2014). Neoliberalism is here conceptualised as an elite project that promotes market-based regulatory responses and commodification to expand capitalist profit making (Brenner et al., 2010; Harvey, 2005).

This research is contextualised by diverse housing crises in Portugal, involving varied characteristics over the years. The long-term housing struggles have been linked to rural to urban migration and migration from the former Portuguese colonies to centre, triggering the phenomenon of self-build housing (Beja Horta, 2006; Cachado, 2011; Guerra, 2010). The 'new housing question,' in turn, is intrinsically linked to the role of financial capital in the housing sector (A. C. Santos, 2019a). In the second half of the 20th century, self-built housing began to be addressed by rehousing and demolition policies, culminating in the Medium-Term Intervention Programme (PIMP: Programa de Intervenção a Médio Prazo) and Special Rehousing Programme (PER: Programa Especial de Realojamento), but in some neighbourhoods these processes were never concluded.

Access to housing was a central demand of the occupation movement during the Portuguese revolutionary period, referred to as PREC (Processo Revolucionário em Curso), which began on 25 April, 1974 when a military coup ended 48 years of dictatorship and authoritarian rule. The occupation movement was part of the rich mass mobilisation, grassroots organisation and participatory democracy experiments that flourished during PREC (Nunes & Serra, 2004; B. de S. Santos, 1985, 1992). It concerned both urban and rural properties and in many cases involved negotiation with previous owners of the buildings (private, state or municipality) to legalise occupations (Bandeirinha et al., 2018; P. R. Pinto, 2008). There are no clear data on the numbers of occupations during these years, but the estimates vary from 15,000 to 30,000 dwellings (J. H. Santos, 2014). The occupation movement vanished after the 1970s, but it is generally argued that occupations played a role within urban movements in shaping the Portuguese transition to democracy (P. R. Pinto, 2008), although some say that within the resulting representative conceptualisation of democracy the experiments of participatory democracy were effaced (Nunes & Serra, 2004).

However, only occupations that were more organised and collective ended. In particular, occupations of vacant public housing continued to occur, driven by the action of individual families rather than collective processes. The newer housing struggles are contextualised by the increasing financialisation of the Portuguese economy, which is intrinsically linked with the financialisation of the housing sector through credit, liberalisation

of the national banking sector and its insertion in international financial markets (A. C. Santos, 2019b, A. C. Santos et al., 2014). Portugal has thus been in line with the global tendencies of the recent years, with housing policies currently based on the creation of stronger and more comprehensive market-based housing finance models, and on the commodification of housing, including the use of housing as an investment asset within a globalised financial market (Rolnik, 2013, 2019).

The unfolding of these policies in Portugal have been analysed from a range of angles by Barata Salgueiro (1994); Cocola-Gant & Gago (2019), Mendes (2018); Mendes et al. (2019), Paulo (2017), A. C. Santos, 2019b, 2019c, Tulumello (2016) and Tulumello & Dagkouli-Kyriakoglou (2021). Some key developments to highlight here include the establishment of more robust and effective housing credit regimes from the 1985 onwards (Serra, 2019), privatisation and liberalisation processes of the financial sector during the 1990s, and the entry to the Economic and Monetary Union in 1999 that enabled the banking sector to access international debt markets, which led to increasing financing of housing and construction through debt (A.C. Santos, 2019b), while public housing promotion decreased (Serra 2019). In 2004, many laws that favoured the private endeavour over the public one, public-private partnerships and competitivity in the housing sector were approved, and societies for urban rehabilitation were created (Mendes, 2017a). These have been accompanied by a decrease of executed central state budget for housing from 2002 to 2011, from €631 million to €174 million, respectively (IHRU, 2015, p. 5). After the 2008 financial crisis, the loan agreement with European Central Bank, the European Commission, and the International Monetary Fund subjected Portugal to a series of austerity measures (Caldas, 2012), including also the 2012 New Urban Rental Regime (NRAU, Novo Regime do Arrendamento Urbano) that further facilitated evictions and liberalised rents (Tulumello, 2016). The result has been rising rental and real-estate prices (Ferreira, Silva, & Costa, 2019) and the constant increase of the expenditure of Portuguese families on housing since the 1980s (FEANTSA & Foundation Abbé Pierre, 2018), leading to situation in which 29,1% of poor households spend more than 40% of their total disposable household income on housing (FEANTSA & Foundation Abbé Pierre, 2018. p. 55).

