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EDITED BY UDO GRASHOFF

**COMPARATIVE APPROACHES
TO INFORMAL HOUSING
AROUND THE GLOBE**

UCLPRESS

Comparative Approaches to Informal Housing Around the Globe

FRINGE

Series Editors

Alena Ledeneva and Peter Zusi, School of Slavonic and
East European Studies, UCL

The FRINGE series explores the roles that complexity, ambivalence and immeasurability play in social and cultural phenomena. A cross-disciplinary initiative bringing together researchers from the humanities, social sciences and area studies, the series examines how seemingly opposed notions such as centrality and marginality, clarity and ambiguity, can shift and converge when embedded in everyday practices.

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Edited by Udo Grashoff

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Series editors' preface

The UCL Press FRINGE series presents work related to the themes of the UCL FRINGE Centre for the Study of Social and Cultural Complexity.

The FRINGE series is a platform for cross-disciplinary analysis and the development of 'area studies without borders'. 'FRINGE' is an acronym standing for **F**luidity, **R**esistance, **I**nvisibility, **N**eutrality, **G**rey zones and **E**lusiveness – categories fundamental to the themes that the Centre supports. The oxymoron in the notion of a 'FRINGE CENTRE' expresses our interest in (1) the tensions between 'area studies' and more traditional academic disciplines; and (2) social, political and cultural trajectories from 'centres to fringes' and inversely from 'fringes to centres'.

The series pursues an innovative understanding of the significance of fringes: rather than taking 'fringe areas' to designate the world's peripheries or non-mainstream subject matters (as in 'fringe politics' or 'fringe theatre'), we are committed to exploring the patterns of social and cultural complexity characteristic of fringes and emerging from the areas we research. We aim to develop forms of analysis of those elements of complexity that are resistant to articulation, visualisation or measurement.

The present volume is the first to tackle the challenge of comparing practices of informal housing across the globe. Highlighting the differences of informal settlement practices in varying political, economic and social contexts, however, may conceal important similarities and vice versa. Here, an international team of historians, anthropologists, urban planners, sociologists and political scientists takes readers on a tour through the novel aspects of informal housing from a global perspective, while also showing the social and cultural sensitivity to local contexts. The volume brings together case studies from five continents (including countries such as Australia, Brazil, France, Germany, Hong Kong, Israel, Kazakhstan, Kenya, Kyrgyzstan, the Netherlands, Portugal, Spain and the United Kingdom) and establishes fundamental patterns, cleavages and ambiguities of informal housing.

Alena Ledeneva and Peter Zusi,
School of Slavonic and East European Studies, UCL

Editor's preface

This book is not, unlike many other edited volumes, a mere collection of papers presented at a conference. It is the result of several years of scholarly cooperation. Two academic events held at, and financially supported by, University College London (UCL) set the course for comparative (and in many cases, collaborative) research. Most of this work only started after a preparatory workshop in 2016 and a bigger conference in 2017, entitled 'Comparative Approaches to Informal Housing Around the Globe'. In my introductory lecture to the second event, I presented this project jokingly as a sort of academic partner agency, and I instantly realised that not everyone was enthused at the idea of forming pairs with other scholars. For many, luckily, it did work quite well. Several chapters in this book (hopefully) demonstrate how productive, joyful and stimulating collaborative work can be.

There was, of course, some fluctuation. During the work on comparative studies, a few scholars dropped out, but, at the same time, completely new projects joined in. I would like to thank all the scholars who took part in this somewhat risky venture, not only those whose comparative projects were chosen to be used in this collection, but also all those who joined our discussions without contributing a publishable study.

Likewise, I would like to thank everyone who supported this long-term project. Florence Sutcliffe-Braithwaite co-organised the first workshop, and Akosua Bonsu helped me with the organisation of the 2017 conference. I would also like to thank Alan Smart and Alan Gilbert for their helpful advice during the preparation of the event.

When I came up with the idea for this book, many colleagues and friends encouraged me, most notably my UCL colleagues Wendy Bracewell, Axel Koerner and Alena Ledeneva. The FRINGE research centre at the School of Slavonic and East European Studies at UCL became my operational base. I'm grateful for the funding provided by the UCL European Institute, UCL's Global Engagement Fund and Octagon Small Grants Fund and from FRINGE. Moreover, UCL allocated a Laidlaw

scholarship to this research project. As a result, Fengzhuo Yang, a History, Politics and Economics student, took part in the 2017 conference and the research for the introductory chapter of this book.

Many thanks to the anonymous reviewer for the encouraging and incredibly helpful comments. Last but not least, I would like to thank Chris Penfold from UCL Press for all the good advice along the way, from initial proposal to publication.

Udo Grashoff

Towards critique and differentiation: Comparative research on informal housing

Udo Grashoff and Fengzhuo Yang

Various sources indicate that up to a quarter of the world's urban population lives in precarious neighbourhoods such as *shanty towns*, *favelas*, *barriadas*, *bidonvilles*, *bustees*, *kampungs* or *gecekondular*. Such a wide variety of forms, found in different political and social contexts, is indicative of the complexity of urban informality, and invites comparative approaches.¹ But only a few scholars have engaged in rigorous comparisons beyond the 'comparative gesture' of light-touch references to different contexts made thus far.² As one scholar aptly lamented, 'promising edited collections, which take care to juxtapose case studies from different parts of the world, still do so without allowing them to engage ... with each other'.³ Likewise, many conceptual studies include a comparative argument but use examples mainly for illustrative purposes, and do not examine them comprehensively. Often, studies rather hint at comparisons than fully realising them. But it is not our intention to sneer at colleagues for not having hit the target. Instead, this introductory chapter presents various examples of good practice. It surveys existing comparative studies on informal housing, to provide a sense of how far comparative research has come, and asks how the method of comparison has been used in different disciplines as a way to understand differences, to discover unexpected similarities and to differentiate (and sometimes even subvert) previously held assumptions. The survey begins with paired comparisons and progresses toward more complex approaches such as multi-case analysis and typologies. It also specifies where the studies of this volume contribute to the field of research.

1.1 Paired comparisons

The basic comparative operation works with two entities, and such a straightforward approach can be easily denounced as reductive. Colin McFarlane and Jennifer Robinson, for instance, have levelled the criticism that even the most rigorous of existing comparative methodological conventions reinforce a ‘narrow range of comparisons through a continuing quasi-scientific approach inappropriate to the multi-dimensional, contextual, interconnected, and endogenous nature of urban processes’.⁴ They have a point here, but the very simplicity of paired comparison is also its great strength. While it is true that paired comparisons work with binaries, they don’t necessarily reinforce them. As the following examples demonstrate, paired comparisons can reveal surprising similarities as well as illuminate differences. And they don’t have to be superficial or simplistic.

A seminal example is Alan Gilbert’s paired comparison of informal housing in Valencia (Venezuela) and Bogotá (Colombia).⁵ His article scrutinises the countries’ respective political, social and economic contexts to understand why low-income housing areas became established in different ways in the two cities: land occupation as the main approach to informal housing in Valencia, and illegal subdivision of land in Bogotá.⁶ Gilbert’s study analyses a variety of factors such as the role of patronage, reactions of landowners and the police, state regulation, situational factors such as elections, and many others. Such scrutiny makes clear that informal practices emerged according to the different opportunity structures. The comparison reveals how well adjusted to the respective local power relations the different informal strategies were.⁷

Another comparison that examines different outcomes of analogous practices is a 2004 study of life in informally subdivided residential and commercial buildings in São Paulo (Brazil) and Johannesburg (South Africa). In both locations, the authors find people living in cramped conditions with poor sanitation, lighting and ventilation, and lack of privacy. The differences seem to be largely a result of different kinds of people resorting to that informal practice. The authors find more social cohesion (including family ties) among squatters in São Paulo than among the inhabitants of disused buildings in Johannesburg, who are ‘mostly transitory single males’. In addition, the existence of influential urban housing movements in Brazil is considered to be conducive to the improvement of informally subdivided buildings – in contrast to Johannesburg, where squatters have little voice.⁸

Such comparisons indicate that similar practices are often shaped significantly by the local context, often with the effect that differences

stand out. A study of informal settlements in Dhaka (Bangladesh) and Ankara (Turkey) illustrates this. In both countries, people in informal housing were found to have a similar economic status and to perform most of their daily activities outdoors. But the physical outlook and spatial structure of *bustees* and *gecekondular* differ remarkably. *Bustees* are densely populated, consisting of temporary structures built out of poor materials, and tenancy is insecure and expensive: their dwellers pay higher rents per square metre than any middle-class family. *Gecekondular* settlements, by contrast, are both more permanent and spacious. Most residents, note the authors, have 'more open space than a middle income household in the urban area in some Turkish cities'.⁹ The diverging degrees of freedom are associated with property relations. Whereas *gecekondular* inhabitants are more or less owners of their houses, *bustee* dwellers are predominantly tenants without rights.¹⁰

One spirited example of bridging great distances is Amanda Dias' comparison of Palestinian refugee camps in Lebanon and favelas in Brazil.¹¹ Based on the assumption that both of these informal settlements establish a specific 'intellect of the margin' (dominated either by militancy or by artisan and intellectual activities), the French anthropologist compares several aspects of social structure in the two countries, such as self-perception, communal activities and internal governance, and finds many similarities. She observes that those living at the margins of the city and the state identify affirmatively with the informal settlement and try actively to build a community culture. Both have problems with internal management but they are different. Inhabitants of both settlements also differ in their perception of temporality.

Whereas Dias' comparison ultimately arrives at theoretical conclusions, for other comparative studies theory is the starting point.¹² In a study led by assumptions of post-Fordist theory, Dutch sociologist Hans Pruijt ties the distinct trajectories of squatting in Amsterdam and New York to macro-structures, namely the urban regime relying on market forces in the US, and the Dutch way of state intervention and redistribution.¹³ According to Pruijt, the urban regime in New York – which is less conducive to squatting – has led to the widespread co-optation of housing movement groups that mainly act as service providers, in contrast to Amsterdam, where squatters embarked on a more proactive strategy dubbed 'flexible institutionalisation', due to the more squatter-friendly context there.¹⁴ While such a theory-led approach can account for the fact that squatting faded away in New York whereas flexible institutionalisation kept the subversive potential of the movement alive in Amsterdam (as evidenced by its 'willingness to cause disruption'), this argument was

limited to the 1970s.¹⁵ A decade later, during a second wave of squatting in New York, the self-understanding of these squatters was similar to that of the squatters in Amsterdam.¹⁶ The different contexts, however, once again caused diverging outcomes. Confronted with the stricter protection of property in the US, squatting in New York was characterised by concealment, relative isolation and avoidance of privately owned buildings. Moreover, rigorous comparison would reveal a different attitude towards social housing projects. In Amsterdam, there was more acceptance of such projects, due to a more reliable, transparent and participatory policy safeguarding the affordability of new housing, and indeed there was also more official recognition of the squatters' interests (in relation to rehousing, for instance).¹⁷

Pruijt's research also shows that paired comparisons carry the risk of producing simplified dichotomies. For example, Justus Uitermark pointed out that Pruijt's emphasis on contrasts between the Netherlands and the US led to a downplaying of internal conflicts and divisions within Amsterdam's squatting movement.¹⁸

A decade later, Pruijt reshaped the comparison and approached it in a more holistic way. Instead of mainly looking at the occurrence of squatting, as such, he sought to measure and grade the influence of squatting on urban policy, as well as the extent of cultural and economic changes brought about as a result of squatting. Pruijt developed a four-stage model by identifying different degrees of influence of squatter movements on society.¹⁹ Furthermore, a closer look at the history of housing movements in New York revealed a synergetic dynamic of autonomous and institutionalised movements. The activities of autonomous squatters faced substantial restrictions, but their actions opened up opportunities for institutionalised groups. Conversely, official programmes such as 'homesteading' helped legitimise squatting.²⁰ As a whole, Pruijt's comparative research illustrates the remarkable potential of comparisons for a nuanced understanding of the local dynamics of informal housing in different cities of the Global North.

Likewise, a couple of similar studies have used comparative approaches to analyse striking differences in Europe. In view of the hundreds of legalised squats in Berlin (as opposed to just a few in Madrid), one study asks why legalisation of squatting is so different in the two European cities. The authors identify two main factors: the squatters' political strength and their attitude towards legalisation. Militant resistance against evictions put Berlin's squatting movement in a strong position and facilitated straightforward negotiation. A high number of squatters finally accepted the option of legalisation provided by the

state. Conversely, resistance in Madrid remained isolated, most squatters rejected any kind of negotiation with the state, and the few legalisations that took place involved a tedious and long-winded procedure.²¹

An important aspect of research on informality focuses not on informal practices, as such, but on policies. Current tendencies towards the criminalisation of squatting are the focus of a relatively recent essay that includes a few comparative elements. According to the authors, anti-squatter discourses in England and Wales, as well as in the Netherlands, have given rise to moral panic. But, in the United Kingdom (UK), criminalisation of squatting has mainly been driven by fear of property theft, whereas in the Netherlands the main factor has been xenophobia. Even more pronounced are differences between British and Dutch discourses in defence of squatting. In the UK, 'supportive discourses' emphasise the vulnerability and homelessness of the squatter population. In the Netherlands, defenders of squatters frame them as informal providers of cultural and social services.²²

While most scholars in the Global North focus on Western Europe, few have dealt with informal housing in Eastern Europe. In his doctoral thesis, historian Peter Mitchell broke new ground with his comparison of squatting in the divided city of Berlin during the 1970s and 1980s. In both the east (the German Democratic Republic, or GDR) and the west (the Federal Republic of Germany, or FRG), policies of urban renewal were similar, and squatting emerged almost at the same time in inner-city neighbourhoods. But the comparison found fundamental differences: 'Whereas squatting in the GDR was practised covertly and individually (or as a familial undertaking), in the FRG it was undertaken overtly and collectively. Often tacitly tolerated by the local authorities in East Berlin, the history of squatting in West Berlin was, by contrast, rooted in conflict.'²³

One might be inclined to ascribe the differences to the different political regimes – the eastern dictatorship and the western democracy. The comparison of squatting in Leipzig and Leiden in [Chapter 4](#) of this publication, however, questions such simple causality and suggests that, even in different political and social contexts, squatting practices can be very similar.

Comparative inquiry is often driven by ideas that stem from expertise on one particular area. Eliza Isabaeva's study in [Chapter 5](#) of this volume is based on extensive fieldwork in Kyrgyzstan, and she refers to similar processes of collective land occupation in neighbouring Kazakhstan to deepen our understanding. A study from 1965 embarks on a similar strategy. It contrasts the chaotic and disastrous demolition and

deportation policy towards a squatter settlement in Manila in 1963 with the straightforward process of resettlement of squatters in Hong Kong at the same time. The author identifies the different political regimes and administrations as the main cause of this stark contrast. Whereas colonial rule in Hong Kong facilitated a consistent policy, the division of interests rendered Manila's administration ineffective to a large extent.²⁴

Striking differences between countries in the same region are also the starting point for a comparative analysis of slum-upgrading in Africa. While international development finance is undoubtedly a fundamental supporting factor, it worked well in Harare (Zimbabwe) but not in Kampala (Uganda). The success of slum-upgrading in Harare can be associated with more supportive policies at city level, and the Zimbabwean constitutional right to housing. Moreover, occupation of mainly privately owned land in Uganda made interventions more difficult than in Zimbabwe, where most of the squatted land belonged to the state.²⁵

A related topic is unauthorised construction. Rachele Alterman and Inês Calor explore the significant 'twilight zone between legal and illegal development' in their comparison of enforcement of building codes in Portugal and Israel. They analyse detailed differences in the strictness of the regulations and the efficiency of the enforcement system in the two countries, and offer a number of lessons to be learned from both sides. It is particularly the systematic, detailed and precise analysis of policies and outcomes that characterises this study.²⁶ In [Chapter 8](#) of this book, they take this a step further and discuss the transfer of the concept of informal housing from the Global South to the North.

Quite a few existing studies find the same phenomenon to be the result of different processes. Just such a paired comparison that bridges great geographic and cultural distances to uncover astonishing similarities is the 2010 collaborative study on different forms of informal housing in Hong Kong and Canada.²⁷ The authors compare rooftop squatters in Hong Kong and squatters occupying basement apartments in Calgary, and ask how these two prosperous cities deal with the two forms of illegal housing. In both cities, they find a similar policy of selective toleration, with redefinitions of legality and little initiative for reinforcing the law on the part of the state. And, in both places, the lack of collective action among those living in unauthorised housing facilitated such a policy. Similarly, in their examination of several political aspects, Clarissa Campos and Miguel Martínez point out similarities between squatting movements in Brazil and Spain in [Chapter 6](#) of this volume.

Last but not least, informal housing has a historical dimension that is worth exploring. It represents 'probably one of the oldest informal

practices that evolved in conjunction with the institution of property rights'.²⁸ Solutions such as legalisation or temporary toleration of informal housing rely on Roman law, which had provisions for accommodating the interests of squatters. Historical comparisons can highlight similar processes in distinct periods, and support a sober and pragmatic attitude towards informality.²⁹ Olumuyiwa Adegun provides one example of this approach with his comparison of shanty towns in nineteenth-century Europe and twentieth-century Africa in [Chapter 9](#) of this book.

1.2 Comparisons of formal and informal housing

Hernando de Soto's advocacy of land titling as a means to alleviate poverty has unleashed a lively debate around that idea and practice.³⁰ Comparative approaches are being used in this debate both in opposition and affirmatively. Economists Sebastian Galiani and Ernesto Schargrotsky studied a squatter settlement in the outskirts of Buenos Aires where legalisation remained incomplete. This provided the authors with the opportunity to compare squatters living in precisely the same context with, and without, land titles. The comparison did not entirely confirm de Soto's optimistic expectations regarding accumulation of capital, but showed that squatters with titles carried out significantly more building work on their homes. Moreover, their legal status correlated with positive effects on life and health. Hence, the authors conclude: 'In sum, entitling the poor increases their investment both in the houses and in the human capital of their children, which should contribute to reduce poverty in future generations.'³¹ One might add, titling made them more supportive of capitalism. Interviewees with titles declared to hold more 'market beliefs' than their neighbours without land titles.³² Rodrigo Salcedo's study of the last major slum in Santiago de Chile, based on interviews with inhabitants of a former illegal settlement, observes a similar 'transition toward a middle-class identity'. Most interviewees wanted to leave the past behind, as they are 'tired of participation and just want to live a more private or intimate life'.³³

By contrast, many comparisons of formal and informal housing question the negative reputation of informality and challenge the dichotomy itself. David E. Dowall argues that Karachi's informal 'housing delivery system may not reach the high quality levels found in the planned areas, but it is far more efficient and demand responsive'.³⁴ Two Turkish architects even go a step further in comparing standard-type social housing and informal housing in Istanbul. Using a number of parameters such

as architectural design, infrastructure and socio-cultural and environmental factors, the authors highlight the ‘spatial richness and identity’ of informal housing and suggest lessons to be learned for future social housing projects.³⁵ In a similar vein, Theresa Williamson’s comparison of life in favelas and condominiums in [Chapter 7](#) of this book challenges stereotypes around informality and questions the formal vs informal dichotomy.³⁶

At least partly based on comparisons is also a thought-provoking essay by legal scholar Carmen Gonzales, which takes issue with De Soto’s ideas. Sceptical of the claim that privatisation and the free market will solve the problem of the urban poor, she points to *colonias* in Texas and other US states. Gonzales considers these formally legal settlements with comparably low standards of living not an ‘exotic transplant’ from the South but a rational response to a shortage of affordable housing and inequality. With reference to a number of disadvantages of land-titling programmes in Colombia, Gonzales argues that it is not the legal title as such that matters most, but tenure security. She also argues that the neoliberal perspective overlooks other effective mechanisms, such as participation (‘creativity of the poor’), social solidarity and active state intervention. In addition, Gonzales highlights two aspects of Latin American law that, in contrast to the Northern dogma of absolute property rights, benefit the poor. The Colombian constitution, for instance, recognises the right to dignified housing, to education, to health care and a healthy environment. Moreover, the ‘social function doctrine’ ‘obligates landowners to use land in ways that are affirmatively beneficial to the community’.³⁷ Such a legal perspective is no doubt limited, because, in practice, many Colombians do not benefit from the law due to a lack of resources, poor implementation and great inequalities in wealth and land ownership. But even though her article is not entirely comparative, it exemplifies the potential of the comparative methodology to provide a thought-provoking impulse.

1.3 Triple case studies

Studies that draw conclusions from three case studies are as detailed as paired comparisons but allow for more complexity. A classic example of a triple case study is Anthony and Elizabeth Leeds’ analysis of the political attitudes of squatters in Brazil, Chile and Peru. The authors use comparison to refute ethnocentric assumptions of Anglo–American scholars about supposedly apolitical inhabitants of informal settlements by examining

the interaction between squatters and the polity. They contrast Brazilian favelas (where individual channels of favours and exchanges of interest were much more important than political parties or unions) with Peruvian 'barriadas'. In the case of Peru, several factors – such as competing political actors (not unselfishly) mobilising and promoting squatters, a bureaucracy set up to deal with informal housing, and the presence of various non-governmental organisations (NGOs) – provided the option of flexible use of external connections. The authors note that these flexible patronal relationships facilitated the administrative and physical incorporation of informal settlements into the city in Peru. Conversely, the tight interlacing between political parties and squatters and the high degree of organisation into formal community associations provided inhabitants of Chilean informal settlements with fairly direct access to promotion and support, but in the long run these political affiliations proved to be vulnerable to political change such as Pinochet's putsch in 1973.³⁸

Another comparative analysis of three locations examines policy responses to informal housing in Guangzhou (China), Mumbai (India) and Rio de Janeiro (Brazil). Assuming that policies are largely shaped by four factors (government relations on different levels, electoral politics, municipal finance and the capacity of civil society), sociologist Xuefei Ren assesses the entrepreneurial capacity of these local governments. In India, where local municipal power is minimal and civil rights are deeply entrenched, the authority has to rely on private capital to rehabilitate slum settlements and often combines responsibilities of slum-upgrading with rights of commercial development. This method is often ineffective, as self-interested developers tend to put minimal resources behind the upgrading project. In Guangzhou, by contrast, local municipal power is strong, and civil society weak. Here, the authority adopts a heavy-handed removal policy. This approach, however, is equally ineffective, in the sense of the high cost to the government of resettling the displaced households. The Brazilian model, however, allows a combination of slum regularisation and toleration. Local municipal power is moderate and civil society strong. The fight for votes makes toleration and rehabilitation the best choice for the state, especially prior to elections. Less pressure on balancing municipal revenue and expenditure makes the periodic lump sum required to make peace with the favela settlers an acceptable, and even effective, investment.³⁹

Ren's study is also a good example that underlines the crucial importance of case selection for the outcomes of comparisons. If situations are very similar, one is likely to uncover only subtle nuances, such

as in the case of Andreas Suttner's study of squatters' role in the change from modern to postmodern urban policies in Berlin, Vienna and Zurich during the 1980s. In all three cities, squatters had a similar countercultural motivation and used independent media and militancy as means of mobilisation. The resulting conflicts with ruling political parties and the ways of dealing with squatting differed only slightly.⁴⁰

1.4 Multi-case studies

Although grounded on a massive empirical basis, multi-case studies tend to be abstract, and generalisations are often limited by exceptions. A comparative macro-perspective can nevertheless produce fundamental insights and stimulate new research. Two multi-case studies on European squatting illustrate this.

In his 'configurational analysis' of squatted social centres in Europe, Cesar Guzman-Concha highlights three contextual factors – resources, grievances and political polarisation – whose interaction influences the strength of squatter movements. Two broad patterns emerge from the study, which includes 58 European cities. In some parts of Europe (mainly in the South), a combination of severe grievances, sufficient resources (such as large leftist communities) and closed or unresponsive institutions resulted in strong movements. In the European North, strong squatter movements emerged due to robust far-right parties, despite scarce resources and less grave social problems.⁴¹

Another multi-case study focuses on changes over time. Miguel A. Martínez López and Gianni Piazza analyse European squatting movements as part of international protest waves, and verify some degree of simultaneity, albeit the length of the cycles varies mainly due to internal factors (such as changes in the national law, urban mega-events or political change). In Southern Europe, exemplified by three Spanish cities and Rome, they detect the occurrence of three main 'cycle-stages' of squatting (always beginning earlier in Rome than in Spain). In Central/Northern Europe, by contrast, there were rather uneven developments in cities such as Berlin, Copenhagen and Paris.⁴²

Sociologist Brian Aldrich provides a comparable macro-perspective on informal housing in Asia. His study compares the transformation of squatter settlements into formal housing in six metropolises. By the end of the Second World War, all megacities had a high proportion of squatter settlements, and oligarchs dominated local politics. But, whereas in Hong Kong, Singapore and Kuala Lumpur almost all dwellers of the

informal settlements had been rehoused, there were still large numbers of squatters in Bangkok, Djakarta and Manila. The author attributes the differences mainly to the degree of unity among the elite and the squatters' organisational mobilisation.⁴³ Other factors, such as the differences in the wealth of those cities, are neglected though, which confirms that this type of comparative research (asking why similar processes have different outcomes) requires comprehensive scrutiny of the respective contexts if it is to generate deep insights.

While these studies take the category of squatting for granted, another team of researchers uses the comparative approach to question the category of informality. The authors 'ask whether the shantytowns along the rail tracks in Kolkata, the relatively well organised self-constructed neighbourhoods in Mexico City, the consolidated and normalised 'post-gecekondu' ... areas in Istanbul, the rich residential areas in Belgrade constructed during the transition period between the socialist and the neoliberal regime ... or even China's urbanised villages should all be called "informal settlements", only because they fulfil certain aspects of informality in their production process'.⁴⁴ Informal housing appears in their discussion in two fundamentally different forms. Self-help housing with strong political organisation is subsumed under the rubric of 'popular urbanisation', while less participatory processes mainly dominated by market mechanisms and commercialisation are dubbed 'plotting urbanism'. The distinction is part of a typology of urbanisation processes.

The next section discusses a few typologies with a focus on informal housing only.

1.5 Typologies

Typologies systematise heterogeneity. They tend to emphasise differences and are, to some extent, an end in themselves. But typologies can also be used as a springboard for exploration and as an analytical tool.

One typology of informality, developed by geographer Richard Harris, is very comprehensive. Its aim is no less than the systematisation of the global diversity of informality (with a strong focus on informal housing). Harris distinguishes five different modes of informal urban development: latent (informality unregulated by the state); diffuse (individualised small-scale action); embedded (organised informality that remains quiet and rather covert); overt (organised informality that is visible); and dominant (where the informal practice is established as routine).⁴⁵

Such a global typology is rather exceptional. Most typologies are more specific to a certain context. The result of inductive analysis of local diversity, they deepen the understanding of specifics of the region under study but their findings are not necessarily transferable to other parts of the world. An example from the Global North, Hans Pruijt's typology of West European squatting, illustrates this. He distinguishes five configurations based on their different goals: deprivation-based, entrepreneurial, conservational, political squatting (in the narrower sense) and squatting as a housing strategy.⁴⁶ By defining a set of possible configurations, the typology outlines the possibility space of squatting in the Global North. In practice, these configurations overlap, and are rarely present at the same time. This might be one reason why Pruijt's model has been referred to by quite a few scholars but has been rarely made productive as an analytical tool so far.⁴⁷

Two typologies classify informal housing in the Balkans. Sasha Tsenkova, scholar of planning and international development, distinguishes four types: squatter settlements, settlements for refugees and vulnerable people, improved squatter settlements, and illegal suburban subdivisions. She finds that some are of relatively good quality, and only two can be classified as substandard.⁴⁸ Similarly, the four types that Suditu and Vâlceanu distinguish in their study point to a similar heterogeneity of informal housing in post-socialist Romania.⁴⁹

While these typologies are developed to systematise existing knowledge, others have been used as starting point for further research. One example is a typology of informal tenure in Egypt developed by Ahmed Soliman. This expert on architectural engineering distinguishes three main types: 'semi-informal' (informal residential development on privately owned agricultural land), 'squatter settlements' (development on state-owned desert land) and 'ex-formal' (illegal construction or development on land whose ownership is in doubt). There are also 12 sub-types. This refined typology is being used to quantify the occurrence of these types in Cairo and Alexandria, providing a more precise understanding of the diversity of informal tenure in Egyptian cities.⁵⁰ In a related project, Ahmed Soliman and Hernando de Soto have used this typology to analyse the relationship between the housing delivery system and the economic, social and political conditions in Greater Cairo, Alexandria and Tanta.⁵¹

With reference to Soliman, Mike Davis has drafted a general typology of slums, which is, in his own words, 'an analytic simplification that abstracts from locally important features for the sake of global comparability'.⁵² His candid self-criticism points to a fundamental problem of typologies: the more abstract they are, the bigger is the risk of imprecision.