In Portugal, social housing is not widely available, comprising only 2% of the residential housing stock nation-wide. The largest social housing owner in Portugal is the municipality of Lisbon with 26,592 council homes, while the municipality of Loures has only 2,503 council apartments (INE, 2015). This means that the proportion of social housing in Lisbon represents 8% of the total housing stock and 2.5% in Loures. It is extremely difficult to access a council apartment: in the Lisbon Metropolitan Area, 22,812 families are on the application list, while the municipalities report having only 152 vacant apartments (Moleiro, 2019). The latest statistical data on vacant council homes and occupations (INE, 2015) partly contradicts this information, stating that occupations and vacant apartments exist above all in the municipality of Lisbon, where there were 2,637 vacant apartments and 305 that were occupied. In comparison, Loures is listed as having 12 vacant apartments and 49 that were occupied (INE, 2015). In Loures, most council homes are managed directly by the City

Council. By contrast, the Lisbon City Council assigns council homes, but they are managed by the municipal housing company Gebalis.

The austerity measures in Portugal faced strong contention, with an increase of mobilisation and protests in the early 2010s (Accornero & Pinto, 2015), sparking a field of urban social movements literature in Portugal that focusses specifically on anti-austerity protests (Accornero & Pinto, 2015; Baumgarten, 2013; Matos, 2016; Matos & Sabariego, 2020; Seixas et al., 2015). Urban and housing questions did not go unnoticed: while the struggle for housing might not be a new phenomenon in Portugal, it undoubtedly began to attract more criticism when it started to affect new population groups, especially the Portuguese white middle classes. New urban movements in the Lisbon Metropolitan Area have mobilised around the questions of the right to place and to the public space (Jorge & Carolino, 2019; Lopes & Carolino, 2020), and promoted anti-racist and anti-patriarchal struggles, questioning segregation, demolitions, gentrification, touristification and the commodification and financialisation of housing (Falanga et al., 2019; Mendes, 2013, 2017, 2018; Seixas & Guterres, 2019; Sequera & Nofre, 2018, Saaristo, 2022). There are also urban movements focussing on arts and culture, both in the city centre as well as in the peripheries (Allegretti, Tulumello, & Seixas, 2018). Not all of them can be considered 'new', as for instance the mobilisation and community organisation in Cova da Moura dates from the 1980s (Carolino, n.d.).

Through these movements, housing questions gained visibility in the national media (Seixas, Tulumello, & Allegretti, 2019), inserting housing into the political agenda and transforming it into an important electoral theme (Seixas & Guterres, 2019). After the 2015 elections, the Socialist Party government created a new state department and tasked it with the job of coming up with the New Generation of Housing Policies (NGPH, Nova Geração de Políticas da Habitação). A primary objective of the NGPH was stated as 'guaranteeing the access of all to adequate housing, understood in the wide sense of dwelling and oriented towards the people' (Secretaria de Estado da Habitação, 2017, p. 3). Related legislation has been approved since then, such as the new social housing and resettlement programme First Right (1°Direito, Decree-Law no. 37/2018) and the Programme for Affordable Renting (Programa de Arrendamento Acessível, Decree-Law no. 68/2019).

However, the NGHP has been criticised for simply being one more instrument in the commodification and financialisation of housing as its main logic is based on fiscal stimulation and financial solutions to stimulate private and public entities, attracting foreign investment, favouring the real-estate sector and excluding measures to regulate the market (A.C. Santos, 2019c). It might thus work more to promote real-estate speculation and deepen the commodification and financialisation of housing (ibid.). It has been argued that the Programme for Affordable Renting, directing more state funding to the already booming housing market and trying to induce private homeowners to rent their homes via programmes, has been largely unsuccessful (Pinto et al., 2021). In addition, the funding of NGPH, including 1° Direito, has been manifestly insufficient, with around €200 million budgeted for housing in 2020 (Pinto et al., 2021; Roseta, 2020).

Covid-19 is likely to have an even stronger impact on Portuguese and the global economy than the economic and financial crisis at the end of the 2010s, and this will have repercussions both on the state financing of affordable housing as well as on the capability of the families to pay their rents and mortgages. Portugal can be considered particularly vulnerable to the effects of the pandemic due its strong economic dependence on tourism and real estate sectors (Castro Caldas et al., 2020). Poverty rates have already grown in Portugal, and it has been concluded that women with precarious labour contracts, poor single-parent households, as well as large households facing poverty and overcrowding, are population groups that have been hit especially hard by the pandemic (EAPN Portugal, 2020, p. 11; Jorge et al., 2020).

The European Union Recovery and Resilience Facility will provide funding for Portugal. The Government of Portugal (2021) has announced that it will fund 1º Direito with over one billion euros in the coming six years. Yet no new support for the housing sector is envisaged, as EU funding will only cover pre-existing policies.

Informality: a mode of government

Considering the inability of the state to provide or guarantee adequate housing for all, the variegated improvised tactics through which the urban poor and the 'urban majority' (Simone, 2013, 2018) seek to secure some form of housing for themselves have become increasingly important. Throughout the history and across the world, land and dwelling occupations have emerged as a central tactic to resist housing exclusions. Yet, in dominant conceptualisations they are considered to belong to the realm of 'informality' (Roy, 2003). In other words, they are frequently criminalised without taking into consideration the claims they seek to advance, although the claims can often be considered legitimate in terms of international human rights commitments (OHCHR, 1997; UN-HABITAT & OHCHR, 2014; United Nations, 1967).

Roy (2003, p. 140) conceptualises 'informality' as 'a realm of regulation where ownership and user rights are established, maintained, and overturned through elaborate 'extra-legal systems.' Therefore, it should be noted that informality does not necessarily coincide with the margins of the society but is also associated with wealth and power. Informality also operates inside the state, the difference being that elite informalities are valorised and legalised, while subaltern informalities are criminalised (Bhan, 2013; Ghertner, 2011; Holston, 2008; Roy, 2009, 2015).

In this way, informality can also be considered a modality of governance and mode of production of space (Roy, 2015) through which political institutions deploy simultaneously legal and extra-legal mechanisms of control and discipline. These can involve both authoritarian or disciplinary modes of governance, which can coexist and intersect with neoliberal modalities of governance (Coates & Nygren, 2020). Disciplinary modes of governance have been conceptualised by Auyero (2010) as 'visible fists', meaning extra-legal and violent state tactics used to coerce the urban poor. In addition, Soederberg (2018) argues that state-induced evictions should be understood as direct promotion of homelessness by

the state. Moreover, she notes that evictions are often combined with 'erasures': making the homeless invisible by excluding them from homeless statistics and forcing them to leave the central areas of the city.

These disciplinary modes of government are deployed together with neoliberal modalities of governance, conceptualised in this paper following Foucault (2008) who identifies the logic of competition as a defining characteristic of neoliberalism: market principles are applied to the exercise of political power. 'Entrepreneurial governmentality' is one of the instruments for pursuing the widening of neoliberal governmentalities. It illustrates how values such as commodification, competition and commercialism have become dominant in neoliberalism, affecting modalities of governance, organisations, as well as the building of individual subjectivities (Dardot & Laval, 2013). Various management practices can be considered 'neoliberal' and 'entrepreneurial.' For instance, access to housing can be treated as a competition for scarce resources (Wilde, 2020). Self-responsibilisation (Nygren, 2016) and 'individual pathologisation' (Motta, 2016, p. 103) can be used to shift the responsibility from the state to poor urban residents in particular. The homeless can be accused of trying to 'game the system' (Murphy, 2020, p. 252) when trying to access social housing. In addition, the idea of 'invisible elbows'—a term coined by Tilly (1997)—describes less evident forms of state domination: the way the urban poor are forced to wait to have access to their rights. This can involve ignoring occupiers' claims for housing, refusing to answer phone calls or respond to emails (Auyero, 2010; Nygren, 2016).

In addition to disciplinary and neoliberal practices, 'caring responses' have been identified as a prominent proposal. They can involve providing access to psychosocial, or material support, such as shelters, or support to access permanent housing (Clarke & Parsell, 2020). However, facing the reality of scarce resources, these might quickly deteriorate to providing neoliberal 'in the meantime' solutions. This can include negotiating with the occupiers to contemplate whether some other form of housing (homeless shelters, private rental housing, moving to live with family members) might be considered, even if none of these options are fully adequate (Clarke & Parsell, 2020).

Different modes of government are thus directly affected by neoliberal urban policies, as they condition housing managers' possibility to give response (Clarke & Parsell, 2020). Following this line of thought, Soederberg (2016, 2017) argues that housing exclusions occur through the complex confluence of neoliberal housing policies, precarity, and governance and management practices that seek to exclude the urban poor and make them invisible.

Methodology

The present article draws from the research undertaken for my doctoral thesis (Saaristo, 2022), where I conducted multi-sited ethnographic and activist fieldwork in neighbourhoods of Lisbon and Loures between December 2017 to April 2019. From the beginning, it was clear to me that in addition to academic outputs, I also wanted to follow the spirit of activist research (Hale, 2006; Shukaitis et al., 2007), aligning my study to contribute to the struggle for the right to housing. After moving to Lisbon and starting to plan my doctoral research

in 2016, I began visiting and getting to know different associations and collectives that fight for the right to housing in the Lisbon Metropolitan Area (LMA) and found my 'home' with the Habita Association. I was drawn to its work against demolitions in self-built neighbourhoods and evictions from private and public rental housing, but also to its meticulous work on analysing urban planning practices and policies. Habita first emerged in 2005 when a group on right to housing was founded within the association Soliedaridade Imigrante that focusses on immigrants' rights in Portugal. In 2012, the Habita collective was founded, and two years later it became formally constituted as an association. In Habita's work, I participated as one of its members, taking fieldnotes on the daily events. Considering that many other academics and foreigners were also Habita's members, it was easy to fit in and construct together a process of activist research, aligning the research with daily struggle (Hale, 2006).