Architect Nezar AlSayyad has used a typology to contrast the relationship between squatters and the state in Latin America and the Middle East.⁵³ He distinguishes four types of squatting: gradual (spontaneous and individual), communal (collective), mobilising (instigated by political groups) and generated (organised by authorities in return for electoral gain). Supported by examples from Colombia, Venezuela and Peru, AlSayyad suggests that squatting in Latin America, where squatters tend to associate their demands with certain political forces and form their own voice, is typically of a generated or mobilised type. By contrast, in the Middle East, squatting is a 'gradual, politically unobtrusive process' in which the state remains rather indifferent. Drawing examples from Egypt and Saudi Arabia, AlSayyad stresses that squatters take advantage of the opportunities on offer and invade unused land spontaneously. He attributes the different behaviour of squatters in Latin America and the Middle East to distinct political cultures – that is, to 'a broad system of values and norms that govern individual and collective conduct within the community and toward the state'.⁵⁴ The dichotomy he suggests is not unproblematic, though. Spontaneous land invasions are by no means a unique feature of squatting in the Middle East. And the degree of mobilisation of Latin American squatters varies widely. AlSayyad's comparative study brings to mind once again that emphasising contrasts bears the risk of overgeneralisation.

An example of a typology made productive for a multi-case analysis in the Global North has been provided by Robert González, Ibàn Díaz-Parra and Miguel A. Martínez López.⁵⁵ In a book chapter on squatted social centres (SCCs) in Europe, the authors postulate the existence of four configurations. They differentiate abolitionism (anti-capitalist motivation against property), communalism (creation of communal life), pragmatism (meeting urgent housing needs) and unitarianism (combination of all forms of squatting). Their analysis examines the changing occurrence of these configurations of SCC in nine European cities over several decades. The comparison reveals a diversity of dynamics. In some cities, such as Paris and Rome, the first SCCs were mainly concerned with housing and paved the way for radical political squatting. In other places, such as Madrid and Barcelona, SCCs were initially motivated mainly by anti-capitalism and the quest for alternative living; SCCs with the main goal of housing emerged only later. Moreover, the comparison confirms that different cycles of squatting can be associated with changes in the political context, and indicates a trend towards 'more hybrid or moderate forms of squatting over the decades'.⁵⁶

In **Chapter 3** of this volume, Aguilera and Smart develop a nuanced typology of different policies of toleration of informal housing around the globe. Their work is also both a result of thorough analysis of existing studies and a tool for further investigation.

The last example in this brief survey points to the great potential of typologies to open up new perspectives. Jason Jindrich's comparative study of historical informal housing in the US and informal housing in different locations in the Global South fascinatingly demonstrates how a typology can serve as a tool for comparison and both subvert conventional views *and* bridge the Global North–South divide.⁵⁷ Depending on the degree of tenure, Jindrich distinguishes five types of squatters (ranging from 'squatter-owner' with almost complete assurance of their tenure, to squatters experiencing short 'fugitive-tenure', with no aspirations of ownership). He then assigns examples from the South (mainly Latin America) and from the US to each tenure type. Even if one were to object that dimensions of squatting in nineteenth-century US and contemporary squatting in Latin America are incommensurable, anecdotal evidence no doubt challenges the dominant stereotype of the land-hungry squatter on the US frontier as well as De Soto's praise of US policies of pre-emption. Jindrich's examples illuminate manifold similarities between today's informal housing in the Global South and past squatting in the US. The historical comparison results in a relaxed and unagitated view on squatting. Jindrich questions the 'pathologizing of modern squatter colonies in the Global South' by highlighting the fact that initially squatted neighbourhoods in the US have 'become indistinguishable from the surrounding urban fabric'.⁵⁸

1.6 Lessons?

At the heart of comparative inquiry there is a genuine curiosity about other cultures. At the same time, comparative research often questions the laws and institutions (and their related values and practices) at home. Comparisons tell us not only something new about another region but also about ourselves. More often than not, comparative research is motivated by the noble aim of drawing lessons from other experiences and to develop ideas for improvement. There is, however, a risk of overstepping the mark and/or remaining within the limitations of one's area of expertise. Take as examples Anders Corr's impressively knowledgeable book on squatting and rent strikes worldwide, which conceptualises informal housing/squatting predominantly as social protest, or Mike

Davis's somewhat apocalyptic but astute stocktaking of the global 'informal proletariat'.⁵⁹

It might be promising to open up new perspectives by bringing "Third World" questions to bear on "First World" processes', as Ananya Roy has suggested.⁶⁰ In this vein, Thomas Aguilera has emphasised the relative success of onsite interventions by NGOs in the Global South to advocate the normalising and regularising of slums as an alternative to removal and rehousing in Northern 'slums' (that is, migrant dwellings in Paris and Madrid).⁶¹ So far, the North seems to be unwilling to learn from the South in this regard. Nevertheless, confronting a phenomenon with an equivalent in a different part of the world holds remarkable critical potential.

Even if not every idea falls on sympathetic ears, drawing lessons from experiences elsewhere is always worth a try. One differentiated example is a study by legal scholar Juanita Pienaar, who draws lessons from Latin America for informal housing in South Africa. For this, she follows a two-step approach beginning with a comparative exploration of informal housing in a few countries with generally similar situations but different policies. Starting off with an analysis of land-use planning in three Latin American countries and Zimbabwe, Pienaar singles out a number of problematic experiences, such as the overly complicated and expensive planning procedures in Peru, the lack of supervision in Mexico and the exclusion of informal institutions from planning processes in Zimbabwe. She attributes the failure of housing projects for the poor to the overlooking of factors such as location and urban accessibility. By contrast, she suggests drawing lessons from the Chilean planning approach, which offers flexible standards, public participation and promotion of mixed development, to reorganise and improve the South African planning system.⁶²

Knowledge transfer often requires a reflected approach based on a critical review of existing terminology. As Rachelle Alterman and Inês Calor highlight in [Chapter 8](#) of this volume, the informality concept of the Global South is not easily transferable to the North. Both authors discuss various challenges and constraints for knowledge transfer from the Global South to the North and suggest a differentiated approach. They argue that, in OECD (Organisation for Economic Co-operation and Development) countries, where actions in the built environment are regulated through a closely knit web of land, planning, housing, environmental and other laws, the concept of 'informality' must be trimmed down to a shape and size that can be accommodated within the rule of law.

Another kind of lesson is the type that historical actors learn from others. While practices around housing are enrooted in local contexts,

by their very nature, there is a certain exchange of ideas and practices, particularly in the Global North. Travelling squatters contribute to this exchange.⁶³ But perhaps even more important for cross-fertilisation is the media. As Bart van der Steen has shown, Dutch squatters provided a model for squatters in Germany and elsewhere during the 1970s and 1980s, but the idea of squatters from Amsterdam instigating riots in other cities is a myth. Rather, media played a crucial role in the dissemination of news.⁶⁴

In this volume, two case studies explore the transfer of squatting practices within the context of the Global North. In [Chapter 10](#), Iain McIntyre traces links between squatting actions in Australia and Great Britain immediately after the end of the Second World War. In [Chapter 11](#), Jakob Warnecke analyses the appropriation of typically leftist squatting practices by right-wing activists in Germany during reunification and afterwards.

True comparative research is a big challenge, and, in this sense, this collection of comparative studies is just another attempt. As the focus of this book is on the method, it does not promote or defend any specific thesis or concept. Some authors here use the concept of informality as a heuristic category. Others turn to notions more suited to the respective context, such as squatting, illegal housing or self-help housing. In pursuit of a pragmatic approach, most chapters are more explorative than affirmative, and assume a critical stance.

The structure of the book follows a similar logic to that of this introduction. [Chapters 1](#) and [2](#) set the scene. In [Chapter 2](#), Alan Gilbert makes the case for comparative research, based on his experience in Latin America. [Chapters 3–6](#) provide examples of paired comparisons, which highlight how versatile and productive this approach can be. The authors of [Chapter 3](#) devise a typology of policies of toleration, based on a paired comparison of informal housing in Paris (which stands for the Global North) and Hong Kong (an example of the Global South). [Chapter 4](#) compares urban squatting in an Eastern communist regime (GDR) and a Western democracy (the Netherlands), and challenges stereotypes about housing in a dictatorship and a democracy, respectively. [Chapter 5](#) explores the uncharted territory of informal settlements in Kyrgyzstan and Kazakhstan. The authors of [Chapter 6](#) introduce a rather unconventional angle by comparing squatting movement structures in Spain and Brazil (instead of focusing on favelas). [Chapters 7](#) and [8](#) problematise the notion of informal housing from two different angles. While [Chapter 7](#) engages in a critical discussion of formal and informal housing (with a focus on housing in Rio de Janeiro), [Chapter 8](#) explores the intricacies

and pitfalls that the use of the notion of 'informal housing' entails in the Global North, with a particular emphasis on consequences for urban planning and judicature. This chapter and [Chapter 9](#), which offers a historical comparison of urban slums in nineteenth-century Europe and shanty towns in Africa today, both use comparisons predominantly to discuss possible lessons for policymakers. [Chapters 10](#) and [11](#), by contrast, explore lessons historical actors have learned. The author of [Chapter 10](#) examines links between post-war squatting in Britain and Australia, while [Chapter 11](#) analyses the adoption of traditionally leftist squatting practices by the radical right in Germany.

Many arguments can be raised against comparison. Apart from technical obstacles, such as language barriers, geographical distances and work in teams, several factors impede global comparisons. The physical appearance, the persistence and the scale of informal housing differ greatly from one place to another. The reactions of the authorities are divergent as well. Southern policymakers consider informal housing a permanent *economic* problem, whereas authorities in the North treat squatting as a transitory *political* problem. Different property regimes add to the complexity.

Moreover, the variety of notions for housing strategies that do not (entirely) comply with the law testify to the diversity of the topic. Apart from informal housing, squatting and illegal housing (which are the main terms used in this volume), there are many other concepts, such as unauthorised housing, unlicensed housing, self-help housing and auto-construction, to name just a few. Some can be used interchangeably, and others cannot.

Notwithstanding the many obstacles, Thomas Aguilera and Alan Smart have suggested 'developing a more systematic comparative analysis' of informal housing around the globe, for instance, 'by compiling well-documented regional studies and subjecting them to rigorous comparison'.⁶⁵ This book takes their appeal to heart.

Notes

1. In this book, the notion of informality is used pragmatically as a heuristic category.
2. Jennifer Robinson, 'Comparative Urbanism: New Geographies and Cultures of Theorizing the Urban', *International Journal of Urban and Regional Research* 40, no. 1 (2016): 187–99.
3. Jennifer Robinson, 'Cities in a World of Cities: The Comparative Gesture', *International Journal of Urban and Regional Research* 35, no. 1 (2011): 1–23.
4. Colin McFarlane and Jennifer Robinson, 'Introduction: Experiments in Comparative Urbanism', *Urban Geography* 33, no. 6 (2012): 767.
5. More on Gilbert's comparative work in [Chapter 2](#) of this volume.

6. Alan Gilbert, 'Pirates and Invaders: Land Acquisition in Urban Colombia and Venezuela', *World Development* 9, no. 7 (1981): 657–78.
7. The paired comparison was part of a bigger comparative project, which included also Mexico City. See Alan Gilbert and Peter M. Ward, *Housing, the State and the Poor: Policy and Practice in Three Latin American Cities* (Cambridge: Cambridge University Press, 1985). Valencia and Mexico are, apart from the fact that informal housing is more dominant in Mexico, quite similar regarding easy access to informal housing, availability of resources, leverage of squatters and indifferent state policies.
8. Roger Few, Nelson Gouveia, Angela Mathee, Trudy Harpham, Amelia Cohn, André Swart and Nancy Coulson, 'Informal Sub-Division of Residential and Commercial Buildings in São Paulo and Johannesburg: Living Conditions and Policy Implications', *Habitat International* 28, no. 3 (2004): 427–42.
9. Shihabuddin Mahmud and Umud Duyar-Kienast, 'Spontaneous Settlements in Turkey and Bangladesh: Preconditions of Emergence and Environmental Quality of Gecekondu Settlements and Bustees', *Cities* 18, no. 4 (2001): 278.
10. In the terminology of Schmid et al., this study epitomises the difference between popular urbanisation and plotting urbanism. Christian Schmid, Ozan Karaman, Naomi C. Hanakata, Pascal Kallenberger, Anne Kockelkorn, Lindsay Sawyer, Monika Streule and Kit Ping Wong, 'Towards a New Vocabulary of Urbanisation Processes: A Comparative Approach', *Urban Studies* 55, no. 1 (2018): 19–52.
11. Amanda S.A. Dias, *Aux marges de la ville et de l'état. Camps Palestiniens au Liban et favelas cariocas* (Paris: Karthala-IFPO, 2013); see also Silvia Pasquetti and Giovanni Picker, 'Urban Informality and Confinement: Toward a Relational Framework', *International Sociology* 32, no. 4 (2017): 532–44.
12. In a theory-led approach, expert in housing law Jane Ball seeks to apply the insider–outsider theory to squatting in France and the UK. Jane Ball, 'From Individual to Collective Squat: Economic Theory and the Regulation of Squatting in England and France', in *Contemporary Housing Issues in a Globalized World*, ed. Padraic Kenna (Farnham: Ashgate Publishing, 2014), 227–50.
13. Hans Pruijt, 'Is the Institutionalization of Urban Movements Inevitable? A Comparison of the Opportunities for Sustained Squatting in New York City and Amsterdam', *International Journal of Urban and Regional Research* 27, no. 1 (2003): 133–57.
14. Hans Pruijt, 'Is the Institutionalization of Urban Movements Inevitable? A Comparison of the Opportunities for Sustained Squatting in New York City and Amsterdam', *International Journal of Urban and Regional Research* 27, no. 1 (2003): 153.
15. Hans Pruijt, 'Is the Institutionalization of Urban Movements Inevitable? A Comparison of the Opportunities for Sustained Squatting in New York City and Amsterdam', *International Journal of Urban and Regional Research* 27, no. 1 (2003): 139.
16. Instead of identifying mainly as a housing movement, they considered squatting an end in itself, too. Pruijt explained the 'anomaly' as a result of global exchange of knowledge, as several Europeans had influenced New York's squatter scene, leading to a different self-understanding of squatters in the 1980s. See also Linus Owens, Ask Katzeff, Elisabeth Lorenzi and Baptiste Colin, 'At Home in the Movement: Constructing an Oppositional Identity through Activist Travel across European Squats', in *Understanding European Movements: New Social Movements, Global Justice Struggles, Anti-Austerity Protests*, ed. Cristina Flesher Fominaya and Laurence Cox (London: Routledge, 2013), 172–86.
17. Hans Pruijt, 'Is the Institutionalization of Urban Movements Inevitable? A Comparison of the Opportunities for Sustained Squatting in New York City and Amsterdam', *International Journal of Urban and Regional Research* 27, no. 1 (2003): 151.
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2

Illegal housing: The case for comparison

Alan Gilbert

2.1 The value of comparative research

Comparative work complicates the task of research, but has the great advantage of discouraging overgeneralisation. All too often, academics are wont to draw conclusions from experience in a single city – making generalisations about the whole of Latin America, for instance, or sometimes about cities across the globe. A major strength of comparative research is that it constantly forces the researcher to recognise that every city is different. Observation that what happens in one city does not automatically happen in another constantly reminds the researcher to think harder about underlying processes. And, when there is a common pattern and a similar process across cities, we know for certain what we know.

Comparative work also avoids many of the dangers of transferring ideas from one city to another. Models and theories based on a single city or country are dangerous, because too many researchers manipulate their findings to match the model rather than adapting the model to reality. How many times has urban reality in a poor country been distorted to fit a model based on either Burgess's or Hoyt's models based on Chicago, or the national urban hierarchy criticised because it did not match the rank-size rule based on the distribution of cities in the US?

The application of models from one city to another without accounting for the differences between them has long been common housing and urban planning practice. Has building British-style council estates helped solve the housing problems of poor cities elsewhere? And, did building the equivalents of British new towns in the Global South help resolve the regional problems of those countries?¹

Having conducted comparative work on housing and urban problems since the mid-1970s, I have learned a great deal about the virtues and difficulties of this form of research. My comparative work has included studies of informal housing in Bogotá, Mexico City and Valencia (Venezuela), rental housing in Caracas, Mexico City and Santiago (Chile), backyard renting in Cape Town and Johannesburg, housing subsidy programmes in Chile, Colombia and South Africa, and overviews of rental housing in the Global South.² A few of my doctoral students have added to this spread of experience by conducting comparable studies in other cities.³

2.2 Illustrations

The kinds of insights that have arisen from my comparative work on informal housing that might have been missed using other approaches include the following examples.

The form of illegal housing

In his statement orienting the subject matter for the 2017 conference ‘Comparative Approaches to Informal Housing Around the Globe’, Udo Grashoff asked: ‘Why is illegality found in every country of the world but is far more common in poorer nations – for example, why are planning rules upheld in most developed countries but ignored in the poorer districts of low-income cities and sometimes in the richest areas too?’ The simplest answer to that question refers to differences in state attitudes, which, in turn, are strongly influenced by income levels and the cost of land. Governments in developed countries are more able to provide social housing, and home owners can obtain finance to buy formal housing. In poorer countries, informal housing acts as a safety valve. Given enormous housing deficits and the state’s inability to house its population, a politically expedient way of avoiding conflict and maintaining economic growth is to permit informal settlement. Land is a political tool used by many clientelist politicians and sometimes even by autocratic leaders to keep society ticking over.⁴ Generally, it has worked to keep social protest to a minimum – albeit at the cost of producing large areas of semi-serviced, environmentally damaging, peripheral and sometimes dangerously located settlements.

The form of informal housing shares many similarities across much of Africa, Asia and Latin America and in the last couple of decades even in

Southern Europe and the border areas of the United States.⁵ These common elements are that the housing is built on land that lacks title and which has often been occupied against the wishes of the owners and/or the authorities. The land occupied is usually marginal, either in the sense of distance from employment and formal housing areas or in terms of terrain, too often built on hillsides or close to river courses and liable to natural disaster. When occupied, it is typically land of little economic value, and not infrequently it is owned by the state.

Homes are typically built through some degree of self-help, with the owners organising construction, although very often with the help of paid labour and advice from knowledgeable friends and family.⁶ The buildings lack planning permission, and, more importantly, the settlements begin without any services or infrastructure. Electricity, water, roads and schools arrive slowly, often the result of petitioning the authorities, but delivery is highly dependent on the capacity of the government or the private sector to provide those services. The occupants of these settlements are universally poor, but, contradicting conventional wisdom, are usually people who have lived for some time in the city. New migrants typically rent accommodation or share the homes of longer-established kin. Some self-help settlements are undoubtedly 'slums', but many more, particularly in Latin America, are zones with a proven capacity for improvement.⁷ The fact that brick-built homes with most kinds of service and infrastructure dominate in once-flimsy settlements is testament to that fact. I dislike the term 'slum' and would encourage readers to avoid it as far as possible, because it denigrates all who live in poor settlements and conjures up all kinds of negative stereotypes.⁸

The similarities between informal settlements conceal many significant differences. My comparative work in Latin America and South Africa has helped demonstrate that the means by which the poor obtain land differ considerably between countries and even between cities in the same country. In Venezuela, the invasion of land has long been very common; but in Bogotá, Mexico DF and Quito, invasions have seldom been permitted and illegal subdivisions have long been the normal method of acquiring land; in Santiago, land invasions were common up to 1973, but have been rigorously opposed ever since.⁹ The specific form of land occupation that develops in any city depends on the local pattern of land ownership, the price of peripheral land, the attitude of the political authorities, the political organisation of the poor, the physical nature of the terrain and the pace of urban growth. The differences in forms of land occupation between Bogotá, Mexico City and Valencia (Venezuela) in the 1970s, and indeed the variations within them, are apparent in [Figure 2.1](#).

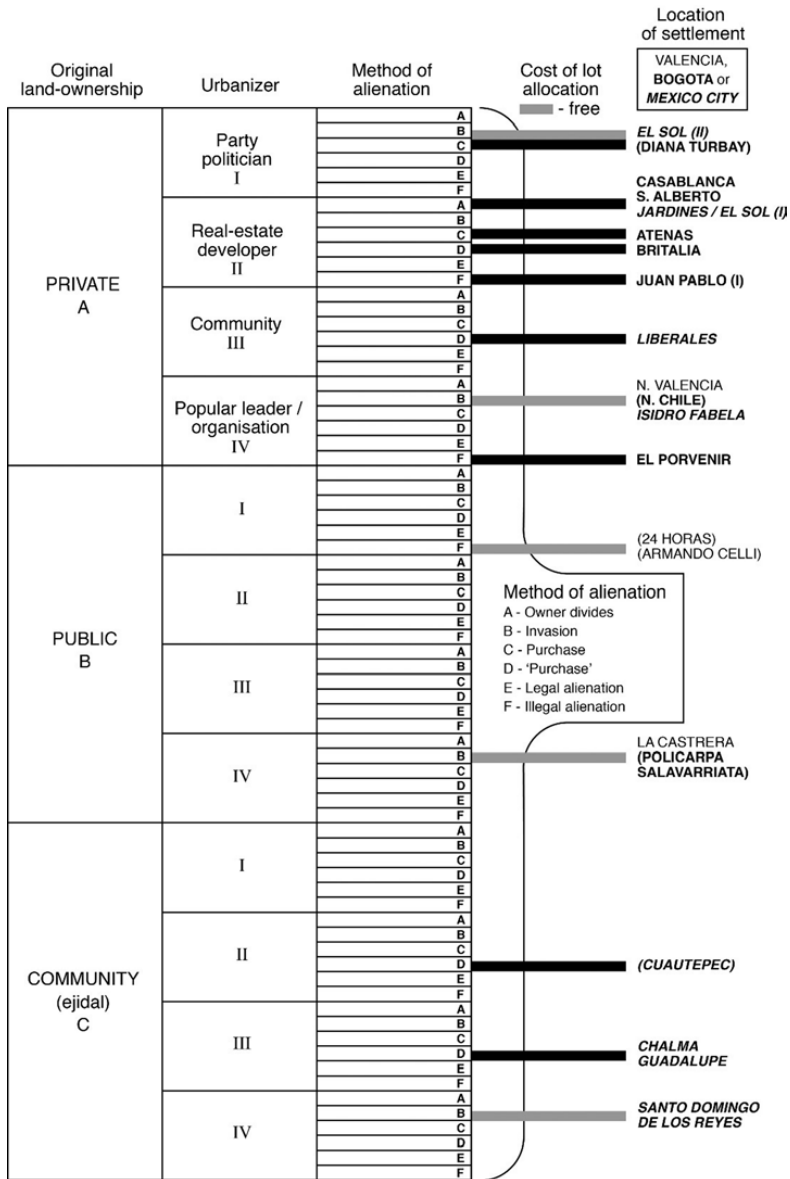


Figure 2.1 Varying forms of irregular land occupation in Bogotá, Mexico City and Valencia. Source: Alan Gilbert and Peter M. Ward, *Housing, the State and the Poor: Policy and Practice in Three Latin American Cities* © Cambridge University Press, 1985. Reprinted with permission.

In his original statement relating to the June 2017 conference, Udo Grashoff asked: ‘What can we learn from comparisons of illegal housing construction at the outskirts of, say, Warsaw, Izmir and Buenos Aires?’¹⁰ My research suggests that the processes determining the form of illegal housing are locally defined. The building manual in Bogotá is stored in the heads of local bricklayers and plumbers. They build their own houses using the techniques they have learned on the local building sites. They then pass on that knowledge to friends and relations, often using their own skills to help others build their homes. Because skills are learned locally, they are culturally specific. This explains why self-help housing in many Chilean cities looks very different from that in Caracas, Lima or Rio. One housing minister in Chile told me that the wooden self-help homes in Santiago are the outcome of local know-how; while, in other parts of Latin America, people have experience of building in brick, ‘here in Chile we are carpenters’. The same presumably applies in South Africa where virtually the whole of Khayelitsha settlement in Cape Town is built of wood and corrugated iron; virtually everything is single-storey.¹¹ No doubt lower per-capita incomes explain something of the difference, but local know-how appears to be the key factor.

Rental housing

Much of the literature and most government policy documents generally assume that in developed countries most people own their homes. However, comparison soon reveals some notable exceptions. In 2016, owners accounted for only 43 per cent of households in Switzerland and 52 per cent in Germany.¹² In the largest cities, very few Germans or Swiss own their own homes: 11 per cent in Berlin, 14 per cent in Geneva and 23 per cent in Zurich.¹³ Today, rates of ownership are sometimes even falling; in the US, the proportion of owner households fell to a 50-year low of 62 per cent during 2016.¹⁴ In major cities of that bastion of home ownership, tenant households sometimes constituted a substantial majority: in New York and Los Angeles, 69 per cent and 62 per cent respectively.¹⁵

In developed countries, most wealthy people own their home while poorer groups rent or share. By analogy, because most people in poor countries are poor, logic would suggest that the majority should rent. However, this is not the case. Rates of home ownership in most of the poorer countries in the world tend to be higher than that in many developed countries: 87 per cent in Thailand, 73 per cent in Chile and 81 per cent in Mexico, compared with 63 per cent in the UK.¹⁶ In much of Africa

and Asia, the dominance of ownership is largely due to the higher proportion of people living in the countryside; few people in rural areas rent their home, they typically live in flimsy self-help housing. In highly urbanised regions, such as Latin America, and in many cities in Africa and Asia, people occupy their own homes, the result of illegal or irregular forms of settlement.

Within poorer cities, the assumption that most of the rich own and the poor rent or share is undermined by the process of illegal settlement. Recent figures from Latin America show that ownership, whether formally documented or not, tends to be the preserve of both the better-off *and* the poorest.¹⁷ The rich have access to mortgage financing and the poor are prepared to live in self-help housing. It tends to be younger families with middling incomes that rent. While incremental housing is ubiquitous in the Global South, it is not an option that is available equally to every family. In some cities, governments prevent access to public land, the usual target of land invaders, and in other cities, private owners protect their land from invasion. In many cities in China, India and Zimbabwe, the eviction of self-help settlers is commonplace.¹⁸

In apartheid South Africa, evictions were frequent and land invasions were prohibited. After 1985, however, the state lost control of the 'African' townships and land invasions became common. Similarly, in Chile, land invasions were common in the 1950s and increased in number up to 1970 when the main political parties encouraged their supporters to occupy land as a means of acquiring votes in an increasingly fevered election campaign.¹⁹ The military government that removed the socialist administration of Salvador Allende in 1973 was determined to prevent future invasions.

The availability of free land has an important effect on tenure choice. In the metropolitan areas of Brazil, the proportion of home owners ranges from a high of 74 per cent in Belém and Manaus, where invasions have been possible, to a low of 48 per cent in the Federal District, where they have long been prohibited.²⁰ In Ecuador, land invasions are common in lowland Guayaquil but infrequent in highland Quito. The result is that many more poor people live in their own house in Guayaquil than in Quito (Figure 2.2). Ownership among the poor (deciles one and two) is higher among the poor than among the rich in the former, but the pattern is reversed in the latter.

Comparison shows that generalisation can be dangerous and that satisfactory explanations of tenure patterns demand knowledge of local house price/income ratios, land markets, mortgage systems and state policy. Recent experience in England also suggests that tenure patterns

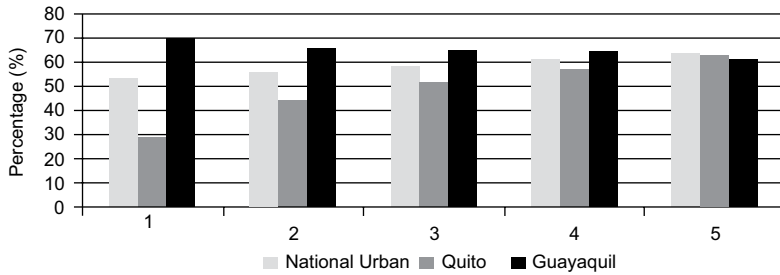


Figure 2.2 Home owners in Ecuador by household income decile.

Source: Ministerio de Desarrollo Urbano y Vivienda, Ecuador.

can change quickly over time; the rate of home ownership fell from a peak of 71 per cent in 2003 to 63 per cent 10 years later.²¹ If house prices rise much faster than incomes, aspirant owners are forced to remain as tenants or sharers.