The main method I used was participant observation, understood as a method 'in which the researcher embeds herself in the ongoing interactions of a particular social setting or set of relations in order to understand and explain members' lived experience' (Jerolmack & Khan, 2018, p. xi). Participant observation was conducted following the core idea of multi-sited research, which is to follow people, connections, associations, and relationships across space (Falzon, 2009), as well as the notions of relational or focused ethnography (Desmond, 2014; Knoblauch, 2005), which means conducting participant observation in specific situations related to the study. In this case, it meant participation in formal and informal meetings, institutional events and seminars, visits to local housing agencies, as well as spending considerable time in different neighbourhoods, also participating in private and collective events and 'hanging out.'

This paper draws specifically from the part of my research that followed the council occupations of three Lisbon council estates—Condado, Flamenga and Armador—as well as the Quinta da Fonte social housing estate in the municipality of Loures. Table 1 provides broad characteristics of these four sites, which were selected due to ongoing mobilisation against evictions; connection of the neighbourhood with Habita and having been built in different time periods for resettlement purposes.

Table 1

Council estates studied.

Council estate	Construction years	Programme/Funding	Number of housing units	Population
Condado	1965 to 1985	Lisbon City Council	1440	5000
Flamenga	1981 to 1996	Lisbon City Council and Medium-Term Intervention Programme (PIMP)	999	4000
Armador	1990s	PIMP	1044	3700
Quinta da Fonte	1995 to 2000	Special Rehousing Programme (PER)	54 buildings	2700

My first contacts in the neighbourhoods were established via Habita. Yet through these contacts as well as a result of spending time in the neighbourhoods, I quickly got to know other occupiers and neighbourhood residents.

In addition to participant observation, life-history interviews (Merrill & West, 2011) were used to obtain in-depth information on the specific housing history of occupying families and to capture their perception of the past and current situation. These interviews lasted one-and-half to two hours, conducted mainly at the home of occupying families. Thirteen interviews were conducted, with a focus on single mothers (seven interviews), followed by nuclear families (three interviews), and people living alone (three interviews). Local politicians and municipal employees responsible for social housing policies or social housing management were interviewed to shed light on the dynamics behind these processes. These interviews, lasting from one to one and half hours, were semi-structured but left open-ended to allow for exploration of new themes that the interviewee might bring up. A total of nine interviews were conducted, two group interviews and seven individual interviews, involving eight municipal employees from Lisbon, and four from Loures. All of the interviews were recorded and transcribed, and the excerpts used in this study were translated from Portuguese into English by the author. Pseudonyms have been used for the residents of council housing neighbourhoods, while the interviews with municipal employees have been numbered (e.g., ME1 refers to municipal employee 1).

Interpreting occupations – a crime or necessity?

Occupations have been regulated by different laws and regulations over the years. The law for subsidised renting (Lei do Arrendamento Apoiado), with the most recent changes in 2016, stipulates rent levels for social housing. Current legislation and regulations are tough on occupiers, making it possible to evict them immediately and to press criminal charges, although the latter are often not pursued. In Lisbon council estates, all the existing occupations were legalised in 2009 when a new regulation on access to social housing, RRAHM came into force (interview, Lisbon City Council, 05/11/2018). RRAHM was replaced by the Municipal Right to Housing Regulation (Regulamento Municipal do Direito à Habitação) in 2019.

Arguments that legitimise and de-legitimise occupations were being put forward by diverse actors. The women and men who occupied maintained that their occupations were necessary due to their precarious labour situation, the lack of available, adequate and affordable housing, or owing to the alleged failure of the municipalities to manage social housing estates The most common reason for occupying encountered in this study was economic hardship and inaccessibility of other forms of housing, as Claudia explained:

> For a single mother, it's difficult to pay 200, 300 euros for a home. If I earn 500 euros and pay 300 euros for a home, I'm left with 200 euros. Then you have to buy a bus pass for the kids to go to school, 48 euros for two. I only have 150 euros for food until the end of the month. It's complicated.

The occupiers emphasise that the decision to occupy is not something they take light-heartedly, as Ema underlined to me in an interview:

> I think this is not right. I think that any human being has the right to housing. If I didn't have children, I'll be honest, I wouldn't be here occupying city council housing. I would rather rent an apartment, have more expenses, of course, but not have this headache. Constantly, when someone knocks on the door, I always get frightened! We live based on fear. Who likes to live like this? I don't think anybody, but that's it, they think we do it just for the fun of it. I don't want this, but look, I have to go through this because I have children. And what am I going to do? Are my kids going to sleep on the street?

It can be argued that similar processes occur in Lisbon and Loures: the poor are excluded from access to housing through high rents on the private market as well as through insufficient access to social housing. Yet, these explanations were not likely to convince the managers of social housing estates and local officers of the City Councils in Lisbon and Loures who normally condemned the occupations:

> We, as a managing entity, a public entity, we use taxpayer money. There has to be some management because we do not have homes for everybody. There has to be justice, responsibility. There might be a family occupying a four-room apartment, and at the same time, there is another family waiting that might be in a worse situation (ME8, Lisbon City Council, 2019).

Another official argued that 'an occupation compromises other families' right to housing' (fieldnotes, Public Meeting of Lisbon City Council, 11/02/2018). These comments can be interpreted through the notions of neoliberal idea of competition (Foucault, 2008) and the moral economy of scarce resources (Wilde, 2020). These ideas guided the everyday practices of management, emphasising the need to assess each applicant carefully. The notion of 'taxpayers' money' was used to underline the importance of this moral economy, to convey the idea people facing housing deprivation should compete to make sure that scarce resources would not be wasted. Municipal employees worried that the occupiers would try to 'game the system' or 'jump the queue' (Murphy, 2020): their housing needs were questioned, and it was asserted that many of them already had other housing alternatives.

Another way to interpret the phenomenon of occupation was its criminalisation, as illustrated by the following two quotes from municipal authorities:

> This question has to do with democratic countries which means that we have legislation and people obey the existing legislation. This is not an anarchy, right? When we need something, when we are hungry, we do not go to the supermarket to steal food, right? (ME6, Gebalis, 2018).

> Abusive occupations are a crime, and they must be considered as such. However, with the crisis and the transformation of the city, we all suffer a lot, and the people in the [social housing] neighbourhoods suffer even more: there is overcrowding, families have grown a lot, and people are unable to leave. They compete for municipal housing, there is no

municipal housing for everyone, they cannot get a home, and then, there are people who despair and end up committing this crime. (ME8, Lisbon City Council, 2019.)

This second municipal employee, while presenting occupations as a crime, also sided with many of the arguments presented by the occupiers, illustrating that within the city council, there is awareness of the challenges faced by occupiers. However, managers and local officials interpreted 'legality' as complying with the municipal regulations and the national housing legislation, with everyone being submitted to the same application system. The state agents thus frequently emphasised a respect for the rules as well as for refraining from illegal acts. According to this line of thought, legality is not predominantly related to the clauses of the Portuguese Constitution or to the human rights commitments of the Portuguese state, but to national legislation and municipal regulations. In this case, informal practices that seek to contest homelessness are thus criminalised, while the incapacity of the state to keep up with its responsibilities to ensure adequate housing to all is not problematised.

The Lisbon City Council claims to be fighting occupations, stating in its regulation to desquat municipal housing (2011, republished in 2013) that the 'managing entity proceeds to evict all unauthorised occupations.' In this light, it is rather intriguing that most of the occupiers explained that they had already been in contact with the City Council regarding their occupation. Occupiers even attended public meetings of the City Council and the municipal assembly to get an opportunity to explain their situation and their reasons for occupying (Figure 1).

<u>**Figure 1**</u>

City council meeting in Loures, 28 February 2018. **Source: Author**.
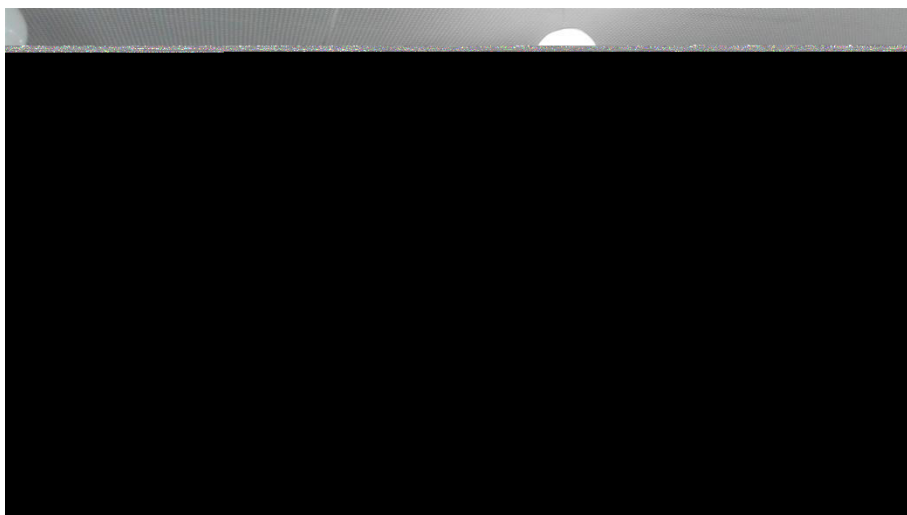
<u>Responses by the city council: In-the-meantime solutions and direct production of homelessness</u>