Landlord and tenant

Unlike the stereotypical view of the British or North American slumlord, and the reality of large-scale landlordism in a ‘Third World’ city such as Nairobi, few landlords across the globe seem to own many properties.²² But the nature of landlords varies considerably. In some countries, like Germany, commercial companies own much of the rental stock, and in other parts of Europe various forms of social housing are important.²³ The small landlord is a significant presence everywhere but dominant in Latin American cities. And, while a few landlords are prosperous, landlords are drawn from every social class and a majority are poor. The only common ingredient among landlords is that they tend to be older than their tenants, many relying on the rental income to finance their retirement.

The form of rental housing also varies considerably. The better-off typically let flats in formal housing areas. Poorer landlords tend to live in self-help areas and many accommodate tenants in rooms or flats created in their own home. Many parts of consolidated self-help in Bogotá contain more tenants than owners.²⁴ In some places, however, the landlord rents out space in the backyard. As noted earlier, this was commonplace in Chile when the military regime banned land invasions and removed many of the existing settlements²⁵ and in South African cities during, and since, the apartheid regime.²⁶ But informal renting has also developed in a variety of forms elsewhere: in the backyard council homes of South

Africa, in the informal settlements of Tanzania and Kenya and in the rented plots in India (*thika* tenants).²⁷

If, as it appears, tenants are almost universally younger than owners or landlords, valid generalisations then begin to break down. In social housing, many tenants are elderly. In the past, most migrants to cities moved into rental accommodation, but, where city-ward migration has continued over several decades, new arrivals already know someone in the city with whom they can stay. But even then, differences appear. In West Africa and in Mexico, space is normally found for relatives. But, in Bogotá, young adults are more likely to rent rooms. In Santiago, *allegados* (sharers) are almost always relatives;²⁸ in Soweto, South Africa, most are strangers.²⁹

Common values

Returning to Udo Grashoff's pre-conference statement, he also asked whether squatting is 'a devious route to Capitalism? To what extent is the goal of informal housing in Latin America to acquire property rights? Is the squatters' attitude to property different in the South (and perhaps East) and in the North-West?'³⁰ My research suggests that most people want to acquire property across the globe and that attitudes in Latin America are most certainly pro-ownership. When I have included the question in surveys, the poor have answered universally that they want to be owners. When I posed this question to owners in poor settlements in Bogotá, few had any doubts that ownership was a good thing.³¹ One owner spoke proudly of the 'glory of the house', another asserted that 'he who has a house is a king' and a third claimed that 'anything purchased is worth it'. When presented with a list of the specific advantages of ownership, two answers dominated the replies: 60 per cent referred either to the benefit that ownership brought in terms of having something to leave to the children or to the security that it offered for one's old age. As one owner put it, 'for those with nothing, to have a secure roof for oneself and the children is a good investment'. Their replies were similar to those one might expect from owners in Britain. Is ownership a universal value? When I have talked with ministers of housing in Latin America about a policy for renting, they have frequently suggested that I do not understand local cultural values – everyone wants to own! This is as integral to Brazilian, Chilean or Colombian culture as it is to that of the British. Elsewhere, I dispute that opinion, arguing that the desire for ownership has largely been created by governments and the construction industry.³² Governments have offered subsidies and cheap

mortgages to aspirant owners. ‘The virtues of ownership have also been peddled by commerce, advertising and the building industry. It is part of the consumer society that promises everyone a home, a car and a television, and one that in an environment of rising house prices offers generous economic rewards.’³³ In any case, as I have already shown, wanting to own and the ability to do so are not the same thing. And what are we to make of Germany, where some of the world’s most materialistic citizens are content to park their BMWs and Mercedes outside their rented homes – or the Swiss, who hang their cuckoo clocks on rented walls?³⁴ The desire for a secure, safe and comfortable home is universal and is not the same thing as home ownership. Even superficial comparisons demonstrate that fact.

Learning from others

Grashoff asks whether ‘squatters in different parts of the world learn from each other? To what extent is there a global transfer of experiences and practices?’³⁵ My answer is that such learning is rare. Organisers of informal and illegal housing settlements are opportunistic and seldom students of what happens elsewhere. Indeed, there are few possibilities, and little time and money, for them to do so. They rarely, if ever, attend international conferences to compare notes. And would they learn much if they did? Informal housing developers need to understand the nature and dynamics of the local land market and what the authorities will tolerate or even encourage. Is there a local politician who wants to obtain support, who will persuade the police to turn a blind eye if an invasion takes place? Clientelism and populism play a key role in permitting informal settlement, and local circumstances count for everything.

Grashoff also asks whether ‘it would be interesting to test existing attempts to systematise illegal housing (such as typologies) which work well in certain regions regarding their usefulness in different parts of the world’.³⁶ In general, my answer to this is positive. Indeed, it is current practice for UN Habitat, Cities Alliance, the multilateral development banks and numerous NGOs to include other cities’ experiences (with upgrading, titling and general housing policy) in their advisory and loan programmes.³⁷ But, of course, there are dangers with the communication of such knowledge. De Soto’s trumpeting of the idea that giving informal settlers title deeds will automatically solve the problem of shelter in poor cities constitutes a very simplistic approach.³⁸ Similarly, employing the typology of the slum is less than helpful insofar as it can stigmatise groups already marginalised in many ways by policymakers.³⁹

But, even when experience elsewhere *would* be useful, many of those who design policies fail to study that experience. While the international advice is that evicting informal settlers should be avoided in most cases, because it tends to make the housing situation worse, governments in China, India, Zimbabwe and several others have proceeded to evict thousands of such people.⁴⁰

It is also true that, even when they accept advice in designing their housing and urban policies, most authorities in the South have tended to look in the wrong places. I have long complained that the authorities in the Global South tend only to consider experience in the Global North. The list of transfers is long: architectural tastes (for example, English style, then Californian, more recently postmodern); master plans designed by influential European architect-planners like Karl Brunner, Le Corbusier and Otto Koenigsburger; social housing for rent, new cities (Abuja, Brasilia, Ciudad Guayana, Dodoma and Islamabad); and shopping malls, fast-food restaurants, gated communities and CCTV cameras (virtually everywhere).

Few lessons have been learned from places where conditions are similar. It is only recently that learning from appropriate sources has become more common in the planning field. The spread of Bus Rapid Transit systems from Curitiba to Bogotá and thence to cities in China, Mexico, South Africa and even to Europe and North America is a relatively new and generally welcome phenomenon.⁴¹

2.3 Meaningful comparison

A major problem facing comparative research is the danger of superficiality; it is difficult to steer a safe path between the desire for generalisation and the need for detail. Sufficient detail can only be assured by conducting case studies ‘in-depth’, something which ‘is difficult to do ... on more than a few cases’.⁴² Apart from anything else, too many case studies simply produce too much information to assimilate. Even if the material can be understood by the researcher, it is difficult to convey the necessary details to a reader without writing at far too great a length. Only by exceeding the tolerance of most publishers is it possible to provide enough explanation for the reader to understand the processes operating at the individual city level while concentrating on cross-city comparisons.

LSE Cities, part of the London School of Economics, has compiled detailed statistics on the form and structure of a number of cities across the world. They argue that: ‘Behind the statistics of global city growth

lie very different patterns of urbanisation, with diverse spatial, social and economic characteristics that dramatically affect the urban experience'.⁴³ Given such variations, any comparative study faces a fundamental question: what is the basis of a good comparison? In my opinion, some comparisons make sense, whereas others do not. In general, it seems sensible to concentrate on similar rather than totally dissimilar phenomena or processes. The principal reason for making a comparison is to shed light on how some common process produces different kinds of results in different places, or to examine why different processes produce similar results. If both processes *and* results differ, is there much point in the comparison? If, for example, we were to compare the housing situation of New Yorkers with that of Australian aborigines living in the Outback, would we learn anything very useful about housing or homelessness?

In this regard, I differ profoundly in my view from the authors of more recent efforts at comparative urban research insofar as they are too eager to compare like with unlike. For example, Robinson's argument that 'the comparative gesture can be applied to all cities as long as a rigorous methodology is adopted in the comparison conducted' is inherently risky.⁴⁴ Dupont et al. advocate a similar argument: 'We adopt the same approach as other scholars engaged in comparative urban research ... by rejecting the position of incommensurability: the often unarticulated assumption that no comparison is possible across cities that are regarded as substantially differentiated not only by their levels of development, but also by cultural or policy context, economic system or political environment'.⁴⁵ Fortunately, they did not follow that premise when conducting their own research; their own urban examples – Rio de Janeiro, Cape Town, Chennai, Delhi, Durban and Lima – share many commonalities.

My own approach has consistently followed Abu Lughod's advice that there must always be a basis for 'legitimate comparison'.⁴⁶ In comparing three North African cities, she looked 'first at what they have in common, then at the major differences among them, and, finally, at the common processes (applied in variable degrees) which have led to the wide and very real differences which we now find'.⁴⁷ As such, I find Robinson's advice problematic, viz: 'A very important analytical change in defining a new repertoire of comparative practice is to abandon the hopeless effort to apply a quasi-scientific rigour to case selection based on attempting to control for difference across cities'.⁴⁸ Perhaps perversely, given their earlier comment on the issue, Dupont et al. made strenuous efforts to compare like with like in their own comparative study.⁴⁹ My own preference for 'quasi-scientific' rigour remains strong, and I commend the efforts of several scholars for persisting in this 'hopeless' effort.⁵⁰

Conducting comparative research is a complicated process and the term is often used to disguise many superficial efforts at comparing cities.⁵¹ It most certainly does not include what Ragin calls 'extensive, variable-oriented work'.⁵² While I have conducted just such work in international overviews, they do not constitute what I consider to be proper comparative research. My preferred method is to look in depth at a limited number of broadly similar cities in the style of Abu Lughod's earlier recommendation. How best to do this is not easy to resolve.⁵³ A key decision involves whether to use one team or several. The main advantage of using local teams is that the researchers already know a great deal about their own cities and often have ready-made contacts in the bureaucracy and in the settlements. Being known in the city is a great advantage, at least in those cities where there are not great schisms based on politics, race, religion or ideology. For an outsider, particularly a foreigner, getting to know a city takes time.

However, it would be wrong to pretend that there are not difficulties with this approach. First, the use of separate teams, while clearly bringing major advantages, does complicate the task of coordination and can bring conflict. I remember one sticky patch in a comparative study of Chile, Mexico and Venezuela over the methodology to be employed; differences over the balance between a quantitative approach and a more anthropological approach led to arguments. A *modus vivendi* might not have been established at all without our having shared a few drinks. There were also some differences with respect to policy formulation; we had a lively debate in our final meeting about whether a common policy could be devised for cities as distinctive as Caracas, Santiago and Mexico City.

A further problem is that each team is seldom as interested in the comparative element of the research as in the part relating to their own city. Why study something that is of minor importance in my city even if it is critical elsewhere? In conducting my research, I have usually relied, in part, on surveys, often employing separate teams, but always following a similar approach and employing a similar questionnaire in each city. The questionnaire would vary to reflect different conditions in each city, but would ensure that similar kinds of information were collected in each city. Unless this was carefully controlled, different local situations and different team interests would produce substantially different data sets, making comparison impossible. Each team was permitted to add some questions to the survey, but none was allowed to eliminate any of the questions being asked elsewhere. They also had to use a similar method for selecting survey settlements and sampling within them. However, they were given sufficient resources to pick an additional settlement or two to reflect major

differences within their city. This approach meant that we could collect broadly comparable survey data across the three cities.

2.4 Conclusion

Despite the many methodological difficulties it poses, I have no doubt that comparative research is essential. It is intellectually stimulating because it forces the researcher to eschew simple statements of process by demonstrating either that in another city the same phenomenon is explained by different processes or that different phenomena are brought about by the same process. Comparison creates confusion, but it is creative confusion. It forces any investigator to think harder than they would have done otherwise. It certainly discourages what Walton and Masotti call 'parochialism'.⁵⁴

Comparison is, of course, no guarantee of good research, but insofar as it tends to discourage the facile conclusion, it is a strong stimulus to better research. If the researcher can avoid the temptation to conclude either that cities are wholly similar or that they are completely different, the full virtue of the comparative method is revealed.

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3

Towards a political economy of toleration of illegality: Comparing tolerated squatting in Hong Kong and Paris

Alan Smart and Thomas Aguilera

3.1 Introduction

In a previous collaborative publication, we lamented the lack of dialogue between those who study and work with squatters in the Global North and South. In addition to identifying ideas that cross-fertilisation could contribute, we sketched a research agenda for achieving productive dialogues.¹ In this chapter, we make inroads on this agenda by developing analytical tools for comparison: specifically, a typology of forms of toleration. If illegal squats and slums are not always comparable in the Global North and South in terms of history, development, population or architecture, we think that their public management has more similarities.

Toleration of practices considered illegal by a government places them in a grey zone; they are allowed to continue without being made legal.² Toleration produces a space of shadows where a practice is neither actively repressed nor integrated into dominant norms and laws. Toleration opens space for self-management, where actors mutually adjust to avoid conflicts while preserving their own interests.³ This space may be temporary but can continue and stabilise situations around the 'status quo' and may finally be institutionalised.⁴ Toleration condenses political, economic and social interests into a distinctive form of power, often quietly. Power has different faces.⁵ One consists of imposing and enforcing rules, for instance; another lets things happen without political decision; a third facilitates and guides people's behaviours without

imposing strong rules, but rather encouraging them to do something.⁶ Focusing on toleration does not propose neglect of the other effects of policies: of course, squatters are repressed and evicted.⁷ They are also sometimes selectively rehoused in legal settlements and housing.⁸ However, toleration is a key element of informal housing in diverse situations. Its importance has been recognised, but has not received the close analytical and comparative attention we undertake here.

Toleration has many different meanings, diverse enough that one must wonder if the same thing is being discussed. The key goal of this chapter is to begin to identify and describe different types of toleration and their consequences. Toleration can be explicit and bound by clear rules, even if those rules conflict with formal laws. Or it can be implicit and problematic to the extent that no one wants to make the practice public or open. Given such variations, our goal here is to propose a typology of toleration to facilitate comparative perspectives on informal housing and other kinds of extra-legality.

Comparing two cases, Paris and Hong Kong, we identify key differences between types of toleration. Even in one city, toleration varies in time, space and scope.⁹ Toleration is rarely found in isolation from other forms of regulation, nor is it commonly stable. Instead, it is often coupled with repression (to prevent uncontrolled expansion of informal housing) and selective legalisation.¹⁰ Toleration is situated between eradication/demolition and legalisation, but is simultaneously entangled with, and influenced by, those other types of regulation.

A useful typology needs conceptualisation so that a set of relatively distinct types can be identified, rather than an incommensurate set of categories loosely tied together by a common name. Initially, our collaboration risked being the latter, as we started thinking about a typology of toleration from our own distinct field and disciplinary perspectives. Our working hypothesis is that, before we can explain why governments tolerate informal housing, we need to understand in more detail *how* they tolerate.

At the beginning of our investigations, we both began from the question of the persistence of squatting, respectively in Hong Kong and Paris. Smart conducted several years of ethnographic research between 1982 and 2001 on the development, lived experience, regulation, clearance and resettlement of squatters in Hong Kong. He was particularly struck by the continued existence of squatters, in a context where they seemed doomed to eradication due to the high value of and demand for the land they occupied, combined with the apparent absence of restraints on the authoritarian colonial government. He first explained this phenomenon

in local terms: what accounted for the continued occupation of valuable land, despite the government's interest in regaining control? A series of papers then sought general explanations for why illegal activities persist.¹¹ While his analysis sprang from fieldwork in Hong Kong and later in post-reform China, it also involved wide reading about illegality to identify diverse reasons for why states so regularly fail to end illegal activities. This effort produced a typology of five different fundamental, but not mutually exclusive, reasons for illegal persistence.¹²

Asking why European cities were still squatted at the beginning of the twenty-first century, Aguilera addressed the issue of the governability of squatters. He showed that informality was co-produced by public policies that alternately repressed, legalised and tolerated it.¹³ Through a comparative ethnographic political economy of the relationships between administrations and squatters, he examined why squatting was tolerated. Going beyond the idea that toleration results from government failure, he explored the extent to which this triptych was inseparable and examined the different kinds of outcomes that variation in these options produces. There is toleration and even legalisation when some conditions combine. When squatters develop socio-cultural projects – when they negotiate with bureaucrats and officials and do not become militant on global issues – they can be tolerated and sometimes legalised.¹⁴ He identified conditional mechanisms to explain distinct outcomes: long-term or short-term legalisation, inaction, deportation and eviction.

As we realised that we were asking the same questions, using common conceptual tools and observing strong commonalities in Europe and Asia, we decided to confront the diversities of toleration and the political economies of public management of squatters. This chapter brings together Smart's exploration of toleration with Aguilera's work on the political strategies for governing squatting. In the first section, we present the questions we asked to operationalise our effort to bring together somewhat disparate research approaches. Then, we present the Hong Kong and Paris cases and compare them. Finally, we conclude with a discussion of the implications of the comparison.

3.2 Comparing toleration of squatting in the Global North and the Global South

In this chapter, we try to use the same concepts to talk about the toleration of squatters in Europe and Asia. Doing so requires precautions to control the comparison of what might be considered as incomparable by

some scholars.¹⁵ We see two major preliminary tasks required to develop a useful typology of different forms of toleration.

First, we are not writing in a vacuum. As explained in the introduction, toleration has been studied as one of the forms of public management of squatting, and we believe it is useful to approach the important spectrum between repression and legalisation as varying degrees of repression and encouragement. If, at one extreme, we have the rare situation of complete suppression of informal housing, at the other we have the complete erasure of any distinction between housing that was initially built or occupied illegally and those units developed legally. Both extremes are rare, and share the absence of any toleration of illegality in housing. The types of toleration discussed in the case studies can be set out along this spectrum, beginning with complete repression and moving towards full legalisation. Since both repression and full legalisation are the two poles from which toleration is absent, starting with a spectrum between them is useful.

The second task is to identify factors that seem to influence which forms of toleration apply in particular times, places and contexts. Based on our empirical research and the abundant literature, we have seven questions that help us with our comparison:

- **Who tolerates?** *Actors and their relationships matter.* Many actors intervene in the governance of squatting: courts, political parties, national or local governments and supranational authorities (European Union/EU) or NGOs, private landowners and, above all, the squatters themselves who participate in local governance.¹⁶
- **Who is tolerated?** *Types of target matter.* There is an important diversity of squatters (in terms of resources, goals, sociological profiles, activities and so on)¹⁷ that elicits a broad range of reactions from public authorities, including differences in terms of toleration. In some countries, people who are clients of a politician or party are protected when they invade land, while non-clients are repressed.¹⁸ Sometimes, exemptions are made for war veterans or the disabled. Often, the elite are able to realise unauthorised building with impunity.¹⁹
- **What is tolerated?** *Details matter.* We distinguish between situations where all kinds of structure are equally tolerated (unrestricted toleration) and those where only specific constructions are accepted (restricted toleration). The details of what kinds of construction are more accepted by authorities (such as mobile homes or tents that can be displaced without demolition) will vary from case to case.

- **Where might squatters be tolerated?** *Space matters.* Geographers and anthropologists have shown that squatters are pushed towards the suburbs, where they are supposed to be more tolerated, at least for a while, even in Europe.²⁰ Squatters' location influences the political agenda and the types of political reactions.²¹ The question of *where* squatting is tolerated results in variations – from the absence of any distinctions between different places (open toleration), which very rarely (if ever) applies, to the much more common situation in which unauthorised construction or occupation is tolerated in particular kinds of space (abandoned and decrepit buildings or marginal, un-serviced land on steep hill-sides, in marshes or on the floodplains of rivers, or land owned by political opponents). Geographic discrimination usually privileges the powerful, facilitating encroachment on common land by landlords, for example, or tolerating the fencing-off of public land in areas where the mansions of the powerful border national parks or beaches. Places matter.
- **When is it tolerated?** *Time and political cycles matter.*²² The matter of *when* squatting is tolerated reveals a distinction between regimes: timing may be irrelevant (atemporal toleration) or, conversely, there may be periods during which squatting is more likely to be accepted or a blind eye is turned. In more mobile illegalities, such as street vending,²³ this contrast may vary over the daily or weekly cycle so that the illegal activity is more tolerated when it is less in conflict with traffic or other uses (off-peak toleration), but this is unlikely in the case of housing. Here, the difference seems to operate on a longer timescale. There are some periods when squatters have better chances of being tolerated, such as during electoral campaigns or economic crises. Generally speaking, in some parts of the world, squatting seems less repressed during economic downturns, when unemployment is higher and land or buildings are in less active market demand. We can call this type 'downturn toleration' or 'slump toleration'. By contrast, in Europe, it seems the recent economic crisis (combined with waves of migration) has provoked increasing eviction, because governments fear an invasion of refugees and a saturated labour market. There are also protective measures, such as in France, whereby the law officially forbids evictions in winter (although this prohibition is usually flouted). During electoral campaigns, right-wing policymakers may evict high numbers of squatters to secure votes for their side. Left-wingers often prefer evicting at the beginning

of their mandate. There are also patterns where temporal variation is not cyclical, but follows a more linear path. Frontiers are often settled by squatters without property rights – as in the American West and the Amazon – but, once developed or incorporated within conventional administrations, a strong property rights regime is usually installed. Governments may also grant such rights to those who had previously squatted.

- **Why are squatters tolerated?** *Rationalities matter.* We refer here to the rationalities of toleration. Asking *why* obliges us to find causal mechanisms that push some actors to accept the presence of squatters. A political economy perspective says that actors have interests to act beyond legal constraints. We explore such interests and ask how they are defended. At this point, we can defer to the labels developed for the typology of persistent illegalities.²⁴ *Market toleration* occurs when governments acknowledge the inability of enforcement to end lucrative markets where demand is strong, and thereby do not devote the resources that would be necessary to control them. *Ambiguous toleration* is where the public considers legitimate an activity that the government defines as being illegal, such as informal transportation in some Southern countries or smoking cannabis in many Northern countries. Toleration here is the result of reluctance to anger citizens or voters who do not want to see resources used to clamp down on practices they do not think should be illegal in the first place. *Managed toleration* applies to situations where governments benefit from an illegal activity (for instance, being able to exploit undocumented migrants who can be deported at any time, thereby generating revenues from taxing the companies that profit from them). In Paris, the Municipality enjoys electoral and political advantage by tolerating artists who contribute to the vibrancy of neighbourhoods.
- **How is it tolerated?** *Strategies and implementation matter.* Examining the question of *how* squatting is tolerated enquires into the processes involved in producing toleration, such as the strategies used by both public administrations and squatters, as well as the tools employed to tolerate practices normally forbidden. How squatting is tolerated also brings us into the domain of effectiveness, since some procedural approaches are less likely than others to achieve the goals of the regulators. The ubiquitous problem of unintended consequences is also closely linked to how regulatory goals are pursued.

Based on these seven questions, we examine successively Hong Kong and Paris, before comparing them. It might be objected that two cases is inadequate for such an endeavour, since they lack sufficient diversity. However, this assumes that each case represents only a single pattern. Instead, what we have found is that there is considerable difference over time in *any* location. These variations offer insights into patterns and processes, which, in turn, generate a matrix. Using only our own empirical research, this matrix has many empty cells, which this book helps to fill.

3.3 Hong Kong: Toleration as balancing government property interests with the need for housing

This section outlines the context, then isolates several key forms of toleration for closer analysis.²⁵ Housing has always been scarce and expensive relative to income in Hong Kong, but got out of control after the Second World War and the victory of the Chinese Communist Party (CCP) in 1949. The population in June 1949 was 1,857,027, up from 600,000 in 1945; by 1950, it might have been 2.4 million. Legal housing could not meet the massive demand. The number of residents per domestic floor (a subdivided apartment originally intended for one family) was 18.144 in 1950, compared to 16.428 in 1939 and 9.05 in 1934. By the end of 1949, the number of squatters had risen to 300,000 from 45,430 in June 1949. The number peaked in 1982 at about 800,000.²⁶

Before the 1954 Squatter Resettlement Programme, the main effort was to eradicate illegal occupation of land and illegal building on agricultural land. Squatters increased in number not because of a positive desire to tolerate them, but due to insufficient administrative capacity to destroy illegal structures or to facilitate the construction of affordable housing. We can call this situation 'repressive incapacity'. It is conceptually situated close to the repression pole of our spectrum of (non-) toleration. However, after China objected to the neglect of squatter fire victims in 1951, and a riot broke out when their comfort mission to the homeless was stopped at the border, a pattern we call 'reluctant toleration' emerged. Basically, those who were able to build and occupy their squatter dwellings before discovery were allowed to stay until the land was needed for development. The government was constrained in its use of uncompensated demolition by resistance and by the threat that violence could destabilise the geopolitical situation, in a context where an anti-imperialist Communist Party was in power just across a border seen as indefensible. The CCP rejected Britain's claims to Hong Kong as the

product of an 'unequal treaty', but tolerated the colony for its economic and political advantages 'until the appropriate time', unless the British abused its Chinese subjects.²⁷

Between 1949 and 1954, the Hong Kong government experimented with various policies and programmes to deal with squatters and regain control over scarce urban space. Efforts from 1952 onwards at aided self-help in the form of licensed areas (regulated self-help housing) and cottage areas (small stone houses) could not solve the problem, because the low-rise format of these homes meant they produced less housing than they displaced. After a series of massive squatter fires, a solution was finally adopted comprising seven-storey public housing blocks presenting very low amenities and high density. This led to the Squatter Resettlement Programme, which, after the 1966 and 1967 riots, was transformed into a broad low-income public housing system that now houses about 45 per cent of the population. Given the high value of land in Hong Kong, and its centrality to government revenues (because all land is government owned and leased out), officials avoided any situation whereby squatters could believe they had property rights, or could effectively claim squatters' rights through 'adverse possession'. The solution was to resettle *occupants* of squatter dwellings, not 'owners'. A situation developed in which, if a squatter house was erected, and furniture and family members moved in, it was provisionally tolerated. Such toleration ended if the government needed the land, or if the occupants were discovered to have rebuilt using permanent materials or expanded the building envelope.²⁸ At various times, all squatter structures were surveyed and registered, and more were officially tolerated until the land was needed for development. This survey was always declared to be a final amnesty, after which any new squatters would not be eligible for permanent public housing, instead receiving – at best – a space in a licensed area (later called 'temporary housing'). However, the government's continuing inability to prevent the growth of existing and new squatter areas meant there were repeated 'last' amnesties, until 1984. We characterise these patterns as 'conditional toleration': squatters are tolerated if they meet certain conditions. The emphasis in Hong Kong was on 'when': the timing of the moving-in, of the survey of the structure, and of the temporal limitation of 'only until' the land was needed.

The regulatory regime changed fundamentally in 1984 when a survey of all squatter occupants was conducted. Subsequently, only those who had been registered in this survey were eligible for resettlement in permanent public housing. Combined with the effective end to new squatting, this created an institutional 'ratchet' in which the number

of squatters who were eligible for rehousing could only go down, not up.²⁹ We call this ‘exclusionary toleration’. This shift challenged the idea of avoiding registering squatters to prevent any appearance of property ownership or squatters’ rights, and was made possible by political changes related to the 1984 agreement to hand Hong Kong over to China in 1997.³⁰ However, other factors also came into play. The squatters’ potential for resistance to clearance without rehousing, combined with the vulnerable geopolitics of a British colony on the margin of communist China, meant that, in the 1950s, resettling them in housing of minimal space (96 sq. ft. for a family of six) and amenities (shared bathroom and kitchen facilities) was the easiest way for the government to achieve its ends. Toleration of squatters prior to resettlement also helped preserve social and diplomatic stability. Yet the government resisted adopting the eventual solution. It took a series of disasters to teach it that resettlement in multi-storey public housing was the best way to resolve the dilemma.³¹

The key issue around Hong Kong’s treatment of squatters is that, unlike much of the Global South, it has never legalised informal housing. The government’s persistence has always taken the form of toleration without entitlement ‘for the time being’, and the influences and paths of development for Hong Kong have always been exceptional. Almost always having budget surpluses, Hong Kong has never relied on supra-national institutions like the World Bank for finance, and therefore has never felt the need to follow their preferred development strategies such as self-help sites and services projects as a replacement for public housing, or the formalisation of informal housing. Budget surpluses have minimised the direct influence of London, except when geopolitics and domestic concerns in Britain have demanded responses from the colonial government. Local concerns were the most important influence on decisions affecting squatters – particularly the fact that all land was Crown-owned and thus central to revenues. Giving title to squatters, or allowing activities that could lead to the recognition of squatter rights under common law, would have immense implications for the real estate-based nature of government budgets. These local concerns had a much greater impact than the prescriptions and preferences of any global agency, with the exception of London and the Colonial Office, whose commands had to be followed (if they could not be avoided, evaded or deflected).