In their interaction with occupiers, municipal employees tend to use three main techniques of governance: 1) invisible elbows, 2) caring responses and self-responsibilisation and 3) direct exclusions through visible fists and the direct production of homelessness.

Invisible elbows

The occupiers I met during the study can be characterised as highly proactive in their attempts to further their housing cause by interacting with the city councils, Gebalis and other public entities. Yet despite their efforts to negotiate with the authorities, it was rather rare for them to receive a response. In fact, many occupiers or other residents who experienced housing problems complained that the lack of a response was what annoyed them the most, as expressed by Carla:

> We always go to the Gebalis office. I've also sent emails to try to meet with the city councillor for housing, and I've sent registered letters. Once I met this Gebalis director in a meeting and talked with her. She told me to send an email marked for her attention, and I did, but she never replied. They don't reply, that's the problem.

In addition to not responding to the contact attempts by the occupiers, the Lisbon City Council and Gebalis also gave them confusing signals that leave them in limbo and uncertain on what to do, as was related by Nina:

> In October, they posted an eviction order on my door. I went to see the assistants of the City Council and applied for social housing. Then, nothing happened. At the end of the year, they said I should renew the candidacy. I went to the City Council, and they told me that everything was fine, that the candidacy was already renewed. Then, they gave me a score of 73 – they communicated that with a letter sent to my occupied house. Then again, nothing. So, I don't know whether I should stay or leave. I am staying, but it is difficult, as I don't know whether I can stay here in the future.

When occupiers managed to extract a response from the city council, they often came in two forms: to send (yet another) an application for social housing or, to wait. Yet almost all occupiers applied for council housing by the formal application process, year after year. It is important to mention that these application processes are rather time-consuming, involving many 'invisible elbows': occupiers are often obliged to wait long hours in diverse state agencies, and this forces them to request days off from work. Moreover, as the processes are long and drawn out, this means that the information they submitted in the original application—such as their employment status, wage or family composition—might be outdated, which could result in them being excluded during the application process:

> This year, I finally got 102 points for my application. The City Council asked to bring in all the documentation within 10 days. I had to take leave to get all the documents, running from one side to another. Then, when I handed them over, the City Council said they would cancel my application because my family situation had changed. What had changed is that me and my son, were working part-time, while at the time of sending my application, I was unemployed. Afterwards, I submitted a new application, and got 72 points [not enough to access a council home]. (Fieldnotes, meeting organised by Habita, 30/11/2018.)

These time-consuming bureaucratic processes, in which some applicants felt they were being treated unjustly and arbitrarily, succeeded in undermining the dwellers' confidence in the

administrative processes of the city council and reinforced their sense of being excluded and unentitled to services.

Caring responses and self-responsibilisation

Other responses tended to fluctuate between caring responses, with the municipal employee seeking to identify a solution for the occupiers, and self-responsibilisation, constructing the occupiers lack of access to council housing as their fault and responsibility. These responses can involve the invention of alternative solutions, such as renting an apartment on the private market, and applying for a rent subsidy available in Lisbon that can cover up to a third of one's rent (subsidio municipal ao arrendamento). Maria considered this to be insufficient: 'I'm not a young girl anymore; in two years, I'll be 50. So, I'll rent for two years, and after that? Where do I go? On the street?' Some were also proposed to go to homeless centres, and when asked by Habita if that could be considered an adequate housing solution for a mother with three children, the municipal employees argued that that option was actually quite good, because 'it even had a kitchen and it offered meals.' In addition, they argued that it would be worthwhile because in this way, her score in the application process for council housing would increase (fieldnotes, 11/02/2019). A rather surprising but common suggestion by the city council was that the occupying mothers should go live with their parents. Maria, who was 47 years old at the time of the interview, told me: 'The city councillor for housing told me I should go to my mother's. I said: My mother doesn't want me there. She said she would talk to my mother! I said, no, you're wasting your time.'

These in-the-meanwhile solutions were proposed in contexts in which the housing manager in question was not able to devise any other solution, hoping that in this way, the situation would somehow improve. This sentiment is illustrated by a Lisbon municipal employee I interviewed:

> There is also this educational approach and we try to help as much as possible so that the necessary score comes in. But if you ask me if we get an immediate solution for people, sometimes the solution people want is not the one we are able to give. When people are occupying a house, and there is going to be an eviction, they want a solution by tomorrow. And at Santa Casa, they go there, "I need a house". And there is emergency housing, temporary housing, a series of supports. But it's not often the answer that people want. (ME8, Lisbon, 2019)

By applying this 'educational approach', the 'caring responses' that were proposed as a solution began to shift towards self-responsibilisation: if the occupiers did not approve the proposed solution, it was because they were too demanding, hinting to the possibility that occupiers' housing exclusions might be their own responsibility or the result of their wrongdoings. One of the enduring challenges has been the management of access to council homes, as well as the issue of keeping records on the current status of occupancy of council homes. Municipal employees argued that so many council homes were vacant because the council estate residents do not update the city council about changes in family composition or income levels (ME4 and ME5, Lisbon, 2018), the excessive bureaucracy to assign vacant

apartments (ME6, Lisbon, 2018) and lack of funding for renovating the apartments (ME3, Lisbon, 2018).

Figure 2

A council home closed with an anti-squatting steel plate door and an alarm, Condado social housing estate, Lisbon. **Source: Author.**
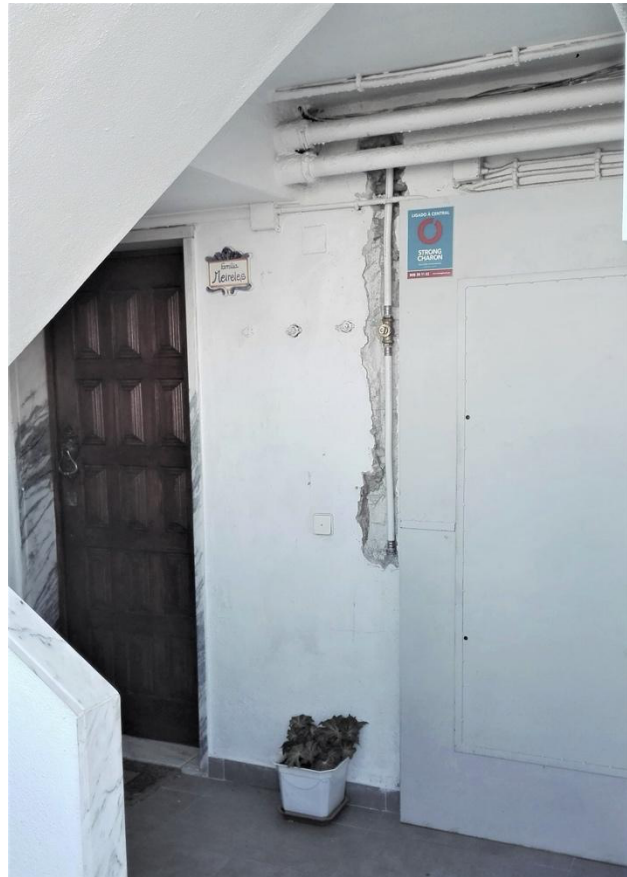
Many council estate residents were not convinced by the arguments put forward by council housing managers:

> There are so many people who need housing, but they [the city council] leave the apartments vacant. Then there are problems with domestic violence and women have nowhere to go. In my apartment block, there are two vacant apartments. One resident passed away and Gebalis put an anti-squatting steel plate door and left the apartment like that. (Author's fieldnotes, 15/03/2019, see also Figure 2).

Direct exclusions : visible fists, invisibilisation

In addition to municipal agencies not providing adequate response, more concerning practices were reported. Some occupiers were persuaded by the Lisbon City Council to leave Lisbon, without the Council informing them that this would exclude them in the applications for social housing in Lisbon. In 2009, Ema was persuaded to leave an occupied apartment only months before she would have been entitled to it due to the change in the council regulation in Lisbon (interview with Ema, 2019).

Some women told me how they had been repeatedly contacted by the Lisbon City Council, affirming that they would be offered alternative housing, but that they just needed to leave the occupied apartment. After leaving, they never again managed to speak with the assistants of the city councillor for housing, with assistants neither answering the phone nor responding to their requests by e-mail. Some families that applied for social housing were also randomly excluded from the process, because the authorities claimed that the families had provided false information on their applications. This was Paula's situation when she repeatedly applied for a council home: 'the Gebalis lawyer accused me of providing false information. She told me my neighbour had said my daughter does not live with me, but with her grandmother. The lawyer decided to believe my neighbour, cancelling my application.'