While there was an overall logic of preventing squatted land from becoming the permanent or legal property of the squatters, this varied over time and space. Of interest here is the category of ‘squatters on land not required for development’. Most of this land was in the New Territories (the primarily rural parts of the land leased for 99 years from

Imperial China in 1898). All squatters in the urban areas around Victoria Harbour were intended to eventually be cleared.³²

Prior to 1967, squatters were primarily seen as problems. Since they could not be induced to return to China, and since eradication was impossible for practical reasons, resettlement was reluctantly accepted. However, this was not done for the welfare of the squatters, but to meet the core governmental interests of making land available for development and generating revenues. The 1966 and 1967 riots changed this situation, resulting in greater concern about the gap between government and society, and improving social services to create loyal citizens.³³ The new Governor, Murray MacLehose, undertook reforms that included converting Squatter Resettlement into a broad low-income public housing programme, with access both through squatter resettlement and a waiting list for those below income cut-offs. The size and quality of public housing were substantially improved. What is missing in the literature is serious consideration of the policy possibility that some squatters might have been given formal tenure and encouraged or required to improve their dwellings. This would have been a sharp departure from all prior practice.

Toleration kept squatters in a liminal state between repression and legality. Any compensation received on clearance would vary according to the policy at a given time. For example, squatters needed to have a certain number of years' residence in Hong Kong (usually seven) to qualify for permanent public housing; in the early decades, there were no units for single or two-person households. They were also prevented from improving their dwellings, thus creating hazardous conditions.

In 1970, the Governor raised concerns over conditions in squatter areas, and particularly in areas not required for development. The Colonial Secretary, second in the governmental hierarchy, offered two approaches to the problem. The first was to 'accept as a very major change of policy that all squatters would be resettled'. The second, apparently even more radical, was to 'give the squatters some form of title to lots on this unwanted land, and allow them to build (with their own money if they have it) NT [New Territories] 'village type' houses on patterns approved by the Building Authority'.³⁴

The concerns expressed by the Governor about these alternative approaches are enlightening. Regarding the first, three difficulties were identified. Clearance and resettlement are 'compulsory, and it is distasteful to use such powers for other than a public purpose'. More problematically, 'experience tells us that other squatters would take over the area in a flash in the absence of development. We could not keep them off

without the danger of a degree of violence'. Finally, they would 'have to be assigned a resettlement priority which could only be at the bottom of the list. It would be a long time (if ever) before we got around to resettling them'.³⁵ The problems of the second approach, titling squatters, were framed as practical in nature: finance for improvements, provision of services such as water and electricity and the risk that many squatters given title 'would simply sell the house and land for a quick capital gain and squat somewhere else'.³⁶ The first approach, resettling all squatters, was also 'impractical', and only possible in the long term, prior to which the problem of alleviating conditions in squatter areas would remain.

The 1971 Housing Board paper resulting from these discussions focused on the second approach. Consultations with squatters allegedly found them to be 'unanimously opposed to the idea'. Objections included beliefs that the scheme would reduce fire risk, but not the danger of landslides. The predominance of steep hillsides as the location of remaining squatter areas (particularly in the urban areas) meant that reconfiguring them would require tricky site formation. Furthermore, since some squatter huts were 'owned by up to half a dozen families', this would make redevelopment 'very complicated and the existing squatters fear[ed] they would lose out to outside speculators'. The squatters were also worried that the scheme 'would benefit only rich squatters and racketeers, who would exert pressure on them to sell out their huts'. Others saw the plan as a 'Government device to extract money from them, since they already [had] a high degree of security of tenure'.³⁷ How representative these cited comments were, and how they might vary among different kinds of squatter areas, is unknown. Certainly, the comment about informal security of tenure would seem not to apply to most urban squatters but only to rural squatters in areas unlikely to be redeveloped in the short term.

The Resettlement Department's concerns about the plan were that the village-type housing would be of a much lower density than either existing squatter areas or resettlement blocks, and thus result in considerable loss of housing stock. It therefore favoured a third approach, of enlarging an existing programme for squatter area improvements. No mention was made of providing title or of encouraging the squatters themselves to improve their dwellings. The emphasis would be on environmental improvements, such as the provision of water standpipes and electricity, better paths and public lighting, and so on. Interestingly, the Resettlement Department also argued against resettlement of squatter areas not needed for development, stating that those who suggest this:

... tend to overlook the fact that such areas represent a very valuable public asset. These squatter areas use land, which would otherwise be wasted, to house large numbers of people at minimal public expense. The housing is not ideal, but from the point of view of the occupants it has great advantages ... If such housing can be raised to a tolerable standard by a comparatively modest outlay on footpaths, etc. the community is getting an excellent bargain in that large numbers of people are being housed in what is virtually public housing at a cost far lower than the cost of housing similar numbers in resettlement accommodation or other forms of public housing.³⁸

This is a much less radical proposal of improvements to the squatter areas, based on toleration that is no longer as reluctant as earlier, but recognises the temporary advantage of squatter areas as holding zones in the context of limited governmental ability to provide housing, without providing secure tenure or allowing squatters to improve their dwellings. Given its limitation to marginal terrain, we call this 'residual toleration'. This proposal was ultimately adopted. However, it is informative to examine briefly the discussions that emerged around this approach.

In response to the Housing Board paper, Dennis Bray, the District Commissioner, New Territories, wrote on 4 May 1971: 'What seems to be required is a procedure under which a tolerated squatter would be offered proper land tenure provided he reconstructed his building in accordance with some minimum standards.' The 'type of tenure to be granted for the improved buildings should be as generous as is required to stimulate rebuilding'. After noting that the finance for any improvements would be private, he wrote that the 'effect on housing will be that the quality building on land now occupied by tolerated squatters will improve so that the poorest people who occupy some of these huts will move to property which will, in relative terms, become less attractive. We must however make sure that they are not allowed to sell out their rights and re-erect new squatter huts which will then be tolerated'.³⁹

Space does not allow a full account here of how the squatter area improvement plan switched from dramatic shifts in approaches to more modest reforms for merely physical improvements without any change in tenure. Briefly, more radical ideas were sidelined, and in 1980 a series of disastrous landslides were highlighted in the media. New plans for squatter areas not needed for development but located on 'dangerous slopes' necessitated new forms of intervention through eventual resettlement of these areas. In the meantime, physical improvements could reduce disasters, and thus the risk of bad publicity for the government.

In preparing these plans, it was useful, albeit not strictly necessary, to survey the occupants and not just the structures. It still seems likely that the changing geopolitical situation – in which, from the beginning of the Sino–British negotiations over the future of Hong Kong in 1982, both sides had a shared interest in sustaining social stability and political calm – made it possible to consider a solution to the squatter problem that would have been unthinkable only a decade before. But no archival evidence has yet been located to support this hypothesis, and any such documentation may have been lost in the destruction of files before colonial transfer.⁴⁰ The genealogy from squatter area improvement plans to landslides accompanied by media attention to a squatter occupancy survey to the eventual ‘final solution’ by a ratchet of exclusion seems the best explanation. Toleration changes in this context, with an emphasis on questions about ‘who’ (those resident during the Squatter Occupancy Survey in 1984) and ‘where’ (in areas not needed for development and not on dangerous slopes). While this shares some similarities with conditional toleration, the nature of the conditions led to an inexorable shrinking of the numbers of tolerated squatters and the exclusion of any new residents – in other words, exclusionary toleration.

3.4 Paris: Conditional toleration as the node of the differential government of illegal housing

There is a high diversity of squatters in Paris Region. Some people occupy *squats* (the occupation of a vacant building without the authorisation of the owner), while others live in informal *slums* (illegal and collective occupations of vacant land accompanied by self-built housing without access to basic services and infrastructure). This distinction encompasses different social realities and forms of political regulation.⁴¹ In previous work, Aguilera has emphasised a ‘differential government’ of squatting that could come close to the aforementioned ‘conditional toleration’.⁴²

Informal slums in Paris Region (1930–2016): A combination of evictions, repressive incapacity, selective policies and public inaction

Informal slum settlements began to grow as a massive, visible and concentrated phenomenon in the 1930s, when Spanish and Portuguese workers were recruited by national governments to be used in the labour force. After decolonisation, Algerian workers then migrated during the

1960s (to provide manpower). They settled at the periphery of French cities in slums, during a period of housing scarcity, pushing national and local authorities into a situation of reluctant toleration. By the end of the 1960s, 75,000 people were living in slums in France (62 per cent of whom lived in Paris Region). Of these slum-dwellers, 75 per cent were migrants, according to 1966 data from the French Ministry of the Interior. In 1970, after the first National Rehousing Plan, 45,000 people were still living in slums.

Social Catholic activists and NGOs worked inside slums and put pressure on the government to rehouse families in social housing, while squatting in buildings or self-building on vacant lands. As a response to these experiments, some local authorities tried to implement small-scale selective programmes of temporary relocation without any regional or national coordination. Until 1966, the only response from the national government was the intervention of the police, who imposed a climate of terror on Algerian migrants, sporadically destroyed their houses and repressed activists. However, in the mid-1960s, accidental fires in the slums, in which children died, attracted attention from the media and local officials, who finally pushed parliament to pass a series of laws to eradicate slums and rehouse families in social housing. A selective policy was implemented through two different approaches. First, most non-Algerian families were directly relocated to social housing in the so-called *banlieues* (low-income suburbs), while Algerian families were initially relocated to transitory camps, where they were supposed to be 'educated' and 're-socialized'.⁴³ However, although the government declared that the last slum residents were evicted in 1976, in fact many Algerian families were relocated to temporary camps until the 1990s.

Slums emerged again as a mass-scale phenomenon during the 1990s in peripheral Paris, when the end of the Socialist Bloc opened a new wave of migration from Eastern Europe. First considered political refugees, these migrants were then transformed into undocumented migrants by European and national legislation.⁴⁴ As a result, social aid was reduced, the French state was no longer obliged to provide housing, and the migrants squatted on lands and built houses with precarious and recycled materials. In 2016, the state administration counted 19,000 people living in 391 slums in Paris Region.⁴⁵ Official data show that, in the last 10 years, 82 per cent of the slums' inhabitants have been from Romania and 6 per cent from Bulgaria.⁴⁶

Since the 2000s, there have been three overlapping levels of policies.⁴⁷ At the first level, the state mainly ensures the persistence of a strong

repressive framework, within which the prefectures command police evictions, while the Ministries of the Interior and Immigration maintain a coercive climate around migrants, refugees and slum-dwellers. While President Sarkozy made this repression public when he launched an explicit hunt for the Roma people, evictions have grown under the Socialist Party national government since 2012.⁴⁸ If slums persist at the national level, this is because the national government is unable to evict and rehouse everyone (in our typology: 'repressive incapacity').

At the second level, local administrations and municipalities try to respond to local conflicts with the support of NGOs. While municipalities usually ask for eviction by the police, they have also implemented selective and temporary rehousing projects. The first project, to create a transitory camp (a so-called 'insertion village'), was opened in 2007 after NGOs protest in response to a fire caused by the precariousness of some of the dwellings. After this initial experiment – and despite strong criticism from NGOs, which denounced the selective policy and the constraints inside the camps – a dozen municipalities in Paris Region have implemented the same kind of camps. Between 2007 and 2014, these camps provided more than 1,500 people with emergency housing (for a maximum duration of five years) and have enabled some of them to find a permanent house and a job. Some of these projects can be considered part of a strategy of 'conditional toleration'.

At the third level, in 2012, a national government department in charge of precarious housing and homelessness was charged by the Prime Minister with ensuring effective national implementation of a ministerial circular that obliges Prefects to provide social help with evictions.⁴⁹ Besides this particular mission, this administration informally and progressively became the national benchmark for slum policies and the main public interlocutor for NGOs, sociologists and local authorities. The *Délégation Interministérielle à l'Hébergement et à l'Accès au Logement* (Dihal, the national interministerial delegation for accommodation and access to housing) opened a 'forum' where different actors meet and devise new policies beyond evictions. In 2015, the Prefect of Paris Region complemented this work by launching a regional platform for slum governance and a new regional strategy to coordinate the multiple local initiatives. As of 2018, this strategy was not yet completely implemented.

Thus, since the 1960s, there has been a succession of types of toleration of informal slums in Paris Region, from 'repressive incapacity' to 'conditional toleration', while some municipalities endeavour to implement selective rehousing policies.

The conditional toleration of squatting in Paris through selective legalisation: The institutionalisation of a municipal policy of socio-cultural squats

Diverse groups squat in buildings as a common mode of action, but with different goals.⁵⁰ The modern expression of squatting in Europe emerged during the second half of the nineteenth century in a context of eviction of urban poor from the centre of Paris.⁵¹ A few activists resisted owners by helping poor families to leave their houses without paying the rent and to illegally enter new houses. Squatting was a tool to relocate poor families and to claim housing for the urban poor. In a second period (1945–1971), social Catholic activists used squatting as a civil disobedience mode of action to claim houses for poor and homeless people.⁵² Self-management projects also developed. In that period, squatters were mainly repressed by the police, but some experiments helped to put the issues of bad housing and slums on the political agenda. In a third period (1971–1981), radical-left activists began to use squatting to challenge public authorities. Maoist squatters (*Secours Rouge*) squatted in the central neighbourhoods of Paris to resist urban renewal policies and patrimonialisation of large parts of the city. Some national and local representatives supported these groups. At the same time, in the most popular neighbourhoods of Paris, anarchist and autonomous activists squatted in vacant properties to implement radical alternatives to capitalism and appropriation of the city. In the end, in 1979, the police evicted all these squatters en masse, using violent means, during a period of fear of radical-left social movements and terrorism.

During the 1980s, some artists began to squat in big vacant buildings to develop socio-cultural activities. Around 40 socio-cultural occupied centres were opened in the south and centre of Paris, sometimes with the support of national and local representatives and public opinion. Between 1990 and 2000, in a context of massive unemployment, the Housing Right Movement emerged again with the collective DAL (Right to Housing Association). Squatting was used alongside other tools of protest such as sit-ins, tent camps and the occupation of public squares. Squatting was a tool to rehouse poor African migrant families and to attract the attention of public authorities to dire housing conditions. This movement gained a huge audience and can be considered one of the factors that pushed the government to pass a law on housing rights in 2007: the so-called DALO Act (Enforceable Right to Housing) that allows homeless citizens, or those living in substandard housing, to sue the state, via the courts, to be granted suitable accommodation.⁵³

Since 2000, the artists have been the main group of squatters in central Paris, while the Housing Movement has been reformed with a new group called *Jeudi Noir*. Inspired by European experiments with legalisation (Amsterdam, Berlin, Geneva), artists took advantage of the election of a socialist mayor in Paris (Bertrand Delanoë) to instigate new kinds of relationships with local authorities by urging temporary formal legalisation. Between 2000 and 2015, after the first legalisation of the famous '59 Rivoli' art studio and gallery, more than 30 socio-cultural squatted centres were legalised by the municipality with formal temporary leases. Local representatives (elected deputy-mayors) began to support some artist collectives, which accepted the terms of negotiated agreements.

This policy shift resulted from the conjunction of three factors. First, a socialist administration came into the frame, with a new vision of what urban culture and local social activities and public services should be. Second, the squatters had been travelling all around Europe at the end of the 1990s, and from this experience they imported the idea that temporary legalisation (three-year leases) were possible, and in a way acceptable, to stabilise activities and relationships with neighbours. Third, at that time, some municipal bureaucrats suggested resorting to a commercial juridical device (Convention of Precarious Occupation) to temporarily legalise some squatted social centres. At the very beginning, this option was considered exceptional, but the Municipality of Paris' Department of Culture pressured the Housing Department to accept this option. It soon proved itself to be a lasting solution to regulating informal spaces in which socio-cultural activities were carried out. Since 2001, it has become the main mode of municipal intervention with regard to artist squatters. The Municipality of Paris has institutionalised a true public policy, with budgetary backing: around €40 million has been spent on legalising (through temporary leases) and renovating more than 30 squatted social centres.

This institutionalisation has stabilised a differential approach to the management of squatting. In order to be legalised, squatting must meet four conditions:⁵⁴ (i) the building has to be safe, it must not be on the list of social housing projects and squatters must respect security norms; (ii) squatters must develop a socio-cultural project for the neighbourhood; (iii) squatters must create an official association to channel dialogue with bureaucrats, via which they pay a symbolic rent for the property; and (iv) squatters must be known to respect their engagements (give back the keys when the term of the Convention of Precarious Occupation ends). The result of this combination of political and technical filters is a differential treatment of squatters in the long term: artists have their squatting

legalised, while anarchists or precarious or migrant squatters have been systematically evicted from the centre towards the suburbs.

To conclude, a mix of 'conditional toleration' and *good-enough toleration* is at the core of what Aguilera has called the 'differential government' of squatting. The case of Paris teaches that toleration is always selective (conditional) and can backfire on the rest of the squatters who are not accepted into local governance: legalisation processes create two categories – the 'good' and the 'bad' squatters. Toleration, then, is only one strategy among others, and it also produces repression, because repression is ever-present, always the 'negative' side of the coin.

3.5 A comparative political economy of toleration in Hong Kong and Paris

There are many differences between our two cases. The historical, social and political contexts are not the same, nor are the profiles or numbers of squatters. However, the cases converge somewhat when we look at how authorities tolerate squatters. Most of the types of toleration that were identified by Smart in Hong Kong have also been visible in Paris at one time or another, and vice versa. It may be useful to recap the detailed cases and compare the relevant features side-by-side (see [Table 3.1](#)).

Returning to the questions we asked about toleration at the beginning of this chapter, we compare the two cases as a first step towards identifying patterns of toleration that cross the research boundary between the Global North and South.

- **Who tolerates?** In Hong Kong, the immediate actor is the Housing Department, but when implicit toleration becomes explicit, the decision to do so was taken by the highest levels of the colonial Hong Kong government (and later by the Special Administrative Region Government of Hong Kong, China). In France, local and national governments are structurally at odds on many topics, above all in Paris Region because of its status as the capital city. This conflictive multilevel governance opens the door to conditional toleration strategies in both countries, because local governments endeavour to differentiate themselves from the repressive national state and, thus, are more likely to tolerate squatters than national governments. These conflicts between local and national authorities explain most of the apparently ambiguous styles of government (conditional toleration). More generally, both in

Table 3.1: Types of toleration

	Type of toleration	Definition	Hong Kong	Paris
Repressive pole	Repressive incapacity	Authorities would like to eradicate but do not have the ability or competence to do it.	1945–1952: Government unable to facilitate affordable housing. Clearance without resettlement leads to repeated squatting and land blocked for development.	1960s + 2000s: At the local level, some municipalities call the national government for eviction because they do not have the financial resources, or claim this is the state’s responsibility.
	Turning a blind eye	Authorities would like to avoid squatting but do not evict because too politically risky and economically costly.	1945–1954: Little intervention in squatter zones in more marginal areas.	1960s + 2000s: Some left-wing local authorities avoid publicly and massively evicting squatters when the political agenda is not favourable.
	Reluctant toleration	Authorities are opposed to squatting but temporarily considered it as politically or economically useful.	1952–1984: Risk of instability from resistance and intervention by China; applied to land not immediately needed for development. Registration of structures.	2000s: The Paris City Council is less prone to avoid artist squatters who contribute to the socio-cultural life of the city than precarious slums and squatters. Some squats and slums are <i>de facto</i> tolerated because no one can evict squatters.

(Continued)

Table 3.1 (Continued)

	Type of toleration	Definition	Hong Kong	Paris
	Exclusionary toleration	Authorities impose conditions that allow eviction without compensation of some squatters, while tolerating others meeting certain conditions.	1984–present: Only those registered in the squatter occupancy survey of 1984 eligible for permanent public housing.	1960s + 2000s: Can be the situation of some migrant squats linked to social movements.
	Conditional toleration	Squatting is tolerated under certain conditions (profiles, practices, location ...).	1954–present: Applied in various ways, e.g. included in squatter structure survey; no rebuilding in permanent materials; until land needed, etc.	1960s + 2000s: Most of the situations in Paris Region rely on this strategy: squatters who can stay are filtered on cultural, social, political and/or economic considerations.
	Inexorable whitening	Demolition and eviction are not an option any more for public authorities, but both the inhabitants and the authorities plan to legalise.	Has never applied in Hong Kong. Was considered in 1970 for land not needed for development but not implemented.	Very few situations like this in Paris Region. The situation of <i>status quo</i> is rare.
Legalisation pole	Good-enough toleration	Squatting is fully tolerated and can lead to legalisation in diverse forms (property title, legal lease) or normalisation (infrastructure, networks ...).	Has never applied in Hong Kong.	2000s: Artist squatters in Paris + some slums now in Paris suburbs.

Hong Kong and Paris, the relationships and tensions between local and national authorities are powerful in explaining the persistence of squatting, and will be key for comparing North and South.

- **Who is tolerated?** We can distinguish between more inclusionary forms of toleration (whereby anyone can squat if they conform to restrictions) and toleration extended preferentially to certain types of people. The latter is illustrated in the Paris case: squatting among artists is legalised, while anarchists or precarious or migrant squatters are systematically evicted and must relocate to the suburbs. When municipalities allocate local rehousing projects, they select on human and financial criteria. In Hong Kong, while no one has more right to squat than anyone else, the compensation for eviction varies according to length of residence in Hong Kong, family composition and whether surveyed or not.
- **What is tolerated?** In Hong Kong, rebuilding a squatter dwelling with permanent materials ends toleration. In Paris Region, squatting in a building is more difficult, but it is easier to stay silent and invisible (if the goal is to persist silently) than when squatting on land. When a slum on vacant land begins to be consolidated, the mayors usually enforce eviction to avoid a permanent slum development.
- **Where may squatting be tolerated?** In Paris, the geography of squats and slums is generally quite stable. There are no slums in the Paris city centre. Slum-dwellers are located in the suburbs and, in planned evictions, are gradually moved away from Paris itself. Political squatters live now in the eastern suburbs, where left-wing activists tend to live, while artist squatters are tolerated in the centre of Paris, because they are considered vectors of creativity. In Hong Kong, too, toleration tends to last longer in less central and desirable spaces. Squatters in back alleys and rooftops did not receive resettlement, because, when cleared, their absence did not make space available for development.
- **When is it tolerated?** In Paris, the electoral period plays a critical role in changes in the governance of squats and slums. Squatters are more likely to be tolerated during winter, for instance (a winter truce). Political history and cycles matter a lot. Even if they are very different in the North and the South, political agendas can be also used as a node for comparing Northern and Southern cities. In Hong Kong, the squatter structure surveys conducted as 'final' amnesties affected resettlement compensation, but being able to move in before being discovered also influenced toleration.

Periods of political sensitivity, such as after the 1960s riots, also encouraged more toleration.

- **Why are squatters tolerated?** In Paris Region, some squats – specifically, artists’ dwellings – are tolerated and even legalised, because the municipalities believe they contribute to the attractiveness and socio-cultural life of the city. Some slums are tolerated because eviction would be too risky and costly, or because they act as a reserve to host other slum-dwellers evicted from elsewhere. In Hong Kong prior to 1984, the main reason for toleration was the shortage of affordable housing and the costs of resettlement. After 1984, no new squatting was tolerated, but toleration continues for pre-existing squatters in areas not needed for development. About 11,000 urban squatters still remain, due to unusually complicated property circumstances linked to past governmental decisions.
- **How is it tolerated?** In Paris Region, local authorities use more tacit toleration when slums are not visible in the city centre. Some municipalities have opened provisional (legal) camps for a few select slum-dwellers. Concerning squats in buildings, the Paris Municipality legalises artists by means of provisional leases that allow squatters to stay for one, two or three years in the building in question. There is an important diversity of forms of toleration that makes the question of *how* perhaps the most complex to synthesise in a comparative framework. In Hong Kong, if a tolerated structure was found rebuilt with permanent materials, the tolerated status would be lost. Toleration was conditional on many factors, such as having been included in a registration of squatter structures, which was supposed to be an amnesty, after which no new structures would be tolerated. In general, toleration was contingent on the concession being reversible at any time, to avoid any impression of entitlement or property rights.

3.6 Conclusion

A lengthy examination of different forms of toleration may seem esoteric, when the topic of informal housing is a life-or-death issue for millions of people. Yet, at the very least, analysing the idea of toleration through the lenses of the different who/what/why questions forces us to more carefully consider what we mean by the term, and how varied its forms can be. We also firmly believe that the very nature of informality is predicated on the poorly understood processes of toleration, which support its

persistence between the poles of repression and legalisation. So far, we have stayed close to our own research areas. In these last paragraphs, we try to draw out broader issues and questions for the global kaleidoscope of informal housing.

Our comparative approach has been discussed by colleagues at diverse conferences and meetings. First of all, some of them argue that comparing squatting in the Global North and South would be impossible, simply because of the crucial material divergences: in the South, entire parts of cities could be considered as squatted, while, in the North, squatted buildings or lands would just be residual, marginal and sometimes invisible. The quantitative difference is also used as an argument against the comparison: cities with hundreds of squatters cannot be compared with cities with thousands or millions of squatters. Finally, the sociological dimension is often pointed out. In some contexts, many squatters are local residents who have been squatting all their lives, and most are the ordinary urban poor. In other contexts, squatters are migrants who have recently arrived or political activists.

We do not deny these important divergences: squatting in the North and squatting in the South are surely not the same human experience. Yet, this fact does not render such a comparison unfruitful. We argue that material and sociological dimensions have to be examined in a relative way. The material aspects are not central in our analysis of political strategies, but they matter in the sense that public opinion influences the governance of squatting. When squats and slums are being consolidated, it materially *makes visible* the fact that authorities are unable to govern the city, and thus pushes them to react. We claim that the architectural, juridical and material aspects can be useful in comparing North and South, but only if linked with politics. If not, we risk an essentialist bias. We also work with the sociological dimensions in a relative way – that is, in the way public authorities consider squatters dangerous troublemakers or, on the contrary, vectors of creativity or manpower in the city. This focus on the political treatment of differences, and not the differences themselves, is a valuable node for comparison.

Our approach insists on the political dimension of squatting and, more precisely, on the way public authorities deal with squatters. Policy and politics matter – they shape social groups and individuals. This is why the reasons for toleration are at the core of our typological effort in this chapter. Understanding the rationalities of public authorities in these situations is crucial to understanding the commonalities between North and South, where political strategies are not so different despite divergences between political institutions and contexts. This chapter does not only

aim to explain toleration strategies in a European city and an Asian city. It rather seeks to open a door to the comparison of squatting and its public management in the Global North and South. We believe that comparing the different ways and contexts in which squatters are tolerated is a fruitful point of departure for better understanding squatting, which still happens in so much of the urban world at the beginning of the twenty-first century.

Notes

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Squatting in Leiden and Leipzig in the 1970s and 1980s: A comparison of informal housing practices in a capitalist democracy and a communist dictatorship

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4.1 Introduction

The historical image of urban squatting in the Global North is dominated by militant activists from the 1980s engaging in confrontations with the authorities. This stereotype glosses over the diversity of the squatter population as well as the variety of ways authorities dealt with squatting. In contrast to the exaggerated visibility of squatting in the West, squatting in Eastern Europe was almost invisible and therefore underexplored. Moreover, scholars who conceptualise communist states as totalitarian regimes assume that these regimes suppressed scattered illegal occupations immediately and forcefully, which was not always the case.

This study addresses both issues through a comparison of squatting in Leiden and Leipzig in the 1970s and 1980s. The former was situated in the Dutch liberal democracy, the latter in the communist dictatorship of the German Democratic Republic (GDR). To explore the extent to which these political regimes affected the dynamics of urban squatting, three aspects will be systematically compared here: the urban and legal context in which people squatted; the strategies that squatters employed; and the interactions between squatters and authorities. Such a comparison of squatting on both sides of the Iron Curtain deepens our understanding

of the phenomenon, while the remarkable similarities in the dynamics of squatting in Eastern and Western Europe might also nuance the political dichotomy of dictatorship and democracy.

Historiography

This study responds to two distinct strands of research: the history of squatting in Western Europe and the social history of housing in communist Eastern Europe.

The literature on squatting in Western Europe is vast and mainly focuses on political squatting during the 1970s and 1980s in major metropolitan centres.¹ Göran Therborn has criticised authors for being ‘predominantly movementalist – that is, mainly interested in the mobilisations, demands and battles of the movements, and not that much in their urban or state effects’.² In a similar vein, Nazima Kadir has questioned the focus on militant, anarchist and metropolitan squatters, claiming that it has narrowed the view of researchers. As a result, a feedback loop has emerged that presents a specific group of squatters as the ‘real’ squatters.³ Even though squatting can be considered inherently political, because it subverts the property regime and elicits state responses,⁴ such an approach may overlook the self-understanding of the squatters, who frequently presented themselves as apolitical. Furthermore, politicians, civil servants and police officers are often depicted in a stereotypical fashion, as inherently unreasonable and repressive. Such a ‘movementalist’ perspective overlooks the fact that authorities responded very differently to different groups of squatters.

The historiography of housing within communist regimes has ignored informal housing for decades.⁵ The occurrence of illegal occupations of flats, albeit generally in secret, challenges the conceptualisation of socialist states such as the GDR as regimes with full control over their populations. The dictatorship seldom, if ever, responded to squatting with merciless police interventions or brutal and fast evictions. Instead, cautious squatters and restrained authorities entered into negotiations about informal housing.⁶

Sources and methodology

Comparing squatting in Leiden and Leipzig raises a number of challenges, as these were cities of different sizes, under different regimes and with different political cultures. With regard to the units of comparison, Leiden (101,220 inhabitants in 1970) was significantly smaller than

Leipzig (583,885 inhabitants in 1970). However, unauthorised housing was not dealt with by the city administration of Leipzig, but by the *Abteilung Wohnungspolitik des Rates des Stadtbezirks* (the housing departments of its five districts). In its comparison of government policies on squatting, this study focuses on these districts (mainly Leipzig-Nordost and -Südwest), ensuring that the compared administrative units are in the same range of 100,000 inhabitants. More importantly, it examines the dynamics that squatting evoked between squatters and authorities, and there are no indications that the different sizes of the two cities influenced these interactions significantly.⁷

As to sources, a consequence of the different political regimes in Leiden and Leipzig is that different types of sources are used. For Leiden, the main source is the city's main daily newspaper, the *Leidsch Dagblad*.⁸ Newspapers generate and frame news through commercial and political filters and do not provide unbiased information. Furthermore, word-searches have limitations as they are dependent on contemporary terminology and the quality of optical character recognition technology.⁹ Finally, not all squatters sought attention from newspapers. Even so, we hold that this method yields the most complete information on squatting in Leiden – far more complete than police archives, municipality archives or oral histories would have done. The police only reported incidents when they intervened, the municipality only held records of 'their' houses and extremely problematic cases, and oral histories risk singling out those people who still identify as squatters. Newspapers, on the other hand, were less selective and reported on all kinds of cases as they happened.

For Leipzig, other sources had to be used, because unauthorised housing was not discussed in the state-controlled media and there was no independent media. Therefore, a variety of sources were combined to form a comparable set of data, primarily containing files from the municipality and the secret police, complemented by oral history. The files belonging to the municipal housing departments cover a small but representative number of cases. The files produced by the Ministry for State Security (Stasi), the secret police of the GDR, also document some cases of illegal housing. Often, however, the documentation of these incidents is fragmented and incomplete. Oral history can counterbalance these deficits. Thus, 10 unstructured interviews were also carried out with former squatters in Leipzig.¹⁰ Insights from other parts of the GDR help to make the assessment more reliable.¹¹

With regard to differing political cultures, a challenge to our comparison is the different terminology used to denominate squatting. In the

Netherlands, the common term was *kraken*, which referred to pre-Second World War acts of burglary and later to clandestine resistance activities (stealing identity cards and food vouchers) during the Nazi-German occupation of the Netherlands.¹² Its meaning is very close to the English ‘squatting’. In the GDR, the German equivalent of squatting (*Hausbesetzung*) was rarely used, as, in most cases, individual flats were occupied and not whole houses. Moreover, the West German practice linked house occupations to political actions, which was not possible in the East German dictatorship. People in East Berlin used the term *Wohnungsbesetzung*, which alluded to the West German practice, but in the rest of the GDR (including Leipzig), the practice was referred to as *Schwarzwohnen*. Translated literally, this is ‘black living’, but the meaning is similar to *Schwarzarbeit* (undocumented work on the side), which referred more to the evading of state authorities than to the act of occupying. The term *Schwarzwohnen* thus expressed a different self-understanding of those who occupied flats clandestinely in the GDR. One interviewee from Leipzig underlined this difference in stating: ‘We did not squat [in] houses. It was no political action, no aggression and no provocation. It was basically quite natural because there was free living space, and we took it, that was *Schwarzwohnen* – that was such a typical GDR term that doesn’t exist anymore today.’¹³ It might, however, be possible that such a clear distinction is exaggerated and that it rather reflects the extent to which Western European stereotypes about militant squatters have come to dominate the image of squatting, thus leading to an underestimation of the actual similarities between house occupations in Eastern and Western Europe.

4.2 Setting the stage: The urban, legal and political context of squatting in Leiden and Leipzig

To compare the dynamics between squatters and authorities in Leiden and Leipzig, this first section will discuss the urban, legal and political context. Which factors hampered, or contributed to, the emergence of squatting?

Two cities in disarray: Built structure

During the 1970s and 1980s, both Leiden and Leipzig suffered from housing shortages of comparable dimensions. Leiden was an impoverished city with a run-down housing stock. In 1962, a Dutch newspaper dubbed the city a ‘slum champion’, because of the 3,000 run-down houses in the

city centre.¹⁴ In 1968, the municipality stated that a quarter of the 29,000 houses in Leiden were of inferior quality. Hundreds of houses were officially declared uninhabitable. Affordable housing in the city centre was of especially bad quality. When a journalist researched the housing conditions in the working-class district of Leiden-Noord, she came across families with four children or more living in 'small four-room houses, the living room included'.¹⁵ Often, wooden floors were rotting, and walls bowing or bulging. The problems were worsened by deindustrialisation, which set in during the early 1970s and left the city centre full of empty factory buildings, while unemployment rose.¹⁶ In 1970, 13.6 per cent of Leiden's population was registered as in need of housing (referring to young people and especially young families living with parents while waiting for their own accommodation).¹⁷ In 1977, the waiting time for affordable rented housing administered by the municipality could be as long as four years.¹⁸

Despite the different political context, the local housing situation in Leipzig was similar, if not worse.¹⁹ Dilapidated houses and grey facades characterised Leipzig's townscape. There were only a few stray instances of renovation. Just like in other parts of the GDR, there was a chronic shortage of living space. Approximately 70,000 inhabitants (12 per cent of the population) were looking for a new flat during the 1980s.²⁰ This shortage was only partly a result of too little housing. A survey from 1982 indicated that 100,000 flats (40 per cent of Leipzig's housing stock) were occupied by too few inhabitants (with one person per room as the standard).²¹ There was no material incentive for occupants to move to smaller flats, as rents were incredibly cheap. Uneconomic rents also contributed to widespread decay and disrepair, as landlords could not afford the upkeep.

In the 1970s, the communist leadership seriously tackled the housing problem in the GDR with an ambitious housing construction programme that pledged to provide every East German with adequate housing by 1990. However, the prioritising of new housing curtailed the available manpower and resources for renovation, with unintended negative consequences. In 1984, while the construction of large new blocks of flats on the outskirts of the city was in full swing, the city's authorities planned the demolition of 20,000 flats (8 per cent of the housing stock) within the next five years.²² Demolitions were often delayed for years due to severe problems in the planning process, and attempts to make the bureaucracy more effective and to regain control did not always bear fruit. Thus, as a side effect of radical urban restructuring, 10 per cent of Leipzig's housing stock was left empty during the 1980s. Squatting often started where the authorities lost the overview and control of their housing stock, and then spread to other parts of the town.

Leiden developed similar urban renewal policies, such as the construction of a new residential district north of Leiden in the late 1960s, the Merenwijk. This ameliorated the situation slightly, but the dearth of *affordable* housing persisted as the rents were twice as high as in the city centre.²³ As a result, many apartments in Merenwijk were left empty, and some of them were subsequently squatted in.²⁴ By the mid-1970s, Leiden benefited from funding and the new urban renewal policies of the central government.²⁵ It led to an increase of 1,200 houses per year between 1973 and 1978.²⁶ Even so, the housing shortage persisted. In 1979, the number of people registered as in need of housing was still 5,293 (5.1 per cent), while more than a thousand dwellings were left empty.²⁷ It would take until the early 1990s before the dire state of housing stock had been overcome.

Regulation of housing

In Leiden, the municipality and eight housing corporations administered social housing in the city, including most of the inner-city rental houses.²⁸ More comfortable houses, at higher rents or for sale, were designated to the free market. During the 1970s, the municipality acquired a leading role in assigning houses to people on the waiting list. Initially, only people who were born in Leiden or worked in the city were accepted on the list, and anyone under 24 could only apply if they were married. The waiting list was thus particularly obstructive for single working-class youths, youths who wanted to live together without being married, and young people who wanted to live communally rather than in single apartments. Those who were accepted onto the list still faced long waiting times, and this especially created problems for young families, who often had to live with young children at their parents' houses.

In the GDR, there was no free market, and housing was almost completely regulated by the municipality. To acquire a tenancy agreement, a person had to have an official housing allocation notice (*Wohnraumzuweisung*). Generally, the authorities allocated flats according to urgency, but even then there were long waiting times. The Leipzig system benefited young families and people important to the state such as Party officials, army and police officers, and bureaucrats. As the number of available flats was limited, all other apartment-seekers, such as (young) singles and divorcees, had almost no chance.

Furthermore, both cities struggled with ineffective bureaucracies. In Leiden, renovated houses would sometimes be left empty for months before they were allocated to renters. In other cases, houses were left empty on purpose and designated as temporary housing in case of large-scale

renovations. In Leipzig, delays in urban development also led to the emergence of a grey area of neglected old building stock – closed for repairs that failed to materialise, or designated for demolitions that continued to be delayed. Bureaucrats even partly lost track of the building stock and did not always know whether a flat was occupied or not. A scenario could even arise in which a *Schwarzwohner* wanting to negotiate a lease with the housing department would find out that their flat had been removed from the register.²⁹ The situation did not improve over time as there were no systematic inspection rounds, while scattered attempts to regain control served to demonstrate the degree of disarray within the bureaucracy.³⁰

Legal and political context

The legal context of squatting differed markedly between the two cities. In Leipzig, unauthorised occupation of flats was considered illegal, whereas, in the Netherlands, squatters enjoyed a certain degree of legal protection.

In the Netherlands in the 1970s and 1980s, the act of squatting itself was illegal, but if a squatter's action was successful (such as occupying the dwelling for 24 hours and moving in a table, a chair and a bed) they enjoyed a certain amount of legal protection from immediate eviction (*huisrecht*). This was based on a court ruling from 1914, renewed in 1971. Private owners and housing corporations thus had to secure a court order to evict. During a certain period, the owner also needed to identify the squatters and give their names to the judge, which led squatter activists to call on fellow squatters to keep their surnames secret at all times. The owner could, however, also evict if they could establish that there were new legal renters or realistic and immediate renovation plans.³¹

In Leipzig, housing departments were obliged to suppress all attempts at unauthorised housing, since the dictatorship aspired to maintain complete control over all aspects of social life. Even so, the clandestine occupation of an apartment was only considered an administrative offence. If informal occupiers were 'caught', authorities imposed moderate fines.³² The authorities subsequently had to decide whether the occupiers should leave, but their decision had to comply with the *Zivilgesetzbuch* (Civil Code), which stated that nobody was to be homeless in a socialist country. Therefore, *Schwarzwohner* could only be evicted if alternative living space was available to them. And only if squatters stubbornly ignored an eviction notice could they be fined more harshly.

The discourse about squatting in the two cities was also very different. In the Netherlands, squatters generally attracted a lot of media coverage.

Not only did newspapers publish articles about squatting, the squatters themselves also produced pamphlets, posters and magazines. No such public discourse existed in the GDR. Although unauthorised occupation of flats became a frequent issue for the housing departments of the districts during the 1970s and 1980s, it did not trigger any debate, either among those in power or between them and the *Schwarzwohner*. GDR citizens did, however, have some means to communicate with the regime, most notably through *Eingaben* (petitions). Among the grievances put forward through these petitions, housing was the most frequent issue.³³ The extensive petitioning system can, to a certain extent, be considered an equivalent to the public discourse in the Netherlands.

4.3 Squatter strategies: Informality, negotiation and occasional protest

Squatters in Leiden and Leipzig responded to the simultaneous existence of housing shortages and vacant spaces. In both cities, the squatter population was diverse, and the squatters' varying identities and goals influenced their strategies to acquire and retain living spaces. So who were the squatters and what were their strategies?

Motivations

In Leiden in the 1970s, a significant proportion of the squatters consisted of young working-class families with children who wanted to leave their parental homes. Some squatters stated that their marriages had suffered because of cramped living conditions. Even though they were eligible for allocation to affordable housing, they had to wait up to four years, while they could not afford housing outside the regulated housing market. Apart from such cases, which Pruijt has dubbed 'deprivation-based squatting', there were also youths who used squatting to acquire alternative forms of housing (see [Figure 4.1](#)).³⁴ In the mid-1970s, students, working youths and political activists started to occupy places to live collectively. They were not 'merely' looking for a roof over their heads, but also demanded spaces where they could combine living with political and/or creative activities. These Leiden-based squatters, among other activities, ran a youth shelter and a women's social centre. Alongside these two groups, there were all sorts of other people who squatted, such as artists looking for workspaces or migrant workers who needed places to live and socialise.³⁵



Figure 4.1 Young squatters in a bank building in Leiden. Photographer unknown. © Archives *Leidsch Dagblad*, Historische Vereniging Oud Leiden.

In Leipzig, there was a similar spread of motivations. The main difference was that *Schwarzwohnen* was not about acquiring *affordable* flats, since rents were very low in the GDR. Instead, occupiers sought spaces to live in on their own (see [Figure 4.2](#)). Families with children moved to bigger or better-kept flats, divorcees wanted to escape their often unbearable domestic situations, and students and apprentices sought ways to leave their parental homes or to evade collective accommodation in dormitories.³⁶

There were no squatted social centres and only very few examples of communal living. In one exceptional case, an occupied house was silently turned into a meditation centre by a dozen Bhagwan followers.³⁷ During the late 1980s, a handful of sites housed illegal bars and cafés, which sometimes hosted unofficial concerts and art exhibitions.³⁸ Youths also occupied spaces for underground culture, as the punk band ‘Wutanfall’ (English: tantrum) did in 1983. The group occupied an attic flat in a house close to the city centre. When the house, which was slated for demolition, was vacated in November 1983, the punks moved to another informally occupied place in Leipzig. The band thus used squatting mainly as an alternative housing strategy and did not link occupation to provocative political action.

According to the different political context, similar sets of goals were communicated differently. In Leiden, squatters were open about their



Figure 4.2 *Schwarzwohner* in front of ‘their’ house in Leipzig, mid-1980s. Photo: Oliver Schoenberner © Dieter Rink.

intentions. Some were mainly seeking housing, while others sought places for alternative living. In Leipzig, there was no such choice. Even those *Schwarzwohner* with a hidden agenda of self-empowerment had to present themselves to the authorities as in need of housing only. To mention countercultural motivations would have been detrimental to their case.

Strategies

The means by which squatters found out about empty houses highlight fundamental differences between the two cities. In Leiden, identifying suitable houses for squatting became a semi-public matter. There was even a group of political squatters who organised a weekly *kraakspreekuur* (consultation practice), where people considering squatting could acquire information on where and how to do so. In Leipzig, identifying empty flats was completely up to the individual in question. Usually, people would look for windows with no curtains, which would indicate that a flat was empty. Some people even informed the housing authorities about unregistered empty flats hoping to get allocated one of them, which in some cases was successful. After having occupied a flat, squatters deployed several legalisation strategies, which we compare next.

a) Simulation of lawfulness

Squatting working-class families in Leiden almost always tried to establish formal or informal agreements with the owner, so as to secure their residence. The most common way to do so was by contacting the owner and

establishing short-term rental contracts. Squatters often offered to pay rent, sometimes even when an agreement could not be reached. Thus, the youths who squatted in the monastery in Zoeterwoude wired money to the order of nuns who owned the property, to illustrate their willingness and ability to pay rent. The latter refused the payment and had it transferred back.

If a house was owned by a private owner or company, handbooks (published by, and for, squatters) advised occupants to wire unsolicited rent to the owner's account: 'After three months of accepting rent it will be more difficult to get you out through a [normal] procedure.'³⁹ Such handbooks also advised squatters to establish informal networks with neighbours and sometimes also to present themselves as regular paying tenants, so they could claim to have built up informal residential rights. Many squatters paid electricity, water and gas bills, which was possible irrespective of whether their house was rented or squatted in. Neither paying unsolicited rent nor being well connected to the neighbourhood offered strong legal protection, but they did improve the negotiating position of the squatters, which was significant, as most formal agreements were reached informally.

Many of Leiden's squatters, and almost all of Leipzig's squatters, made every effort to appear as law-abiding as possible, and many (though not all of them) paid utility bills. In Leipzig, *Schwarzwohner* also often contacted the police registration office and, in most cases, had the address of the squatted place registered in their passport – a phenomenon that did not arise in the liberal Netherlands, where addresses were not registered in passports.⁴⁰

Unsolicited rent payment was a common strategy of Leipzig's *Schwarzwohner* to secure a good negotiating position in case of detection by the authorities. Presumably, this practice was more frequent than occupation without rent payment, and was often carried out clandestinely without contacting the owner. A rumour stated that three months of voluntary rent payments established a tacit contract between the owner and the tenant. Although the rumour was factually incorrect, the common practice of anonymous rent payments significantly reduced the sense of wrongdoing among *Schwarzwohner*. In a number of cases, clandestine flat occupiers would try to camouflage the illegality by claiming they had acquired the flat through a *Wohnungstausch* (home exchange), which was permitted by law. Another trick was to draw up a sham sublease.

In the GDR, a large percentage (up to 40 per cent) of the old housing stock was in private ownership or held in trusts. By moving into these houses and establishing informal agreements with the owner, *Schwarzwohner* could circumvent the housing allocation of the state.⁴¹ In some cases, *Schwarzwohner* were even able to make similar deals with

the housing association ('VEB Gebäudewirtschaft Leipzig'). One example is the case in which students and youths occupied a house south of the city centre in the mid-1980s. Initially, they were ordered by the housing association's staff to vacate the premises, but after two months or so without any action from either side, an employee offered the youths a *Nutzungsgenehmigung* (usage agreement) so that they could stay in the apartment legally, albeit without full tenants' rights.⁴²

Unlike the situation in Leiden, such semi-formal or informal deals between *Schwarzwohner* and owners could be considered an administrative offence. The registers of financial penalties therefore contain several names of owners who were fined in the same way as squatters when traced. The different property regime in the GDR with state power of disposition over private housing created such paradoxical situations. At the same time, however, it facilitated informal deals with *Schwarzwohner*. While private owners were unable to procure materials or manpower for renovation, they benefited from the willingness of the residents to carry out repairs at their own expense, thus preserving the house.

b) Voluntary repairs

In both cities, squatters would move into buildings that were officially classed as 'uninhabitable', or that had simply stood empty for a long time due to a delay in building plans. In some cases, the local authorities would then realise that these houses or flats were usable and would clear the squatters out in favour of other people in need of housing. In other cases, however, squatters could make their case for formalisation by making repairs to the squatted property, or by claiming to do so. This became an important strategy of acquiring formal residence through goodwill. The central argument of the squatters was that they had not jumped the waiting list but created living space that had not existed before.

This was the central argument made by a group of youths who had squatted in a flat next to an old printing complex in Leiden in the mid-1970s. When they were given an eviction notice, they even set out to renovate the neighbouring house as an alternative for the new prospective renters. Their action, however, was to no avail, and they were still forced to leave.⁴³ In another instance, in May 1974, Leiden students squatted in a former monastery in the nearby village of Zoeterwoude. They made plans to turn the building into housing for 200 people, as well as spaces for artists, conferences and socialising.⁴⁴ The squatters told the media they wanted to renovate the monumental but dilapidated building, and even drew up plans with a specialised non-profit housing

bureau in Amsterdam. However, the costs, which would have to be paid in part by the municipality, proved to be too high and the plan folded. By contrast, squatters who occupied the fifteenth-century *Begijnhof* in 1983 successfully renovated it and turned it into five apartments. Not only did they save the building from demolition, but they were also able to stay.⁴⁵

Aiming at similar outcomes, *Schwarzwohner* in Leipzig at times offered to undertake extensive renovations at their own expense. Most of the occupied flats were run-down, and often even uninhabitable. In one case, a 27-year-old man had occupied a flat that was allocated to someone else. He managed to convince the authorities that the flat was uninhabitable and that he himself was the best person to change this. In his petition to the housing department, he meticulously listed all the required repairs. The occupant planned to procure two new windows, a boiler, two heaters and a slow combustion stove, and underlined that he would pay for everything.⁴⁶ Promptly, the housing department offered the *Schwarzwohner* a lease. In another case, in February 1988, the housing department of Leipzig-Südwest issued a housing permit to a man on the condition that he would install a new load-bearing wall.⁴⁷ It seems that offering to make voluntary repairs was a more successful strategy in Leipzig than in Leiden, presumably due to the greater difficulties associated with renovating old housing stock.



Figure 4.3 Monastery in Zoeterwoude squatted in May 1974. The squatters envisaged extensive renovation work that never materialised. Photo: Jan Holvast. © Archives *Leidsch Dagblad*, Historische Vereniging Oud Leiden.



Figure 4.4 A student during the roof repair of a privately owned house in Leipzig inhabited by several *Schwarzwohner*, late 1980s.
© Olav Metz.

c) Communicative practices

Leiden squatters frequently used publicity to acquire goodwill. By telling their stories of woe to local newspapers, they could pressure local authorities. As the following examples show, newspapers and the various publications issued by squatter movements, had a direct influence on how events unfolded.

In the early 1970s, a large percentage of the squatter population of Leiden consisted of young working-class families, often with small children. In about half of the cases, political activists offered support and know-how, thus increasing the chances of success. Typically, after occupying a house, the squatting families were mentioned or even interviewed in the local newspapers as people who were desperate for living space and did not see any other option than squatting. Squatters and their supporters also wrote letters to the newspapers, calling for help or attention. After positive media coverage, the municipality generally decided to help

the young families. They would be provided with a housing permit or an alternative address, even though official policy dictated that everyone had to respect the municipal waiting list. However, for squatting families to be successful, they needed to be unrelenting and in continuous contact with the press. One such example of a successful squatter action took place in Leiden in 1970. After a family had squatted in an apartment, the police arrived to evict them. When the father told the police that the family had nowhere to go, they were offered a police cell to spend the night (they were explicitly not arrested). In the following days, the father used the local media to pressure local institutions to provide him and his family with a home, which eventually worked. The family was allocated a rental house, thus effectively jumping the queue.⁴⁸

Sometimes, supporters would write to the newspaper either to defend squatters who were losing their dwellings or to express sympathy.⁴⁹ If media attention was less positive, squatters lost leverage. This happened, for example, to a young man, who squatted in a house for himself and his pregnant wife in 1971. After a failed squatter attempt in June 1971, the man had to appear in court in November, where he was sentenced to a fine and two weeks' probation, because he had squatted in a total of five houses, as well as driving a dangerously unroadworthy car without a drivers' licence or insurance. The squatter replied that he could not pay the fines and that eviction and imprisonment would mean he had to leave his family living on the street. The newspaper depicted the man not so much as an individual worthy of sympathy, but rather as a petty criminal. Subsequently, he did not receive much goodwill from the municipality.⁵⁰

In Leipzig, access to media was virtually non-existent. *Schwarzwohner* generally avoided publicity but did use the semi-public means of petitioning to nudge the authorities towards supporting their cause. The common discursive strategy in such appeals to the authorities was to combine appreciation of the positive sides of the regime with individual demands. Jeremy Brooke Straughn has dubbed this strategy 'the arts of consentful contention'.⁵¹ One example of this came from the town of Halle, close to Leipzig. In 1981, two young couples had occupied a flat together in the old town centre and were evicted shortly afterwards. The couples moved in again the very next day, and wrote a petition to the mayor in which they presented a dramatic description of their living conditions, interspersed with quotes from Party officials denouncing housing shortages. The housing department of Halle considered the petition, at least partly, to be a form of 'constructive criticism' and allocated the older couple alternative living space. The other two youths, though, were sent back to their parents.⁵²



Figure 4.5 Newspaper report on squatters in *Leidsch Dagblad*, 22 May 1979. © Erfgoed Leiden en Omstreken. By contrast, there was no media coverage of *Schwarzwohnen* in Leipzig.

A fundamental difference between Leiden and Leipzig was that public mobilisation was impossible under the communist dictatorship. ‘Consentful contention’ was more likely to be successful if the occupation was framed as an individual case. Any direct critique of state policy would backfire. In Leiden, on the other hand, there were activist groups that used criticism of the authorities to support working-class families. In May 1970, the action group Comité Woningnood squatted in two houses on the Lange Mare Street for two families.⁵³ As reported in a local daily newspaper, the committee members explicitly stated that their action was not only aimed at acquiring housing, but also functioned as a ‘political stunt’ to address the ‘ridiculous housing situation’ in Leiden.⁵⁴ The two families, however, told the newspaper that the squatter action was primarily aimed at ‘getting a house’ for them and their young children. Both the police and the owner of the two houses refrained from undertaking action against the squatting families. They decided that both families could stay, at least temporarily. Likewise, when members of the Socialist Party occupied the town square with tents in support of three squatting families threatened with eviction in June 1973, the municipality conceded that they would review their cases one more time.⁵⁵

4.4 Reactions of the authorities and interaction with squatters

Both in Leiden and Leipzig, the authorities responded differently to the actions of different kinds of squatters. Why were some negotiations successful and others not?

Leniency

Neither in Leiden nor in Leipzig did authorities embark on a particular hard-line approach towards squatting. In Leiden, the municipality and housing corporations responded in three different ways to the rising tide of house occupations in the 1970s. In the first instance, they tried to improve their administration, so that houses were more easily allocated to renters and not left empty for long periods of time. This, however, proved difficult, because Leiden had no fewer than eight housing corporations, many of which had boards run by volunteers.⁵⁶ Second, they put formal and informal pressure on squatters to incite them to leave their squatted residences. The municipality officially claimed to repress the squatting of corporation houses, since it considered such action the equivalent of queue-jumping. In a similar vein, the municipality denounced the occupation of empty dwellings that functioned as temporary housing for people whose houses were being renovated. It considered the squatting of these houses antisocial and an obstruction to renovation works.⁵⁷ Third, the municipality and housing corporations attempted to prevent squatting by rendering houses inhabitable, either by removing plumbing and/or electrical wiring or by demolishing them altogether. This, however, often led to public outcries of indignation in a city where housing shortages were rampant.⁵⁸

Nevertheless, many squatters achieved legalisation, often without serious conflicts. The Leiden municipality even sometimes pressured private owners to negotiate with squatters.⁵⁹ When a group of youths squatted in several privately owned apartments in a newly built apartment block in the city centre in 1981, the municipality stalled eviction measures and instead pressured the building's project developer to offer rental agreements to the squatter youths, which eventually happened.⁶⁰

The municipality would only start a court case against squatters in the most extreme cases, because they were costly and time consuming and often led to unsatisfying results for the municipality and housing corporations. Judges rarely fined squatters, but limited themselves to handing out eviction notices (often needlessly, because squatters rarely awaited the court ruling and left before an official eviction notice was issued).⁶¹

The formal reaction of Leipzig's housing administration to violations of the legal allocation procedure was twofold. After having imposed a fine, the authorities had to decide if the squatters could stay. This decision was made on the basis of the assessment of urgency of the case. In practice, this led to outcomes that were very similar to those in Leiden. Even

though the language of the housing administration was uncompromising and intimidating, there was a striking discrepancy between the harsh rhetoric and the rather lenient practice of housing authorities. Samples indicate that at least half of the *Schwarzwohner* ultimately obtained permission to stay in the property. However, not all *Schwarzwohner* dared to await this decision, moving out immediately when put under pressure.

Discriminative practices

In both cities, authorities were more sympathetic to 'deprivation-based squatting' and less inclined to accept 'alternative youths' with more or less overt political motivations.

In Leiden, the municipality often accommodated families of squatters, but generally thwarted squatter actions of alternative youths, because they considered them troublemakers. Thus, when eight youths squatted in a large complex on Hooigracht Street in 1974, the municipality promptly responded by stating that the building would be used to house 35 immigrant workers.⁶² The squatters were offered individual housing, but no spaces for collective living. The squatters protested, among other means by sleeping in front of the mayor's house. The city council, however, remained unsympathetic to their claims.

Seven years later, an abandoned factory building was squatted in by unemployed youths. They claimed that they wanted to establish multiple small enterprises in the building, such as an art studio, a handicraft centre, a photo studio and a music studio – and a shop where these manufactured products would be sold.⁶³ The municipality, however, had already made plans for the building prior to the squatters' arrival. Ironically, they wanted to tear down the building to make room for a regional employment office.⁶⁴ After lengthy negotiations, the municipality offered the squatters the abandoned Hartevelde complex, a former jenever (gin) distillery that was subsequently renovated to accommodate small studios. The squatters gladly accepted the proposal as a suitable alternative. The case illustrates the more sympathetic attitude of the municipality to 'entrepreneurial' squatters than to those who demanded spaces for communal living.