Figure 3

After eviction.
November 2018.
Source: Author.

From time to time, occupations of council homes result in evictions (Figure 3). The evictions from social housing are regulated by the Law for Subsidised Renting, but Lisbon City Council also has a specific regulation on 'de-occupations' that stipulates how the residents of the occupied apartments should be evicted (Câmara Municipal de Lisboa, 2013). The framing of these evictions as de-occupations results in a different management procedure. This is exemplified in the way that a Gebalis employee referred to de-occupations during a community group meeting:

> They [de-occupations] are administrative processes, managed by Gebalis and the municipal police. They are executed in accordance with the law. More information can be found in the rescripts. In two months, the movement [evictions] will begin in the neighbourhood (author's field notes, community group meeting, 15 March 2019).

This direct state production of homelessness was thus repackaged as an 'administrative process.' The officials and municipal employees state that the families are given a notice period and that they are always encaminhados (referred to different institutions) before the eviction, such as Santa Casa or the Social Security office for future support (ME2 and ME3, Lisbon, 2018).

Yet the experience of evicted families demonstrates that the 'alternative support' is often far from adequate. Tita was forced to send her children to live with their grandmother, while she slept in the car. In addition, she was offered 450 euros by Santa Casa to pay the security deposit on a private rental apartment (fieldnotes, 02/11/2018). These actions thus resulted in a clear deterioration of the housing and living conditions of the family, against the UN 'basic principles' that states should comply with when proceeding to evictions (AGFE & UN-HABITAT, 2011, p. 102).

While it is possible to imagine that state agents do not respond or offer adequate housing solutions due to their inability to do so, it is difficult to envisage why city council technicians or Gebalis staff would deliberately exclude urban dwellers from accessing social housing. Rather than an intentional attack against the poor, this might result from a policy combination that at times might be contradictory and yield unforeseen consequences (Wacquant, 2009). Unintended consequences of a disjointed policy formulation contribute to understanding why state response might be inadequate, but it does not explain why state agents deliberately exclude part of their population and make them invisible. The concept of moral economies (Wilde, 2020) is helpful in this sense: due to the desire to do their work properly and efficiently, shielding 'scarce resources', housing officials seek to find reasons to disregard some urban dwellers that come to look for their support.

Conclusions

This paper has shown how in the case of council housing managers of Lisbon and Loures, legal and extra-legal mechanisms of control and discipline converge with neoliberal forms of government, leading to the active production of marginalisation and housing exclusions. This combination of techniques involves (1) invisible elbows, by complicating the process to access council housing, (2) caring responses that come together with self-responsibilisation and (3) visible fists, involving direct housing exclusions. The lack of adequate response that forces the poor to keep waiting (Auyero, 2010) creates further confusion in an already complex and highly stressful situation of homelessness. These types of policies and practices can be considered as reinforcing the subordination of urban dwellers, contributing to further their precarity and marginalisation (Muñoz, 2017). Furthermore, a general problem was the lack of information; the families who faced housing exclusion were mostly left to find out for themselves where they should look for support.

They were sent back and forth between various municipal agencies, always receiving the response that another agency would address their case (Auyero, 2010; Nygren, 2016). The naturalisation of entrepreneurialism—the logic of competition and the idea of scarce resources—in access to housing is used to justify the decisions to exclude some and include others, on the basis of an evaluation of 'who needs housing the most.' Yet the elimination of homelessness is not possible by decree: even if their homelessness and attempts to access housing are criminalised, there are still people who do not have access to housing.

In these actions, the state officials and authorities enter the realm of informality themselves, employing different extra-legal techniques, but justifying these modes of governance by the need to respect the existing legislation and by the alleged illegality of occupations. Much more could be done in terms of securing an efficient use of existing council housing resources, instead of presenting the shortcomings in council estate management as arising from the wrongdoings of the council housing residents. The focus on the 'illegality' of occupations and the framing of evictions as 'de-occupations' leads the city councils to ignore the fact that in promoting evictions, they govern through informality and extra-legality, directly producing homelessness, further alienating these residents from the right to housing. These modalities of governance cannot be justified only by the unintended consequences of policy formulation, but rather also pertain to the realm of neoliberal strategies to exclude the urban poor. Yet the margin of manoeuvre of the housing managers is also strictly constrained by the neoliberal housing policies that have furthered market-based housing policies to the detriment of the promotion of social housing.

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