The response of Leipzig's housing administration to squatting was, at first glance, more negative and less discriminative. The negotiating position of Leipzig squatters was, however, strengthened by the fact that authorities could only file an eviction notice if suitable alternative living space was available. Hence, the housing administration's decision was made on the basis of their assessment of urgency and the available

alternatives for the informal occupiers. In the case of a divorced shift worker who lived with his former wife and three children in cramped conditions before he occupied a flat, the housing department imposed a very moderate fine of only 150 Marks, and conceded: 'Eviction is impossible.' The man was issued a housing permit.⁶⁵ A young couple who had occupied the flat of someone who had emigrated to West Germany also received official approval. The man worked as a waiter and had lived in an 8 m² room in his parents' flat, while the woman had lived with her parents without having her own room. A couple of days after the informal occupation, they married. In a discussion with the housing authorities, they indicated that the young woman was pregnant, which provided a last knock-down argument.⁶⁶ In another case, it was not urgency, as such, but the lack of alternatives that made the housing department accept the unauthorised occupation. A man who had lived with his grandmother occupied a flat in December 1989 and ignored two eviction notices. It turned out that his grandmother was not willing to accommodate him any longer – and he was thus given permission to stay in the flat.⁶⁷ Generally, bureaucrats in the GDR perceived and treated *Schwarzwohnen* exclusively as deprivation-based squatting. Similar to Leiden, authorities were hostile towards, and distrustful of, alternative youths. Nonetheless, this did not mean they resorted to brutal repression. The two cities were, in fact, rather similar in their restrained responses to political provocation, as the following section shows.

Confrontations

Generally, political protest was common in Leiden and very rare in Leipzig. The reactions of the authorities were neutral-to-sympathetic in Leiden, and very negative in Leipzig. Even so, in neither city was squatting brutally repressed.

As we have seen, in Leiden, activist squatters often used squatting to draw attention to housing problems. Through short-lived theatrical actions, they endeavoured to exert pressure on the municipality. The authorities often responded sympathetically, although they did not always offer concrete solutions. The city's main street, the Breestraat, was a popular setting for squatters who wished to make a statement. In March 1979, women occupied Breestraat N°125, demanding that a women's social centre be located there, which was eventually granted (see [Figure 4.6](#)).⁶⁸ In December 1979, approximately 50 youths temporarily squatted in a building at Breestraat N° 24, decorating the facade with banners stating: 'Youths want to live somewhere too' and 'No postponement of building



Figure 4.6 A short-lived theatrical action against housing shortage and speculation on the Breesstraat in Leiden, December 1979. Photo: Jan Holvast. © Archives *Leidsch Dagblad*, Historische Vereniging Oud Leiden.

plans'. The action, however, did not elicit any other response than a sincere statement from the city's alderman to look into the situation.⁶⁹

When Leipzig's *Schwarzwohner* acted in a similar, provocative way, their chances of success were greatly diminished, not least because, in these cases, it was not the housing department but the police and the Stasi that stepped in. Even so, repression was rarely brutal, as the following example illustrates. In May 1984, *Schwarzwohner* displayed slogans on the facade of two dilapidated houses in Erich-Ferl-Straße, a busy road east of the town centre. Both slogans had been taken, in an act of subversive irony, from the list of suggested slogans for the 1 May demonstrations that had been published in the official newspaper of the ruling *Sozialistische Einheitspartei Deutschlands* (Socialist Unity Party). One banner read 'Freedom to all patriots incarcerated by the reaction' and alluded to the arrest of one resident's friends. Another five-metre-long banner stated 'Housing policy is the centrepiece of our social policy' and was displayed on the front of the neighbouring house, which was in a state of collapse. The irony did not go unheeded, and it led to the instant removal of the slogans by the fire brigade. Three weeks later, the Stasi

interrogated the residents.⁷⁰ The four young inhabitants, however, did not face criminal prosecution, and it took almost three months for the police to initiate eviction procedures.

Notably, the eviction only came after another provocation by the youths. They had displayed a notice in the window on the ground floor stating: 'This house is still inhabited, don't carry out any construction works. The tenants'.⁷¹ The police removed the notice and the housing department ordered the occupiers to vacate the premises two days later. The house was put under constant surveillance by the police and Stasi. On the day of the eviction, the young men brought their furniture out and started a sit-in action. For hours, they sat on the pavement of the busy road and waited for events to unfold. The police asked the mayor of the borough to take action, and he ordered staff to ask the squatters to leave, but to no avail. Meanwhile, the police also informed the Leipzig chairman of the Socialist Unity Party, who ordered the housing department to procure a lorry to remove the furniture. That afternoon, everything was loaded into the lorry and delivered to different locations, such as the homes of family members. Then the authorities cut off the electricity, gas and water supplies and nailed the door shut. The authorities nevertheless made sure that every resident had an alternative place to stay; indeed, when one of them could not be housed with friends or family, the housing department allocated him a flat.⁷² This example illustrates how the state reacted in moderation, even in this exceptional case of political provocation.

But even though the reaction of the authorities to protest and criticism was softer than one might expect from a dictatorship, there was a fundamental difference: no matter how meagre the results finally were, the squatters in Leiden staged their protest with the expectation of achieving something. By contrast, the political protest by squatters in Leipzig was a desperate provocation, a fatalistic subversive act without any expectation of change.

Escalation

In both cities, forceful evictions were only carried out when the authorities feared that public order was threatened, as the following examples illustrate. In Leiden, there was a limited number of violent confrontations when political and punk youths refused to vacate buildings despite court orders. These incidents mainly took place in the 1980s and were, to a large extent, inspired by militant confrontations in Amsterdam and other metropolitan cities. Thus, an eviction at a house on the Scheepmakerssteeg in 1983, for instance, resulted in scuffles with the police, when 50 youths

refused to vacate the property.⁷³ The eviction at Breestraat 122 in 1984 also resulted in violence, even though the eviction itself transpired peacefully. Punk youths had barricaded the house and laid doors, smeared with oil, on the staircases to make it as hard as possible for the police to enter or inspect the house. Even so, when the police entered the building, they did not offer active opposition. After the eviction, however, a riot ensued in a neighbouring street between police and youths, in which one of the officers felt so threatened that he fired a warning shot into the air.⁷⁴

These kinds of confrontation remained exceptional in Leiden, and it is remarkable that both squatters and authorities in the city often referred to them as ‘Amsterdam-like situations’ in the media.⁷⁵ In March 1980, after heavy squatter riots in Amsterdam, Leiden’s deputy mayor stated that a combination of ‘six years of open debate about squatting’ in the media and the Leiden Squatters’ League’s ‘careful’ choices of property to squat in had made it possible to avoid such escalation in Leiden.⁷⁶ Indeed, when a group of squatters occupied the city council building in June 1979, in solidarity with other squatters threatened with eviction, the occupiers blocked the door but refrained from further action. Correspondingly, the council members decided not to call the police but to leave through an open window and start a discussion with the activists (see Figure 4.5).⁷⁷ Even in 1985, after a number of Leiden evictions had ended in police interventions, the Leiden mayor claimed proudly: ‘Never has the riot police had cause to intervene in the city, and it will remain that way.’⁷⁸



Figure 4.7 Police and young squatters in Leiden in April 1980. Photo: Jan Holvast. © Archives *Leidsch Dagblad*, Historische Vereniging Oud Leiden.



Figure 4.8 The location of the Rockpalast party in Leipzig-Lindenau in 1981 after a raid by the People's Police. © BStU.

In Leipzig, there was no violence on the part of the squatters at all. Brutal, mass police action only occurred when the security forces feared disturbances or political provocation on a large scale. This happened in the exceptional case of a temporary occupation of an empty house in Leipzig-West in 1981. The purpose of the one-night squatting action was not to acquire housing but to throw a party. The annual 'Rockpalast' concert in Cologne was broadcast that evening on West German TV, and the young organisers used this as an opportunity to organise a big social event. The event was secretly prepared, electricity supply installed, a TV borrowed and the banisters mended. About a hundred youths turned up in joyful anticipation of watching groups such as the Grateful Dead and The Who in concert. By midnight, an exuberant party atmosphere had developed, when the police brought the event to an abrupt end.⁷⁹ Police started to inspect the passports of the guests, and after much wrangling they bundled dozens of young people into army trucks, partly with force, and interrogated them until the next morning. Most of them only had to pay a moderate fine of 75 Marks.⁸⁰ The police interpreted the event as a subversive activity. The organisers had taken their cue from West German squatters, and one guest had displayed leaflets at the party featuring socio-critical poetry. The harsh reaction of the state was partly a result of this political interpretation of the event, and also partly due to fears that the action would reach the public sphere.

By contrast, the eviction in 1989 of a house occupied by punks remained peaceful. The ramshackle house in Dufourstraße had become a meeting place for Leipzig's punks, but although the Stasi and the police were aware of this, they tolerated it for years. Apparently, they did not

deem the house to be a threat to public order or the political status quo. The authorities only evicted the residents in 1989, mainly because of the risk of the building collapsing. The punks toyed with the idea of blowing up the property, but ultimately left grudgingly, only leaving one anarchist flag to the rear of the house.⁸¹

4.5 Conclusion

The fundamentally different political regimes of Leiden and Leipzig obviously had an impact on the appearance of squatting and its treatment by the two cities. In Leiden, squatting was more overt, as publicity would help mobilise support in many cases. In the GDR, *Schwarzwohner* remained a tacit and rather invisible practice. Also, in contrast to the occupation of whole buildings in Leiden, *Schwarzwohner* normally occupied single flats.

At the same time, there were remarkable similarities in the motivations, strategies and official responses to informal housing in Leiden and Leipzig during the 1970s and 1980s. Studies of the two cities reveal a similar variety of motivations for squatting, and a similar discriminative policy practised by the authorities – prioritising deprivation-based squatting and looking askance at (Leiden) or repressing (Leipzig) communal living. Considering this, *Schwarzwohner* in Leipzig almost always presented themselves as needy, since any indication of political motivations or alternative lifestyles weakened their bargaining position. To propitiate the state, they also offered voluntary maintenance and repairs, and paid unsolicited rents. Squatters in Leiden applied very similar strategies. They, too, wired money to owners and offered voluntary renovation work.

A slight difference lies in the fact that most *Schwarzwohner* considered informal occupation primarily a means to an end. Generally, there was no ‘squatter identity’ in the GDR and no squatting for the purpose of acquiring spaces for politically oppositional activities. Squatters in Leipzig commonly displayed a willingness to legalise their occupation. Nevertheless, a significant proportion of squatters in Leiden also squatted out of necessity and made great efforts to reach an agreement with the authorities. Political activists and alternative youths were thus only part of a much larger squatter population.

Furthermore, the general attitude of the authorities in Leipzig and Leiden was rather similar. Housing administrations in both cities displayed a marked discrepancy between a relatively harsh rhetoric and rather lenient practices imbued with socialist values. However, these

policies came into effect differently. In Leiden, local authorities were mainly social democrats in a bind between the 'ideal' of social housing and the reality of housing shortage. Concessions to squatters were often a result of media pressure. In Leipzig, the authorities were intent on restoring order, but evictions were seriously hampered by the legal framework. The root cause of this was that the communist dictatorship highly valued social security and justice, which established authoritative points of reference to which the *Schwarzwohner* could appeal. These binding values made it impossible to deny the right to housing enshrined in the constitution, and therefore turned out to be conducive to informal housing in many cases. Additionally, mismanagement facilitated unauthorised housing significantly (a feature that applied to Leiden as well).

To some extent, these resemblances challenge the dichotomy of democracy and dictatorship. However, some aspects of squatting in the Netherlands did not have any equivalent in the GDR, such as the possibility of public campaigns and protest. Squatters in Leiden were frequently supported by activists – often, the squatters were activists themselves. They would try to organise popular support and resort to actions such as picketing and occupations of streets, squares or municipal offices. Although they required tenacity and a keen eye for the media, such protests were often successful in the Dutch city. In the East German dictatorship, by contrast, charm offensives in the media or political protest were entirely impossible. While squatters in Leiden could use publicity to vent their general criticisms of housing policy, comparable intentions were met with harsh repression in Leipzig. There, stories of hardship could only hope to achieve results if addressed directly to the government, accompanied and supported by ideological phrases.

Notes

1. For a discussion of this historiography, see Bart van der Steen, 'De papieren van de revolte: De kraakbeweging en haar geschiedschrijving', *Stadsgeschiedenis* 9, no. 2 (2014): 166–81; Bart van der Steen, Ask Katzeff and Leendert van Hoogenhuijze, 'Introduction: Squatting and Autonomous Action in Europe, 1980–2012', in *The City is Ours. Squatting and Autonomous Movements in Europe from the 1970s to the Present*, ed. Bart van der Steen et al. (Oakland, CA: PM Press, 2014): 1–19.
2. Göran Therborn, *Cities of Power. The Urban, the National, the Popular, the Global* (London: Verso, 2017), 195.
3. Nazima Kadir, 'Myth and Reality in the Amsterdam Squatters' Movement, 1975–2012', in *The City is Ours: Squatting and Autonomous Movements in Europe from the 1970s to the Present*, ed. Bart van der Steen et al. (Oakland, CA: PM Press, 2014), 21–62.
4. Rowan Tallis Milligan, 'The Politics of the Crowbar: Squatting in London, 1968–1977', *Anarchist Studies* 24, no. 2 (2016): 8–32.
5. Only recently, scholars have demonstrated that a practice similar to squatting existed in socialist cities such as Leningrad or Prague as well. Michaela Pixová and Arnošt Novák, 'Prague:

- Post-1989: Boom, Decline and Renaissance', *Baltic Worlds* 9, no. 1/2 (2016): 34–45; Tatiana Golova, 'Squatting and the Moral Economy of Public–Private Relations', *Baltic Worlds* 9, no. 1/2 (2016): 57–67.
6. Udo Grashoff, 'Cautious Occupiers and Restraint Bureaucrats: Schwarzwohnen in the German Democratic Republic: Somewhat Different from Squatting', *Urban Studies*, 56, no. 3 (2019): 548–60.
 7. In Western Europe, squatting in metropolitan centres such as Amsterdam, Copenhagen or West Berlin tended to have different dynamics, since the potential for violent escalation was greater there. However, we contend that this was exceptional rather than the norm, so it may be more adequate to compare Leipzig with a non-metropolitan city.
 8. By searching the digitised archives of the newspaper for the words *kraken* (squatting), *krakers* (squatters) and *gekraakt* (squatted), we compiled a newspaper clippings archive containing 877 clippings from the years 1970–1990. We organised the clippings using a digital historical map that now shows all 223 squatter actions between 1970 and 1990. Our method is discussed in greater depth in Charlotte van Rooden, Merel Snoep and Bart van der Steen, 'Kraakende katenvrouwtjes en banketbakkers: Nieuw onderzoek naar de diversiteit en dynamiek van kraken in Hollandse steden', *Holland: Historisch tijdschrift* 50, no. 1 (2018): 55–64. This research is part of a larger research project on the history of squatting in Leiden between 1970 and 2010. See the project website: www.krakeninleiden.nl.
 9. For example, before 1970, occasional house occupations were not discussed as squatter actions in *Leidsch Dagblad*. A reflection on the methodological pitfalls of digital newspaper research is published in Marcel Broersma, 'Nooit meer bladeren? Digitale krantenarchieven als bron', *Tijdschrift voor Mediageschiedenis* 14, no. 2 (2012): 29–55.
 10. To avoid the potential bias of using too narrow a sample, interviewees were recruited via newspaper advertising.
 11. The cases from Leipzig are part of a bigger research project on *Schwarzwohnen* in many East German cities. For a more in-depth discussion of the sources used for this research, see Udo Grashoff, *Schwarzwohnen: Die Unterwanderung der staatlichen Wohnraumlentung in der DDR* (Göttingen: V&R Unipress, 2011).
 12. For the international terminologies of squatting, see Bart van der Steen, Ask Katzeff and Leendert van Hoogenhuijze, 'Introduction: Squatting and Autonomous Action in Europe, 1980–2012', in *The City is Ours. Squatting and Autonomous Movements in Europe from the 1970s to the Present*, ed. Bart van der Steen et al. (Oakland, CA: PM Press, 2014), 3; Bart van der Steen, 'De metropool voorbij: Een korte geschiedenis van kraken in Leiden in de jaren zeventig', *Stadsgeschiedenis* 12, no. 1 (2017): 75–85, particularly 77f.
 13. Bettina Jahnke, interview, Leipzig, 2008, own translation.
 14. Cor Smit, *Strijd om kwaliteit: De geschiedenis van de volkshuisvesting in de regio Leiden* (Leiden: Primavera Pers, 2006), 127, 146.
 15. "M'n huis is net een oude overall", *Leidsch Dagblad*, 8 January 1973.
 16. A civil servant exclaimed: 'All municipalities have problems, but Leiden has them all' (Cor Smit, *Strijd om kwaliteit: De geschiedenis van de volkshuisvesting in de regio Leiden* (Leiden: Primavera Pers, 2006), 177).
 17. Cor Smit, *Strijd om kwaliteit: De geschiedenis van de volkshuisvesting in de regio Leiden* (Leiden: Primavera Pers, 2006), 127, 146.
 18. 'Lezers schrijven', *Leidsch Dagblad*, 19 January 1977.
 19. In contrast to Leiden, there were no empty commercial buildings, and rough-sleeping was virtually absent in Leipzig.
 20. Thomas Nabert, 'Kommunaler Wohnungsbau in Leipzig mit Tradition', in *Vom Wert des Wohnens*, ed. Gregor Hoffman (Leipzig: Leipziger Wohnungs- und Baugesellschaft, 2006), see 26.
 21. Christoph Bernhardt, 'Die sozialistische Stadt zwischen Herrschaft, Partizipation und Aneignung', in *Gedachte Stadt – Gebaute Stadt: Urbanität in der deutsch-deutschen Systemkonkurrenz 1945–1990*, ed. Thomas Großbölting and Rüdiger Schmidt (Cologne: Böhlau, 2015), 262.
 22. MfS, KD Leipzig-Stadt, Operativinformation 109/84, 18 July 1984 (BSTU, MfS, KD Leipzig-Stadt, 01545/04, Bl. 75–7).
 23. Cor Smit, *Strijd om kwaliteit: De geschiedenis van de volkshuisvesting in de regio Leiden* (Leiden: Primavera Pers, 2006), 164.
 24. Between 1975 and 1980, these amounted to 120 million guilders. 'Ruim 1000 woningen staan leeg', *Leidse Courant*, 10 December 1974.

25. Frits van Oosten, *De stad en de wethouder: Hoe Cees Waal de binnenstad van Leiden vernieuwde* (Leiden: Ginkgo, 2017): 12.
26. Cor Smit, *Strijd om kwaliteit: De geschiedenis van de volkshuisvesting in de regio Leiden* (Leiden: Primavera Pers, 2006), 162.
27. 'Harde confrontatie dreigt ook in Leiden', *Leidsch Dagblad*, 29 March 1980.
28. Non-profit organisations responsible for the majority of cheap and mid-range rental housing.
29. Nikolaus Voss, interview, Schwerin, 2007.
30. An inspection in Leipzig-Nordost in May 1989 indicated that, of the total of 93 apartments vacated by elderly people who had moved to retirement homes, only 14 had been allocated to new tenants within three months. ABI-Kontrolle Leipzig-Nordost 24 May 1989, Bericht 10.8.1989, Stadtarchiv Leipzig (hereafter: StAL), Stadtbezirk Nordost, 1835, Bl. 26–30.
31. Eric Duivenvoorden, *Een voet tussen de deur: Geschiedenis van de kraakbeweging 1964–1999* (Amsterdam: Arbeiderspers, 2000), 64–5, 184–5.
32. In some cases, the issue of a fine marked the beginning of a tough and long drawn-out struggle. A few *Schwarzwohner* refused to pay and, in these cases, follow-up measures by the authorities are hard to detect. In many other cases, however, the contestation of the fine was unsuccessful and people ultimately paid. Stadtbezirk Leipzig Südwest, Abteilung Wohnungspolitik/Wohnungswirtschaft to Abteilung Finanzen, 14 December 1988, StAL, Stadtbezirk Südwest 87, p. 51, 111.
33. Cf. Paul Betts, *Within Walls: Private Life in the German Democratic Republic* (Oxford: Oxford University Press, 2010).
34. Hans Pruijt, 'The Logic of Urban Squatting', *International Journal of Urban and Regional Research* 37, no. 1 (2013): 19–45.
35. At least partly, they can be subsumed under Pruijt's notion of 'entrepreneurial squatting'.
36. In the GDR, all students were offered accommodation, but in most cases in shared rooms with three or four students and little privacy.
37. AKG, Information zu einer religiösen Gruppierung, Leipzig, 9 May 1984, Bundesbehörde für die Unterlagen des Staatssicherheitsdienstes der ehemaligen DDR (hereafter BStU), MfS, BV Leipzig, Abt. XX, 01111/02, Bl. 26f.
38. Maix Mayer, interview, Leipzig, 2009; Peter Wensierski, *Die unheimliche Leichtigkeit der Revolution: Wie eine Gruppe junger Leipziger die Rebellion in der DDR wagte* (Munich: Deutsche Verlags-Anstalt, 2017), 291f.
39. Gezamenlijke kraakgroepen, *Kraakhandleiding* (Amsterdam 1978), 13. The advice was copied in a squatter handbook from Rotterdam in 1980. The Leiden Kraakspreekuur and Leiden Squatter League (Leidse Kraakbond) did not publish their own squatter handbook but instead circulated squatter handbooks from other cities. Even so, in 1982, the Amsterdam squatter handbook advised to never 'simply' wire money to the owner, since no rights could be derived from paying unsolicited rent: 'The owner does not even have to pay the money back [...] KJHR (Komitee Jongeren Huisvesting Rotterdam), *Kraakhandleiding* (Rotterdam: KJHR, 1980), 11; Kraakspreekuren Amsterdam, *Kraakhandleiding* (Amsterdam: Lont, 1982), 22–4).
40. Even more so, (activist) squatter handbooks advised squatters not to put their real names on the letter box or reveal their surnames to the neighbours, because it was easier for the owner to have the squatters evicted via a court case if the squatters' names were known.
41. Olav Metz, interview, Groß Zicker, 2007.
42. The difference, compared with a tenancy agreement, was that the residents did not have the rights of regular tenants and paid a fee instead of rent. Dieter Rink, interview, Leipzig, 2009. For a similar example, see Gabriele Wurmus and Maix Maier, interview, Leipzig, 2008.
43. "'Kraker, dat ben je niet voor je lol ...'", *Leidsch Dagblad*, 29 December 1977.
44. 'Krakers maken het goed', *Leidsch Dagblad*, 20 August 1974; 'Open huis', *Leidsch Dagblad*, 26 June 1974; 'De krakers van het voormalige Goede Herder-klooster', *Leidsch Dagblad*, 29 June 1974; 'Van klooster tot kraakpand en woningbouw', *Leidsch Dagblad*, 5 December 1977.
45. 'Pand in Begijnhof gekraakt', *Leidsch Dagblad*, 13 October 1983; 'Monumenten van zelfwerkzaamheid', *Leidsch Dagblad*, 4 November 1989. The squatters were able to buy the two apartments that made up the Begijnhof from its previous owner (the university), shortly after their squatter action.
46. The total cost of all works and material amounted to 7,000 Marks (Mr S. to Stadtbezirksrat Urbanek, Leipzig Nord, 8 April 1990, StAL, Stadtbezirk Nord 1577, Bl. 61–3).
47. Stadtbezirk Leipzig Südwest, Abteilung Wohnungspolitik/Wohnungswirtschaft to Mr S., 22 February 1988, StAL, Stadtbezirk Südwest 87, p. 72.

48. 'Krakers sliepen ook vannacht weer in cel', *Leidsch Dagblad*, 21 August 1970; 'Krakers sliepen op bureau', *Leidsch Dagblad*, 19 August 1970; 'Gekraakt hofje', *Leidsch Dagblad*, 24 August 1970.
49. The opposite also happened: residents would sometimes write letters to complain about the problems squatters caused. In one extreme case, one citizen wrote to the newspaper to express his disdain over the sympathetic tone in which one of the editors had written about squatters in general. 'Kraker', *Leidse Courant*, 16 May 1974.
50. 'Bed uit gekraakt pand', *Leidsch Dagblad*, 15 June 1971; 'Celdeur op kier voor Leidse woning-kraker', *Leidsch Dagblad*, 16 November 1971.
51. Jeremy Brooke Straughn, 'Taking the State at Its Word: The Arts of Consensual Contention in the German Democratic Republic', *American Journal of Sociology* 110, no. 6 (2005): 1598–1650.
52. Udo Grashoff, *Leben im Abriss: Schwarzwohnen in Halle an der Saale* (Halle: Hasenverlag, 2011): 46–52.
53. Housing Crisis Committee, an activist group grown out of the Leiden student movement.
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55. 'Een grote tent midden op het stadhuisplein', *Leidsch Dagblad*, 27 June 1973.
56. Cor Smit, *Strijd om kwaliteit: De geschiedenis van de volkshuisvesting in de regio Leiden* (Leiden: Primavera Pers, 2006).
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58. 'Krakers: pand is onbewoonbaar gemaakt', *Leidsch Dagblad*, 2 April 1980.
59. 'Rembrandtbrug – en route in gebruik; acties van krakers', *Leidsch Dagblad*, 16 July 1983.
60. 'Stichting: Elk jaar Rembrandt-festival houden', *Leidsch Dagblad*, 15 July 1983; 'Rembrandtbrug – en route in gebruik; acties van krakers', *Leidsch Dagblad*, 16 July 1983.
61. 'Bed uit gekraakt pand', *Leidsch Dagblad*, 15 June 1971.
62. 'Pand van de gemeente in Leiden gekraakt', *Leidsch Dagblad*, 21 September 1974; 'Kraakpand voor gastarbeiders', *Leidsch Dagblad*, 25 September 1974.
63. 'Fabriekscomplex Clos gekraakt', *Leidsch Dagblad*, 8 June 1982.
64. 'Krakers Clos & Leembruggen druk aan het verbouwen, ondanks onzekerheid', *Leidsch Dagblad*, 14 July 1982.
65. Stadtbezirk Leipzig Nord, Abteilung Wohnungspolitik/Wohnungswirtschaft, 27 June 1988, StAL, Stadtbezirk Nord 1577, pp. 89–98.
66. Stadtbezirk Leipzig Nord, Abteilung Wohnungspolitik/Wohnungswirtschaft, 12 June 1990, StAL, Stadtbezirk Nord 1577, pp. 24–6.
67. Stadtbezirk Leipzig Nord, Abteilung Wohnungspolitik/Wohnungswirtschaft, 27 January 1990, StAL, Stadtbezirk Nord 1577, pp. 31–9.
68. 'Vrouwenhuis viert jubileumfeest in gekraakt pand', *Leidse Courant*, 12 March 1979; "'Vrouwenhuis" betreft pand van bureau huisvesting', *Leidsch Dagblad*, 17 October 1979.
69. 'Scholieren-actie in de Breestraat tegen woningnood', *Leidsch Dagblad*, 29 December 1979.
70. Vernehmungsprotokoll, Leipzig 22 May 1984, BStU, MfS, BV Leipzig, AU 1606/84, Bl. 79–86.
71. KD Leipzig-Stadt, Operativinformation Nr. 113/84, 21 July 1984, BStU, MfS, BV Leipzig, KD Leipzig-Stadt, 01545/04, Bl. 85–7.
72. KD Leipzig-Stadt, Betr. Sachverhaltsinformation, Leipzig, 23 July 1984, BStU, MfS, BV Leipzig, AOP 1761/87, Bd. 2, Bl. 198f.
73. 'Kraakmachteloos', *Leidsch Dagblad*, 10 June 1983; 'Politie raakt weer slaags met krakers', *Leidsch Dagblad*, 11 June 1983; 'Woning politieman met verf beklad', *Leidsch Dagblad*, 13 June 1983.
74. 'Krakers: verzet tegen ontruiming pand Breestraat', *Leidsch Dagblad*, 27 October 1984; 'Incidenten na rustige ontruiming in Leiden', *Leidsch Dagblad*, 1 November 1984.
75. 'Een geintje dat verkeerd werd begrepen', *Leidsch Dagblad*, 28 May 1980; 'Steeds', *Leidsch Dagblad*, 29 February 1980.
76. 'Harde confrontatie dreigt ook in Leiden', *Leidsch Dagblad*, 29 March 1980. The *Leidse Kraakbond*, which can be translated as *Leiden Squatters' League*, offered squatter advice, had a short-lived newspaper and published a number of pamphlets. It only squatted in derelict houses, houses that were slated for demolition, houses that did not belong to the council, or houses that did belong to the council but were – for one reason or the other – not rented out.
77. 'Krakers uit raadzaal verwijderd', *Leidsch Dagblad*, 22 May 1979.

78. 'Leidse poorter met een onevenwichtige afdronk', *Leidsch Dagblad*, 15 November 1985.
79. Connie Mareth and Ray Schneider, *Haare auf Krawall: Jugendsubkultur in Leipzig 1980 bis 1991* (Leipzig: Connewitzer Verlagsbuchhandlung, 1999), 43–5.
80. MfS Leipzig, Information Nr. 550/81, 29 March 1981; Information 550.1/81, 30 March 1981, BStU, MfS, HA IX, Nr. 301, Bl. 76–8.
81. Connie Mareth and Ray Schneider, *Haare auf Krawall: Jugendsubkultur in Leipzig 1980 bis 1991* (Leipzig: Connewitzer Verlagsbuchhandlung, 1999), 138–41; MfS-KD Leipzig-Stadt, Information zum Grundstück, 14 April 1989, BStU, MfS, BV Leipzig, KD Leipzig-Stadt, Nr. 00038, Bl. 11f.

Squatters and the socialist heritage: A comparison of informal settlements in Kyrgyzstan and Kazakhstan

Eliza Isabaeva

5.1 Introduction

In her article on comparative urbanism in Central Asia, Elena Trubina laments that there is ‘an almost total absence of comparison between cities’ in Central Asia.¹ She continues that the limited research that exists on Central Asian cities ‘simply stands for large-scale tendencies’, illustrating wider processes but refraining from detailed studies of urban life. This chapter offers a response to this critique. It provides a detailed comparative study of informal housing in Kyrgyzstan’s capital city Bishkek and in the former and current capital cities of neighbouring Kazakhstan – Almaty and Astana.² In all three cities, there exists a number of populous, unauthorised settlements on the cities’ peripheries. These settlements and the similarities and differences between them provide the focus for this chapter. The comparison will point out important commonalities between these Kyrgyz and Kazakh cities, while also highlighting the diverging ways in which these informal settlements have developed and the different interactions of squatters with authorities in pursuing their claimed rights. I will be examining the outcome of state–squatter interactions in these different contexts. Kyrgyzstan has largely taken a negotiation-based approach, while Kazakhstan has used violent methods to crack down on illegal settlements. Why did these two countries differ in their approaches, and how did these different policies influence the situation of squatter settlements?

As regards terminology, I will be using the adjectives ‘illegal’ or ‘unauthorised’, which mainly represent the perspective of the state, when

discussing how these settlements emerged (that is, by occupying plots of land without permission to do so). By contrast, I will use 'informal' when dealing with the views and actions of settlement-dwellers.

The data I have gathered about Bishkek's squatter settlements originate predominantly from a settlement called Ak Zhar, where I conducted extensive anthropological research in 2012–2013 by means of semi-structured interviews, expert interviews and participant observation. Likewise, I closely observed the work of Ak Zhar's community leaders. When I discuss settlements in Almaty and Astana, I mainly rely on research articles and primary sources on the topic, which are available online.

5.2 Kazakhstan and Kyrgyzstan: Similar but different

Kyrgyzstan and Kazakhstan are not only neighbouring countries but also culturally very close to one another. People in these two countries often refer to each other as 'sister peoples' and this is always emphasised by the rulers of both countries. In addition, the distance between Bishkek and Almaty, the former Kazakh capital, is only a three-hour drive. However, the two countries differ in their political and economic situations. Kazakhstan is an authoritarian country with a strong presidential rule, whereas Kyrgyzstan has preferred parliamentary democracy since 2010. Furthermore, Kazakhstan is economically more prosperous than Kyrgyzstan, thanks to the country's significant oil reserves.

Kyrgyzstan and Kazakhstan both became independent after the collapse of the Soviet Union. The demise of the socialist state pushed both countries into a difficult economic, political and social situation. Unemployment rates rose dramatically as many factories and plants had to close down. This drove the majority of the population into poverty, and rural areas were hit especially hard. Impoverished rural inhabitants reacted with mass migrations to the cities. During the Soviet era, there already existed a clear distinction between rural and urban areas, whereby the former were viewed as destitute and the latter as prosperous.³ New arrivals to the city were called pejoratively *myrki* or 'uncultured villagers' in Kyrgyzstan,⁴ and in Kazakhstan they were perceived as risky and unstable newcomers who 'find it easy to engage in excessive alcohol and drug abuse, violence, and crime'.⁵ Such negative images of incoming migrants were reinforced in the mid-2000s when they seized plots in the outskirts of Kyrgyzstan's and Kazakhstan's major cities. Unauthorised settlements popped up in the three cities in different time periods: in Almaty in the early 1990s and 2000s, in Astana in the early 2000s and in

Bishkek in the early 1990s, early 2000s and mid-2000s. These squatter actions signalled a new sense of freedom as well as a different perception of existence after the demise of state socialism.

Samozakhvat, or land squatting, is considered illegal in both Kazakhstan and Kyrgyzstan. Those who practise squatting are called *zakhvatchiki* (literally: grabbers). *Zakhvatchiki* have a poor reputation and are commonly perceived as criminals or law-breakers. The act of *samozakhvat* is believed to create chaos in 'orderly' urban settings and to destabilise society. Obviously, the states' reactions to this were disapproving, and both Kazakh and Kyrgyz authorities undertook measures to punish the squatters. The punishments, however, differed between these two countries.

In Kazakhstan, the state usually resorted to physical violence, demolishing houses and evicting people from their dwellings. Only the first squatter settlements, which emerged in Almaty in the early years of independence, were legalised and provided with necessary infrastructure. But when the legalised settlements grew closer to the city centre in the early 2000s, the state reacted unsparingly.⁶ In Kyrgyzstan, too, the first settlements that emerged in the early 1990s were legalised. Later on, in the early 2000s and after the Tulip Revolution in 2005, the attitude of the state shifted towards ignoring the existence of the settlements and turning a blind eye to the basic needs and concerns of their residents. After large-scale public protests, which the settlements' inhabitants staged to make claims for infrastructure and legalisation, this policy of neglect transformed into one of active toleration,⁷ whereby authorities not only facilitated the provision of water and electricity but also began to discuss how to integrate the settlements into the official administrative structures.

5.3 Squatter settlements in Kyrgyzstan and Kazakhstan

In the following, I introduce three informal settlements in the three cities under discussion. I start with the settlement of Ak Zhar in Bishkek, where I conducted extensive field research, and then discuss the settlements of Shanyrak in Almaty and Ondiris on the outskirts of Astana.

Ak Zhar, Bishkek

Ak Zhar is an unauthorised settlement to the north of Bishkek, lying just across the city boundary. It emerged in the spring of 2005 immediately after the Tulip Revolution as a result of land squatting. The majority of the current residents of Ak Zhar, when I talked to them, did not want to

be called or viewed as *zakhvatchiki*, mainly due to the fact that they considered their action to constitute organised, orderly acquisition of land. They told me they had purchased plots of land or houses from a group of people they referred to as *top bashy*. As I was told, *top bashylar* (pl.) had – allegedly – connections to influential state officials, who provided them with information about which plot around Bishkek was ‘available’ for squatting.⁸ Having squatted in the large territory of what is today’s Ak Zhar, the *top bashylar* started distributing plots among their family members, relatives and fellow villagers. According to the stories I heard, *top bashylar* also sold plots to other people who approached them with an interest in purchasing them. It is believed that *top bashylar* made a good deal of money out of illegal land sales and then vanished from Ak Zhar. Today, the whereabouts of *top bashylar* are unknown.

When people started to settle in Ak Zhar, the state agencies (including the regional architects’ office, the department dealing with private residential construction, and the Kyrgyz scientific institute charged with city planning) came to identify the settlement as illegal because the act of squatting had violated the law. Accordingly, the state disavowed the settlement and did not officially recognise it. Thus, in the initial years of Ak Zhar’s existence, dwellers lived under harsh conditions, as it remained disconnected from basic infrastructure such as electricity and drinking water, with no central heating or sewage systems. Mainstream Bishkek residents were largely against illegal appropriation of the city’s land and called on the state authorities to punish the squatters and to refrain from legalising their settlements.⁹ In this hostile environment, Ak Zhar residents initially tried to resolve their everyday problems by themselves and live their lives as ‘quiet encroachers’.¹⁰ For instance, they purchased private generators to light their homes at night, and they bought bottled drinking water. See [Figures 5.1](#) and [5.2](#).

When Ak Zhar residents gained force in terms of population numbers, they were able to organise a large-scale protest by blocking a strategically important road in Bishkek.¹¹ They demanded access to electricity and drinking water and the legalisation of Ak Zhar, which would entail the recognition of their properties, thus turning the occupants into property owners. The protesters succeeded in their bid to meet with the highest-ranking officials (namely, the then-Prime Minister, Atambaev, and the then-mayor of Bishkek, Omurkulov), who committed to resolving their problems. While the electrification of Ak Zhar was entrusted to a private company, it was promised that overall responsibility for the area in which Ak Zhar was located would be transferred to the city of Bishkek and taken away from the Province of Chui, thus upgrading the potential



Figure 5.1 A northern part of Ak Zhar on the outskirts of Bishkek.
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Figure 5.2 Laying the foundation of a future house in Ak Zhar. © Eliza Isabaeva.

status of the settlement. The transfer from one municipality to the other (called locally *transformatsiia*) proved to be a protracted and onerous bureaucratic process, however, and the legalisation of Ak Zhar has not yet occurred. Nevertheless, significant steps towards legalising unauthorised settlements like Ak Zhar have been taken by the government. The Speaker of the Kyrgyz Parliament declared in summer 2018 that a law on legalising illegal settlements had been passed by the Parliament, pending only the President's signature.¹²

Shanyrak, Almaty

In comparison with Bishkek and its population of approximately one million inhabitants, the former Kazakh capital Almaty is home to around two million people, around 100,000 of whom are inhabitants of informal settlements.¹³ Although squatter settlements in the former Kazakh capital also emerged in the early 1990s following the collapse of the Soviet Union,¹⁴ notably it was only after 2005 that they appeared on the radar of the Kazakh state authorities as an object of close inspection. It was the Tulip Revolution in neighbouring Kyrgyzstan, in which the main participants were said to be poor and desperate dwellers of likewise poor and peripheral settlements, that changed state policy.¹⁵ When the Kazakh authorities became aware of the political power of these people, they changed their approach to the illegal settlements from indifference to repression.

In 2005, Kazakh authorities opted to instigate demolitions and evictions in many squatter settlements, including plans to demolish a considerable number of houses in the Shanyrak settlement. Although these measures were generally effective, they led to clashes between city authorities and the settlements' residents. One day, in September 2005, the residents of Shanyrak organised a protest, which was met by the special police forces, trying to disperse the protesters. In view of the upcoming presidential elections in Kazakhstan, the city's mayor Tasmagambetov visited the protesting dwellers of Shanyrak and promised that no houses would be demolished, except those that had been built recently; but after the elections he began to harshly criticise the squatters. When demolitions took place in the settlements of Bakai and Aigerim, this made Shanyrak residents even more nervous, and tensions rose.¹⁶ Finally, on 14 July 2006, a violent clash between police and Shanyrak dwellers took place. Media coverage shows bleeding police officers with severe head injuries as a result of being pelted with rocks. And worse was to come: the residents even took one of the police officers hostage and burned him to death. Police detained more than 20 people



Figure 5.3 Shanyrak residents confronting police. Photo by Anna Kalashnikova. © Ferghana Information Agency.



Figure 5.4 Blocking the road – an attempt to prevent the demolition of houses in Shanyrak, Almaty. Photo by Andrei Grishin. © Ferghana Information Agency.

for rioting, and four of them were later sentenced to long jail terms, being found guilty of organising the disturbances in which the police officer lost his life.¹⁷ After this violent escalation (see Figures 5.3 and 5.4), the authorities allowed the settlement population to legalise their properties

and provided communication and other infrastructures, to prevent a potential clash between the people and police in the future. Shanyrak subsequently became a new quarter in the city called Alatau.¹⁸

Ondiris, Astana

Astana, the new capital of Kazakhstan, founded in 1997, soon faced the same problems as Bishkek and Almaty. Internal migrants from rural provincial areas came to Astana in search of employment and better living conditions. Unauthorised settlements began to appear on the outskirts of the city. One of them, the settlement of Ondiris, emerged in 2004 during the peak of the construction boom in Astana. Current residents of Ondiris tell a story of organised squatting similar to that in Ak Zhar in Bishkek: that they had bought their plots of land from a woman who turned out to be a fraudster. She had allegedly faked property documents for the land and sold plots to many people. The authorities did not recognise these property documents and thus declared Ondiris an illegal settlement.¹⁹ Likewise, Ondiris dwellers faced many problems similar to the ones in Ak Zhar and other settlements. With no drinking water, they had to transport it from far away; they had to organise their own electricity supply by purchasing the necessary pylons and cables; there were no social infrastructures, such as schools or paved roads; and the legalisation of Ondiris proved to be (and continues to be) a long and difficult political and bureaucratic process. Whereas Shanyrak has now been recognised as a legal settlement and Ak Zhar is one step away from legalisation, it appears that Ondiris will have to continue its fight for official recognition for some time yet. The Astana authorities have promised not to demolish any homes or evict anyone from their dwellings. But they have also clearly stated that plots will not be legalised and that Ondiris residents will not be granted any property documents.²⁰

5.4 The attitudes of squatters towards the state

Having briefly described three unauthorised settlements in Kyrgyzstan and Kazakhstan, I now want to discuss the interaction between state and squatters in these two countries. The authorities represent a Weberian perspective of the state, in which state laws are above everything else. While, in Kazakhstan, the state used physical as well as psychological violence to reinforce the law, in Kyrgyzstan mainly psychological violence

was used, based on non-recognition and neglect of needs. However, at the same time, squatters expanded the scope of this perspective by contesting it and employing different sets of appeals,²¹ thereby actively re-making supposedly static laws and likewise shifting supposedly fixed boundaries between the illegal and the legal.²² Thus, in both Kyrgyzstan and Kazakhstan, the interaction between authorities and squatters has shown itself to be dynamic and bi-directional rather than passive and unidirectional (such as top-down).

Nevertheless, the attitudes of the authorities and informal settlement residents differ between the two countries. In view of the Tulip Revolution in the neighbouring country, the Kazakh authorities were willing to go toe-to-toe with settlement residents and went as far as demolishing houses. Shanyrak inhabitants in Almaty reacted aggressively and tried to defend their dwellings by any means possible, such as blocking roads, burning tyres and fighting the police. Bishkek's peripheral settlements never witnessed such harsh clashes. The Kyrgyz authorities were very cautious not to anger the masses of destitute people so soon after the Tulip Revolution. Likewise, Ak Zhar residents avoided escalation. Although they criticised the Kyrgyz state (institutions as well as political leadership) and protested by blocking the road and other means, their attitude was generally non-confrontational. Instead, they sent repeated signals to the authorities that their existence and their problems should no longer be ignored. Residents of informal settlements criticised the Kyrgyz state and blamed it for their desperate situation. This criticism of the government was often based on moral comparisons – for example, that influential and wealthy people were allowed to monopolise power and grab national assets in addition to improperly acquired money to finance their lavish lifestyles, while poor people were punished for seizing land to live on.²³ In raising these objections, they tried to turn the state's attention to their concerns and convince it to take action. One of my informants summarised their attitude concisely: 'We want to belong to the state' (in Kyrgyz: *biz dele ökmöttün kishisi bolgubuz kelet*). I also heard people saying 'What else can we do [to accelerate the legalisation process]?' or 'What else is expected from us?' (in Kyrgyz: *dagy emne kylyshybyz kerek?*). There was a desire for the state on the part of Ak Zhar residents, then, when it turned its back on the people by refusing to accept and recognise the settlement. Their questions revealed a readiness to integrate into the state's structures if they were allowed to stay in Ak Zhar. This pragmatic attitude made it easier for the Kyrgyz state authorities to negotiate with Ak Zhar's people on the terms of inclusion and recognition.

Ak Zhar's population also showed a willingness to bear a part of the costs related to legalisation and the provision of infrastructure. For example, when the budget allocated for electrification was depleted, the residents were asked to raise their own money and finance the acquisition of additional pylons and cables. Furthermore, each household bought its own electricity meter. Residents also raised money for drafting the master urban plan for Ak Zhar – an important precondition for the legalisation of the settlement – and each household contributed 500 KGS (approximately \$10 US at that time) to pay the relevant fees to the architects' office of Chui Province. In this sense, the politics of negotiation and active toleration of the Kyrgyz state turned Ak Zhar dwellers into contributing citizens. The manner in which the Kyrgyz state acted – employing no physical violence while still rejecting Ak Zhar residents – made the settlement population 'yearn', in a sense, for the state.

In Kazakhstan, by contrast, state violence against Shanyrak residents – which turned out to be costly, both financially and in terms of human life – had resulted in the state single-handedly providing the necessary infrastructure for the settlement's residents and legalising their properties, thereby asserting its one-sided power relationship with the people.

Correspondingly, a subtle difference between informal settlement-dwellers in Bishkek, Almaty and Astana can be seen in one particular strategy with which they tried to argue their right to housing. In both Kazakh cities, residents of unauthorised settlements turned to the then Kazakh president Nursultan Nazarbayev personally as the ultimate merciful figure that would protect ordinary people. For example, when evictions were conducted in the settlement of Bakai in Almaty, residents carried poster-sized portraits of Nazarbayev to prove 'their citizenship and loyalty to the state, trying to avert forced eviction'.²⁴ Similarly, in Astana, an elderly woman named Nesipgöl Uiabayeva, whose little shack was scheduled to be demolished, glued 91 portrait photos of Nazarbayev onto it, in the hope that this would stop state representatives taking action against her. As Uiabayeva explained:

Why did I put up portraits of our president? Because our functionaries no longer fear God, they fear no one; may they now fear our president. The president's politics ensured that folk lived well, that our future looked promising, that it was on a high level. And they [the functionaries] are evicting us onto the streets by taking away our own land.²⁵

By turning to Nazarbayev, the woman was attempting to make him into an ally of her cause. As both cases demonstrate, for residents of informal settlements in Kazakhstan the country's president represented an entire state apparatus. More than in the judicial system, in state agencies or in state officials, people believe in the 'justice' provided by Nazarbayev *personally*. In Ak Zhar, similarly, dwellers wrote numerous petitions directed to individual politicians whom they took to be personifications of the state. At the same time, it is common to hear ordinary Kyrgyzstani citizens say that they openly admonish the president or prime minister and show dissatisfaction with their decisions. In Kyrgyzstan, similarly to Kazakhstan, the state is commonly associated with individual politicians – that is, there is a personified perception of the state. However, while in Kazakhstan this personification paves the way to a 'king-like' veneration, Kyrgyzstan is much more pluralistic in this respect. Kyrgyz citizens thus have a variety of personalities at their disposal, to whom they can appeal and whom they can 'revere'.

In the understanding of ordinary Kazakhstanis and Kyrgyzstanis, a strong state is one that can guarantee unity, stability and order.²⁶ This Soviet understanding of a state is often tied to the rule of the strong leader.²⁷ But, as there is no such strong leader in Kyrgyzstan, the state in Ak Zhar is often perceived as weak or even absent, and Kyrgyzstanis frequently complain about lack of leadership. However, that apparent weakness does not necessarily lead to negative outcomes for Kyrgyzstani citizens. In the Kazakh case, a strong state has used its power to violently crush the people's demands for inclusion and better living conditions, whereas, in the Kyrgyz case, contested power relations have made negotiations, compromise and inclusion possible.

Although in authoritarian Kazakhstan (until recently, ruled by a single leader for almost three decades)²⁸ there exists an obvious structural continuity between the Soviet Union and the post-Soviet state, one may argue that pluralistic Kyrgyzstan, paradoxically, has remained more committed to the values of the socialist past. This commitment first and foremost expresses itself in a sense of responsibility for ensuring the well-being of its citizens – including the provision of housing – to which the inhabitants of unauthorised settlements can also appeal. The stronger role of public opinion gives the squatters scope to invoke the socialist legacy and remind the state authorities of the socialist traditions of taking care of citizens and attending to their needs. In doing so, people in Kyrgyzstan can gain leverage over the ruling leadership and the way politics play out in the country. Because there is demand and pressure from

the people, the Kyrgyz state often acknowledges its responsibility to provide its citizenry with housing, even if it is acquired illegally.

The living conditions of many people in Ak Zhar during the time of my research were far from decent. But at least the state did not evict people from homes, and even extended basic material infrastructure, actively negotiating the terms of inclusion and recognition. Conversely, in Kazakhstan, the authoritarian regime has cracked down on opposing public opinion, projecting the image of an unassailable state with its strong leader Nazarbayev at the helm.

5.5 Conclusion

At one time, Soviet member states Kazakhstan and Kyrgyzstan shared a similar history and path of development. Even in the early years of independence, their socio-economic and political problems and their nation-building efforts were comparable. However, their development trajectories began to diverge. Kazakh leadership has established a strong authoritarian rule, with Nazarbayev being an irreplaceable president since 1991,²⁹ whereas Kyrgyzstan is now governed by its fifth president, elected in 2018. Unlike Kazakhstan, Kyrgyzstan went through two popular revolts, which put an end to the authoritarian ambitions of the first two presidents. These episodes of unrest have given the Kyrgyzstani people a sense of their transformative power. Although residents of Ak Zhar perceive this power as well, as their statements and actions testify, their overall stance is ambiguous. In their protests, the people of Ak Zhar also showed how much they longed to be considered a part of the state – to be included instead of excluded. The Kyrgyz authorities acquiesced and began to negotiate the concrete terms of recognition and inclusion, searching common ground with Ak Zhar dwellers.

The absence of physical violence towards the dwellers of squatter settlements in Kyrgyzstan, in contrast to the violent confrontations in Kazakhstan, is an important difference. Although both countries once lived under the paternalistic Soviet system, the Kyrgyz state has succeeded in building a more productive relationship with dwellers of illegal settlements – and thereby in committing to central elements of the socialist welfare system, such as the right to housing. From this, one may arrive at the paradoxical conclusion that the more pluralistic post-Soviet societies have, in some way, remained closer to the socialist past than societies ruled by unyielding authoritarianism in the Soviet tradition. In this interpretation, it is the existence of political power-sharing and the

right to free public expression that allowed Kyrgyzstani squatters to exert pressure on the state by invoking the country's socialist past and 'reminding' state authorities of exemplary socialist traditions.

The experience of informal housing in Kazakhstan was very different. After an initial phase of inaction, it was the revolutionary turmoil in Kyrgyzstan that prompted the Kazakh authorities to openly confront squatters and illegal land occupation. This was supposed to bring a return to order and establish the superiority of law above all else in society, but it provoked violent reactions from those affected by eviction and demolition. As the case of the Shanyrak settlement shows, such a confrontation has led to dire consequences: evictions, demolitions, injured law-enforcement officers and even loss of human life. Only afterwards did the Kazakh authorities agree to formalise Shanyrak and provide material as well as social infrastructure, but firmly within a top-down approach. Conversely, in the case of Ondiris, the Astana authorities have exerted psychological violence by refusing the squatters' requests for acknowledgment and for legalisation of the settlement. As such, authoritarianism not only fosters violence, which makes negotiations and consensus difficult or even impossible. Authoritarianism can also constitute (and simultaneously disguise) a clear break from the more laudable achievements of the socialist past by silencing the voices of former Soviet citizens and their nostalgic claim-making. As the case study of Shanyrak shows, this does not exclude the possibility that even authoritarian regimes can eventually make concessions to their citizens – but only after the failure of violence.

Notes

1. Elena Trubina, 'Comparing at What Scale? The Challenge for Comparative Urbanism in Central Asia', in *Emerging Urban Spaces: A Planetary Perspective*, ed. Philipp Horn et al. (Cham: Springer, 2018), 115–16.
2. As of March 2019, Astana is now officially called Nur-Sultan. However, I retain the old name Astana throughout this chapter.
3. Catherine Alexander et al., *Urban Life in Post-Soviet Asia* (London: UCL Press, 2007), 2; cf., for Kyrgyzstan, Philipp Schröder, 'Urban Spaces and Lifestyles in Central Asia and Beyond: An Introduction', *Central Asian Survey* 35, no. 2 (2016): 145–56; cf., for Kazakhstan, Mateusz Laszczkowski, 'Building the Future: Construction, Temporality, and Politics in Astana', *Focaal: Journal of Global and Historical Anthropology* 60 (2011): 77–92.
4. Moya Flynn and Natalya Kosmarskaya, 'Exploring "North" and "South" in Post-Soviet Bishkek: Discourses and Perceptions of Rural-Urban Migration', *Nationalities Papers* 40, no.3 (2012): 453–71; Philipp Schröder, 'Urbanizing Bishkek: Interrelations of Boundaries, Migration, Group Size and Opportunity Structure', *Central Asian Survey* 29, no. 4 (2010): 453–67; Baliyar Sanghera and Elmira Satybaldieva, 'Ethics of Property, Illegal Settlements and the Right to Subsistence', *International Journal of Sociology and Social Policy* 32, no. 1/2 (2012): 96–114.

5. Saulesh Yessenova, “Routes and Roots” of Kazakh Identity: Urban Migration and Postsocialist Kazakhstan’, *The Russian Review* 64, no. 4 (2005): 665.
6. Andrei Grishin, ‘Shanyrak – novyi simvol sotsial’nogo protivostoiania v Kazakhstane’ [Shanyrak – a new symbol of social resistance in Kazakhstan], *Fergana News Agency*, 17 April 2006, last accessed 22 September 2019, <https://www.fergananews.com/article.php?id=4350>.
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28. Kazakhstan's long-time president Nursultan Nazarbayev (surprisingly for many people) resigned from the presidential post on 19 March 2019.
29. After Nazarbayev's sudden resignation on 19 March 2019, Kassym-Zhomart Toqayev acted as the country's interim president. During the June 2019 presidential election, Toqayev was elected the second president of independent Kazakhstan.

6

Squatting activism in Brazil and Spain: Articulations between the right to housing and the right to the city

Clarissa Campos and Miguel A. Martínez

6.1 Introduction

There is an abundance of studies on squatting published over the last two decades.¹ There is little consensus about the boundaries of the subject itself, with different expressions of informal dwelling and urban settlements, illegal occupations of land and buildings, tenure insecurity and substandard housing, and even some aspects of homelessness all falling under the umbrella of squatting. Against this backdrop, we will argue that a) squatting practices, defined as unauthorised occupations of land and buildings, predominantly indicate structural inequalities and injustice deeply rooted in the prevailing housing markets and policies, and b) the more politicised and activist expressions of squatting represent the most explicit challenge to housing oppression.²

This chapter compares specific forms of squatting in two metropolitan areas from the Global South and North, respectively – Belo Horizonte (Brazil) and Madrid (Spain). We elaborate our comparison by taking into account the features of the state and world–regional contexts (Brazil and Spain, on the one hand, and Latin America and Europe, on the other) without limiting ourselves to the first-hand data collected from the two cities. Furthermore, we frame our analysis according to a political economy approach by asking: what can we learn from squatting that may help us understand the mechanisms of oppression and the limits of the capitalist production and governance of cities?³ This does not entail a blunt assumption about the homogeneity of global capitalism – which

would render any comparison unnecessary. Rather, we aim to illuminate how the different varieties of urban neoliberalism are contested by squatting practices and movements in both the Global South and North. This justifies our focus on squatting activism as opposed to examining all the situations involving informal or illegal urbanism. Squatters contest urban inequalities according to different strategies, resources, contextual opportunities and contentious interactions with the authorities and property owners. Prior comparative research has paid only scant attention to all these aspects, and has hardly, if at all, incorporated the squatters' activism into the picture.

As we substantiate here, both land and building occupations are tightly connected by activism, especially in the Brazilian context. This runs counter to the current view of urban squatting worldwide as being characterised by a landscape featuring almost exclusively favelas. We also note that housing injustice under the rule of speculative and financial capitalism motivates squatting actions and claims, but these go beyond the housing question in both Brazil and Spain. Occupied houses, social centres and vacant land at the urban core, as disparate as they may appear, are all driven by grassroots expressions of the 'right to the city'.⁴ Despite the formal attempts to include the right to the city in some legal regulations, squatters' radical politics provides a material manifestation of that right. Finally, by discussing how different policies and negotiations related to squatting occur in each context, we aim to disclose the extent of squatters' empowerment through very demanding and sometimes desperate direct action when housing and cities are subject to powerful capitalist interests. Legalisations of squats and land occupations are quite controversial issues, but it is even more noticeable that they usually remain concealed from public view.

This research is based on data collection and analyses that were conducted independently by each author, except for two weeks of shared fieldwork study in the city of Madrid where we conducted five interviews and eight site visits (in November 2018). Miguel Martínez was engaged in activist ethnography in Madrid, mainly between 2007 and 2013, although he also gathered empirical information by conducting more than one hundred personal interviews and tracking mass media news from other Spanish cities over three decades. Clarissa Campos had been visiting occupations in Belo Horizonte since 2016, and she also conducted 16 interviews with activists from December 2018 to January 2019 and from July to September 2019, in addition to consulting various secondary sources about the movement.⁵

6.2 Brazil: Beyond housing informality in favelas, the right to the city centre

After 21 years of military dictatorship in Brazil (1964–1985), a new constitution was written and came into force during the re-democratisation period. In contrast with a past characterised by state censorship, tortures, murders and arbitrary persecution of individuals and organisations identified as leftists, the 1988 constitution granted fundamental democratic rights and provided legal instruments for their realisation. Housing, in particular, was made a constitutional right for the first time, through an amendment of Article 6 in 2000. Another key novelty was the binding of the right to property to the fulfilment of its social function (mainly Article 5, but also Articles 170, 182, 184, 186). This notion refers to prioritising the general interests before those of individual proprietors, in a fair way. Such a statement implies that unproductive lands and abandoned buildings may contradict their social function. By 2001, all the urban policy instruments called for in the constitution were formally brought together and regulated under the *Estatuto da Cidade* (City Statute, Federal Law 10.257), having as one of its bases the right to the city.⁶

Despite such rights and legal instruments being formally guaranteed, their efficiency is questionable. According to 2015 estimates, the housing deficit in Brazil amounted to 6.4 million households, of which 87.7 per cent were located in urban areas. Leaving aside the housing needs of future generations, the actual deficit affects more than 19 million people (around 10 per cent of the entire population, but probably higher).⁷ At the same time, the number of vacant dwellings reached 7.9 million, 80.3 per cent of which were located in urban areas.⁸ This systemic contradiction prompts one to ask: why is vacancy not used to house the needy?

Property speculation is the obvious answer. Empty units are commodities that must secure the greatest possible profit for their owners. Three decades of neoliberal policies since the recovery of democracy did nothing to alter the hegemony of capitalist interests regardless of the constitutional prescriptions. Even the first progressive government, led by Luiz Inácio Lula da Silva (2003–2006), was known for implementing austerity measures that were lately balanced with more intense anti-poverty and redistributive policies in a favourable context of global economic expansion.⁹ In particular, housing policies were seen as an instrument to soften the aforementioned strains.

For example, the first large-scale public housing construction programme in Brazil, *Minha Casa Minha Vida* – MCMV (My House My Life), launched in 2009, was a move in that direction, but it has also attracted criticism. According to several reports, besides not having reduced the housing deficit, MCMV presents other serious problems.¹⁰ In sum, these are related to 1) low quality of certain buildings (insufficient size of the units and deficient technical–constructive characteristics); 2) the high prices residents have to pay for utilities or other costs they were not expecting to be responsible for; and 3) the peripheral or undesirable location of the housing complexes.¹¹ In fact, the most frequent criticism aimed at MCMV was that many of the dwellings are built in areas far from the city centres, without proper transportation or infrastructure. Under these conditions, people usually do not have adequate access to schools, health facilities, recreation spaces or employment, and sometimes they have difficulty keeping their jobs. Hence, even with a roof over their heads, their right to the city is clearly compromised.

The right to decent housing of the so-called *sem-teto* (roof-less) has been a historical demand of social movements in Brazil, with significant impacts on current urban policies. According to the dominant mass media, the notion of *sem-teto* simply refers to people who are living on the street, or homeless, which differs from their self-perception as members of a squatting movement.¹² The activists of the *sem-teto* movement are generally poor, informal workers in a hyper-precarious situation who are also quite politicised.¹³ One of their most important actions is the occupation of buildings and land (for self-construction) and they should not be confused with the *favelados* (favela residents).¹⁴

In the Brazilian context, the formation of favelas began around the end of the nineteenth century, in part related to the first regulatory urban processes in the country. What social movements call ‘occupations’ are a more recent phenomenon that can be traced back only as far as the 1980s. Although they may occur spontaneously, occupations are usually supported from their inception by collective actors such as social movement organisations, leftist political parties, university groups and so on.¹⁵ Furthermore, most occupations are preceded by a long period of careful preparation. After the squatting action, in no more than a week, the first group of families is able to live in the dwelling and the basic facilities are in use.¹⁶ It is worth noting the frequent occupation of vacant land for self-construction across Brazil, but also the occupation of abandoned buildings albeit in less significant numbers. Against this backdrop Belo Horizonte provides an exemplary case.

6.3 Occupations in Belo Horizonte Metropolitan Region

Belo Horizonte is the capital of the Minas Gerais state, in the south-east region of the country. With more than 2.3 million inhabitants, it is the sixth-largest city in Brazil in terms of population. The *Región Metropolitana de Belo Horizonte* (metropolitan region, known as RMBH) is home to 5.4 million inhabitants as the third-largest urban agglomeration in Brazil.¹⁷

From 1996, through to the first decade of the 2000s, reports point to only seven cases of urban occupations in the metropolitan region, all of which related to housing, and only one in a building.¹⁸ As of 2011, the number of occupations increased, reaching a total of 36 registered cases in 2018, of which three were evicted, and nine were regularised or are currently in the process of gaining some type of legal status or agreement with the local, state or federal authorities. The most recent cases include building occupations for housing, cultural uses, support for women in situations of violence, and other political purposes such as the organisation of talks, campaigns and protests about topics others than squatting. At the same time, they display a crucial spatial pattern of increasing concentration in the central areas of the city, intentionally geared towards better access to urban infrastructure, public services, leisure facilities and so on. According to a recent research report, there were a total of 24 occupations in the RMBH in 2016 (the vast majority being large plots of land), encompassing around 14,000 families, or approximately 55,000 people.¹⁹ A more recent publication²⁰ added a further 10 occupations to the list, to which we can add another two from our own observations.

Among the political collectives that usually support the occupations in RMBH, two in particular stand out: the *Movimento de Luta nos Bairros, Vilas e Favelas* – MLB (Movement of Struggle in Neighborhoods, Villages and Favelas) and the *Brigadas Populares* (Popular Brigades). MLB was founded in 1999, and urban occupations of lands and buildings are its main repertoire of action.²¹ The *Brigadas Populares*, on the other hand, is a militant movement committed to a broader range of causes such as housing, public health, education, transportation, rights of jailed people and other issues. It is active in many Brazilian states and it supports and helps organise several urban occupations.²² Both organisations are very influential in the internal organisational processes of the occupations, the public activities promoted by the squatters, and the cooperative ways in which some occupations interact with each other, especially concerning housing occupations. Even in the case of other types of occupation, formed by more autonomous and independent collectives, the MLB and the *Brigadas Populares* are active participants.

In addition to providing housing for the squatters, the squatted buildings and settlements also hosted public events such as movie sessions, workshops, discussions, music presentations and courses. A communal kitchen and day-care are the main collective spaces set up by the squatters, since these are essential for ensuring adequate access to food and the well-being of the children, while also facilitating interaction between the squatters and the external community.²³ Some activities are free of charge, but many aim to raise money to support the occupations and to contribute to improving the infrastructure of the buildings, along with donations and other fundraising campaigns.

As occupations are considered illegal, and therefore are in constant risk of eviction, the squatters usually seek agreements with owners and with municipal, state or federal authorities, depending on each case. Although this is a predominant feature of the occupations in RMBH, there is no model or standard procedure to be followed. In most cases, 'activist lawyers' give support to the occupations by fighting repossession orders or eviction threats. Activist lawyers are those who, although usually not living in occupations, provide legal advice to the squatters, often free of charge, either individually or organised in collective groups.

As an example, the premises of *Espaço Comum Luiz Estrela*, which offers cultural and political activities, was occupied by a group of artists, activists, educators and cultural producers in October 2013.²⁴ The historic state-owned house is located in *Santa Efigênia*, a central, economically privileged neighbourhood, and had lain abandoned for 19 years before being occupied. After negotiations, the collective became entitled to use the property for a period of 20 years.

A different type of squat is represented by *Kasa Invisível*, also occupied in 2013, by an anarchist collective.²⁵ The house, located in the central area of the city, belongs to a local family, but was abandoned for more than 15 years. *Kasa Invisível*, besides housing some of the participants, aims to be a space for the propagation of radical and anti-authoritarian policies. The collective has been seeking legalisation through the legal instrument of *usucapião* (adverse possession), which grants domain of an urban area or building up to 250 m² to whoever possesses it for housing purposes – uninterrupted and unopposed – for five years.²⁶

Around three years later, in 2016, the *Casa de Referência da Mulher Tina Martins* was created, when the *Movimento de Mulheres Olga Benario* (Olga Benario Women's Movement) occupied a building owned by the Federal University of Minas Gerais in the central region of Belo Horizonte, unused for 10 years.²⁷ The movement intended to shelter women at risk, and to deliver activities in support of violence prevention and female

empowerment and emancipation.²⁸ After the occupation, the collective managed to negotiate with the federal and state governments, securing a two-year agreement on another property in *Funcionários*, a very central and economically privileged neighbourhood. More recently, the agreement with the state government that guaranteed this project would remain on the current property has expired, but the collective continues to develop its activities on the same site as an occupation.

The two most recent housing occupations are *Carolina Maria de Jesus* and *Vicentão*.²⁹ *Carolina* began in September 2017 with the occupation by 200 families of an abandoned building in *Funcionários*, owned by a social security company. After months of negotiations, in June 2018 an agreement was reached with the state government by which the families would receive two plots of land with adequate infrastructure in *Barreiro*, in the peripheral southern region of Belo Horizonte, as well as pecuniary assistance for self-construction. Families wishing to remain in the city centre would be resettled in another building and also receive monetary help. This is a pioneering experience in RMBH and is in the implementation phase. Elsewhere, in January 2018 around 90 families occupied a building in the city centre that had been abandoned four years earlier, the property of a local banker. These squatters, of *Vicentão*, recently signed an agreement with the state government to rent a property in the city-centre area for two years while they await resettlement to state-owned land and self-build their houses.

6.4 Spain: Urban and housing activism revived by the global financial crisis

A democratic regime was recovered in Spain after four decades of dictatorship (1939–1978). The transitional period (roughly, between 1975 and 1979) was stirred by large numbers of workers' strikes and very active urban movements.³⁰ The 1978 constitution granted both the right to 'decent and adequate housing' (Article 47) and the right to private property in accordance with its 'social function' (Article 33). In addition, it explicitly stated that further laws and the regulation of land use should make effective the right to housing, 'avoid speculation' (Article 47) and promote the general interest. Even the right to 'adverse possession' has been kept in the Spanish Civil Code (Articles 1940–42) and could facilitate property titles for squatters if they dwelled for more than 10 (standard procedure) or 30 years (extraordinary procedure), although it is rarely applicable.

In view of that, the occupation of empty land and buildings, which has occurred in various forms since the 1980s, might be seen as a non-institutional tool in the hands of lay citizens to meet the constitutional dispositions. Squatters can always claim that the constitutional principles are on their side. Accordingly, far from simply being labelled anti-capitalist trouble-makers, squatters may be seen as endorsers of the liberal design of the constitution. Above all, this implies that private property is respected as far as it is in use according to the general interest. Only disused properties are taken over by squatters.

Informal housing takes place against the backdrop of a lack of sufficient social housing and welfare policies related to housing. Most of Spain's 'social housing' programmes consist of financial subsidies for purchasing a home. Housing policies have hardly promoted state-owned and affordable rental options at all. During the Francoist regime, there was an explicit attempt to promote home ownership, and further democratic governments consistently undermined the housing stock owned by the state, which was meant to mitigate poverty and housing exclusion. 'Social (rented) housing in Spain represents a mere 2% of the total housing stock (the EU-15 average is 11.7%).'³¹ Even with a steady and intense construction pace, housing needs are hardly met. Remarkably, speculative vacancy affects not only old houses but also new ones, which are mainly bought by transnational investors. The vacancy rate in Spain is currently estimated (based on 2011 figures) at between 14 per cent and 28 per cent; absolute numbers are between 3.5 and 7.1 million dwellings.³²

Despite more than 22 years of various social-democratic central governments since 1978, increasing privatisations of all kinds of public assets, the rise of financial indebtedness, worsening labour conditions (especially for the young, women and immigrants) and austerity policies with substantial cutbacks in health and education all led the country into a massive crisis after 2008, with the housing question at its core.³³ Housing evictions, in particular, amounted to a yearly average of 80,000 between 2009 and 2015.³⁴

Most people on a low income – who are usually young, immigrants (non-European Union citizens), female single parents, workers with casual or badly paid jobs and unemployed people – cannot make ends meet. Housing prices are higher in cities and demand more than 40 per cent of people's income to cover rentals or mortgage loans.³⁵ For those who cannot enter or remain in the housing market, the only available options are to live with their parents as long as possible, sit on the waiting lists for social housing, live in overcrowded conditions, pay high rents for temporary and substandard accommodation, sleep rough, live in

squatted settlements or occupy abandoned premises. No official figure for 'housing exclusion' is provided by the government, but some studies have concluded that 1.7 per cent out of the Spanish population (46.5 million) were subject to 'severe housing deprivation', 5.4 per cent lived in overcrowded households, and 5.2 per cent were in mortgage or rent arrears by 2016.³⁶ These data encompass a current housing deficit affecting at least 2.5 million people (or 1 million households) in Spain.

There are various forms of unauthorised housing in Spain. In past centuries, squatters' settlements on the outskirts of cities were the last resort for the gypsy population, who suffered persistent racism, marginalisation and social exclusion. Nowadays, most of the Spanish nationals belonging to the Roma ethnicity do not live in land occupations or shacks, but a significant proportion still occupy buildings without the permission of the owners.³⁷ The industrialisation waves in different historical periods also fuelled unauthorised settlements of self-built houses in the peripheral parts of the main cities, especially with the intensive rural out-migration of the 1950s and 1960s in the decades after the devastation left behind by the so-called 'civil war' (in fact, a military coup against the democratic Republican government). Since the late 1980s, both housing authorities and grassroots movements have endeavoured to eradicate such constructions and relocate dwellers to state-subsidised housing, which, in general, has proved a very effective policy. One of the most salient operations, which involved newly built constructions for around 40,000 household units in previously informal settlements, took place in Madrid during the 1980s after an exemplary bottom-up mobilisation of working-class neighbourhood-based organisations – with outstanding participation of women as leaders and activists in higher proportions than other social movements.³⁸

Informal housing in Spain also takes the form of scattered and usually hidden land occupations related to the large flow of international migration experienced since the mid-1990s. Immigrants from Morocco and Romania (and Roma people from Eastern Europe, in particular) became prone to end up living in informal encampments. Apart from some religious organisations and NGOs that helped them mediate with specialised state agencies, there have been almost no politicised, autonomous struggles launched by these dwellers since the 1970s.

Unauthorised occupations of empty buildings for housing purposes represent a different phenomenon, and usually happen in a stealth operation. This condition of invisibility has rendered it difficult to measure. Since it became part of the political and media agenda after 2008, some attempts to collect data from different official sources have suggested a

figure of around 90,000 occupied houses all over Spain. Recently, mass media and conservative politicians have been very active in promoting a negative image of housing occupations by stigmatising migrants and poor people who have squatted,³⁹ and by spreading ‘moral panic’ by deliberately focusing on very exceptional cases of drug trafficking, nuisance caused to neighbours, occupations of non-fully-abandoned properties and instances of violence.

Squatting buildings in the context of activism (as part of the *movimiento okupa*) has also occurred in most Spanish cities since the mid-1980s. It was originally fuelled by young people with a leftwing–libertarian approach, who combined housing and social centres to promote countercultural activities and autonomous initiatives of various social movements. Urban squatters’ movements grew and vehemently criticised urban speculation and the shortcomings of housing policies, but they were also among the first to oppose global neoliberalism, even before the 2000s.⁴⁰ These squats have been few in number,⁴¹ but, together, they have been very significant in terms of their persistence as an urban movement over the last four decades and as a durable infrastructure for autonomous politics at large. Although criminal persecution of squatting (usurpation) came into force in 1995, the movement did not decline.

More recently, a new housing movement has risen up since 2011 around the large anti-austerity mobilisations, known as the 15M movement or the *Indignados* movement. The main organising collective, known as the PAH (Platform for People Affected by Mortgages), contributed to politicise housing occupations, too. Despite not being their main tactic of protest, they launched a campaign (*Obra Social*) that is meant to have rehoused more than 3,000 people in squatted buildings mostly owned by banks. The media attention given to this kind of activism was initially less negative compared to that of more radical squatting or *okupa* movements and the aforementioned phenomena of marginality and criminality associated with squats. Notwithstanding, its coverage was very superficial and shifted to other topics once the most extreme consequences of the global financial crisis were apparently overcome in around 2015.⁴²

6.5 Squatting movements in Madrid

Madrid is Spain’s capital city with a population of 3.2 million; it is part of a larger metropolitan region encompassing more than 6.5 million inhabitants. During the 1990s and 2000s this urban agglomeration also became a global hub for transnational trade, investment and tourism.⁴³

Given the secret nature of most squatted places with the exclusive goal of providing shelter, only squatted social centres (many of which also house people or are closely connected to housing squats) have been historically recorded: 155 cases from 1977 to 2016.⁴⁴ Around 50 per cent of these were located in the city centre, 30 per cent in the peripheral neighbourhoods of the Madrid municipality (still very well connected with the centre due to an efficient public transit system) and 20 per cent were distributed among the other metropolitan municipalities.⁴⁵ A very decentralised and informal network of activism was created among the different autonomous groups over the years. The few attempts to set up formal structures of coordination were short-lived. However, this squatting movement remained fairly vibrant despite evictions and a fast rate of new recruits and withdrawals.

An important turning point was the 2008 global financial crisis, which sparked a massive occupation of houses, especially in Madrid and other metropolitan areas. Organisations such as the PAH and activist groups from the squatting movement (for instance, the *Oficina de Okupación* or Squatting Office) delivered workshops, legal assistance and textbooks to help people to squat. However, the estimate of 16,000 housing occupations between 2014 and 2015 indicates that most cases fell outside their activist influence,⁴⁶ albeit not necessarily without political motivation. The 2011 *Indignados* movement gave birth to manifold local assemblies, which, in turn, created housing groups. Ultimately, these became leading members of the *Coordinadora de Vivienda* and followed the strategic vision set by the PAH. At least nine full buildings were occupied by PAH groups in Madrid up to 2017. These actions were public – explicit banners hung from their windows and balconies. The PAH activists also helped people to squat in dozens of individual apartments whose owners were banks and big property developers.⁴⁷

The main difference between the long-standing squatters' movement, mainly focused on the self-management of social centres, and the post-crisis housing movement led by the PAH is their approach to the legalisation issue. The former rarely made agreements with the local authorities or the private owners to remain in the buildings. Only a few cases of legalisation of squatted social centres occurred. In general, radical opposition and resistance prevailed among squatters linked to leftwing-libertarian social centres, although more internal fragmentation related to this issue was experienced after the upsurge of squats in 2011.⁴⁸ In fact, we visited two cases of recently legalised self-managed social centres (*Espacio Vecinal Arganzuela* and *La Salamandra*) in which, as we found out, some activists were former squatters too. A more

centrally located squat seeking a legal agreement with the municipality is *La Ingobernable*, although there have been more tensions than explicit negotiations to date.⁴⁹ In other ongoing squatted social centres with whom we also had contacts – *EKO*, *La Dragona* and *La Enredadera* – they had no interest in approaching the local government, but at least in one case there were prior informal agreements with a private owner.

By contrast, the PAH took a clear stance in favour of legalisation of squats from the very beginning. It called for affordable rental accommodation provided by either state institutions or bailed-out financial firms, even if this involved moving out from the squat: ‘We defend squatting as an emergency measure and a political strategy, not as a final solution.’⁵⁰ Affordability means here a rental cost of up to 30 per cent of the household income, which is close to zero for those homeless and unemployed. Therefore, PAH activists became regularly engaged in negotiations with banks, private owners and politicians to find housing solutions for each individual or family at risk of eviction. Meanwhile, squatting represented a tool to immediately house those in need but also to empower people during the negotiations to secure legal agreements and political concessions. The unaffordable rent increases that occurred over the last four years of economic *recovery* gave birth to a new wave of activism around the *Sindicato de Inquilinas/os* (Tenants’ Union), which also called for the self-occupation of apartments by tenants threatened with eviction if negotiations did not bear fruit.

6.6 Conclusions

Brazil and Spain share important constitutional principles and regulations that could mitigate the rule of capital in the housing markets as well as the profit-making implications of many urban policies. In particular, we have identified: the social function of private property; the right to adequate housing; a public mandate to impede property speculation; and state powers for exercising requisition and granting adverse possession. Both countries left behind dictatorial regimes that had almost entirely suppressed social activism and protest movements over several decades, albeit these flourished impressively during the transitional and democratic periods that followed. However, by then, both Brazil and Spain had already advanced their integration in the global economy, but starting from different peripheral positions and historical trajectories – more dependent and post-colonial in the case of Brazil before joining the emergent group of BRICS,⁵¹ and, in the case of Spain a former colonial power

that became part of the European Union and expanded its own multinational corporations (formerly state-owned companies), especially in Latin America.

Significant periods of economic growth in the two countries did nothing to placate the housing question, though. The number of housing exclusions and vacancy rates presented here reveals the magnitude of the societal problems at play. This means, in our interpretation, that governments are more prone to meet the needs of global capital than those of grassroots movements and the most deprived parts of the population. According to our analysis, constitutional dispositions are useless if housing speculation is rampant, the inflation of housing prices has no public control, vacancy is not subject to state scrutiny and regulation, large social groups cannot afford access to a decent home, and there is insufficient social housing provision. These circumstances, in turn, are the key drivers of unauthorised occupations.

We thus contend that squatting activism crucially challenges these tensions of the political economy of both countries, which represents a form of mobilisation that is more common to both than it might appear at first glance. Squatting activism is fairly limited in terms of its capacity to mobilise large parts of the population and to extend its main protest action. Notwithstanding, we have observed that it holds a great capacity to reveal the contradictions and mechanisms of urban speculation within the (neo) liberal regimes of both countries. These struggles are particularly efficient at disclosing how the construction of new housing units is not, in practice, intended to honour basic constitutional rights. This scenario of housing injustice is the main motivation of the squatting movements, which frequently justify their actions based on the social function that should be assigned to vacant properties – idle plots and empty buildings included.

A second noticeable feature shared by the squatting movements in Brazil and Spain is their politicisation. Quite apart from favelas and their extensive historical roots, urban land occupations in Brazilian cities are efficiently organised and capable of securing political support from numerous local networks. While the majority of these occupations take place in peripheral neighbourhoods, are swiftly self-built and make claims for state provision of decent housing, some are located in the city centre, on empty land or in buildings left abandoned for several years. Among the latter, there are squats for meeting housing needs as well as developing social centres. In Belo Horizonte, leftist organisations and movements such as the MLB and the *Brigadas Populares* are engaged in the internal organisation of the occupations for housing and also contribute to strengthening links with other groups and grassroots campaigns.

In Spain, there are also unauthorised occupations of empty land within the boundaries of the consolidated city, but these are only used for setting up community gardens and meeting places, which can easily scale up to strong and politicised networks of activists.⁵² Land occupations to meet housing needs occasionally pop up in peripheral spots of the main cities and host mainly Roma people from Eastern Europe and Portugal, or immigrants from Morocco. However, they are seldom autonomously struggling for their right to adequate housing, and it is the charitable work of some NGOs that provides support for their claims and relocation into formal (state-subsidised) accommodation. In contrast, the squatting of buildings is a well-established practice in Spain. In terms of activism, squatters' movements had their strongholds in the self-managed and squatted social centres, while housing was more a political concern of their discursive framing than the visible side of their actual struggles. Despite the occupation of houses also being widespread, especially after the 2008 crisis, most cases remained away from the public eye. It was due to the consolidation of the PAH and the new housing movement (including the Tenants' Unions in Madrid and Barcelona) that many cases were explicitly publicised and deeply politicised, along with other specific claims regarding housing policies and legislation. Housing activists, including many with a background in previous squatting movements, confronted politicians across the whole ideological spectrum in a bid to change outdated laws and to effectively grant the right to housing.

A third crucial observation is that the right to housing and the right to the city are intimately connected, according to the experiences of squatting activism in Brazil and Spain. The spatial struggle to appropriate the city centre by all these squatting movements indicates that there is no fulfilment of the right to housing without an urban environment serviced by adequate infrastructure and transportation, public facilities such as schools and health centres, and leisure and job opportunities. Living in isolated and badly built peripheries opposes that basic principle. Squatters in both countries are aware of this and explicitly call for social visibility, political recognition and a broad right to be included in the city, which necessarily implies the occupation of the central areas whenever possible. This is the pattern followed by at least half of the squatted social centres in Madrid, and it has also been a clear trend in Belo Horizonte over the last decade. When the squats and even land occupations are open to organising public activities, such as cultural events and various political campaigns, this move is not only an instrumental tactic to gain public support and debunk the stigmatised image that mass media create about squatters. It is also a material self-management of everything

that is available from the common wealth (and its wasted and disused resources as well) that is not easy for the most deprived citizens and inhabitants to access and enjoy (especially when this collective includes immigrants without formal citizenship status). In other words, the articulation of the right to housing and the right to the city through urban squatting activism challenges the unjust privileges of the elites and the affluent citizens.

Finally, the relationship between squatters and state authorities shows a range of strategic actions related to the legalisation of occupied land and buildings. Sometimes, the support of the local community plays a decisive role in protecting squatters from being violently expelled from their venues and settlements. In both Brazil and Spain, the act of occupying buildings and land is unlawful (and also a criminal offence in Spain), albeit every case must be accurately documented with firm evidence and often with litigation in court. As a consequence, squats and land occupations are constantly threatened with eviction. In the case of Belo Horizonte, despite the fact that most occupations seek some kind of legal agreement, no standard procedure is followed. It is 'activist lawyers' who provide emergency assistance when eviction threats are imminent. In some situations, when it is possible to reach medium- to long-term agreements, the deals that can be struck vary both in time and content. The legalisation of squats often meant the displacement of the families from the city centre, back to self-construction on lands made available by the local government (as in the cases of *Carolina* and *Vicentão* in Belo Horizonte). Surprisingly, these agreements usually include financial and technical support from the government.

In Madrid, by contrast, legal agreements were not desirable for most politicised activists from the 'social centres' scene. But there were some exceptions to this trend, and six cases, at least, were legalised. For squatters with an anarchist viewpoint, the legalisation of a squat was considered inconsistent with their criticism of private property and the capitalist commodification of cities and houses alike. A plea for the autonomy of the squatting projects was also part of their refusal to negotiate with the local authorities. However, when buildings were occupied primarily for housing purposes, most activists sought legal agreements with both their public and private counterparts (the authorities and owners, respectively). More than an aspiration to achieve a secured private property for the squatters, they usually strove for fair and sufficient allocation of social housing and affordable rented dwellings. The legalisation of the squats was only one among other possibilities to meet the housing needs of squatters. Although the PAH sometimes succeeded when it negotiated

'social rentals' across Spain, these were seldom achieved in the metropolitan area of Madrid. Therefore, squatting activism was a self-help last resort for those evicted from their previous homes and experiencing the combined hardships of housing exclusion, unemployment, precariousness and poverty.

Notes

1. See, for example, Claudio Cattaneo and Miguel A. Martínez, eds, *The Squatters' Movement in Europe: Commons and Autonomy as Alternatives to Capitalism* (London: Pluto Press, 2014); Miguel A. Martínez López, ed., *The Urban Politics of Squatters' Movements* (New York: Palgrave Macmillan, 2018); Thomas Aguilera and Alan Smart, 'Squatting, North, South and Turnabout: A Dialogue Comparing Illegal Housing Research', in *Public Goods versus Economic Interests: Global Perspectives on the History of Squatting*, ed. Freia Anders and Alexander Sedlmaier, (New York: Routledge, 2017), 29–55; Ngai Ming Yip et al., eds, *Contested Cities and Urban Activism* (Singapore: Palgrave Macmillan, 2019).
2. David Madden and Peter Marcuse, *In Defense of Housing: The Politics of Crisis* (London: Verso, 2016).
3. Claudio Cattaneo and Miguel A. Martínez, eds, *The Squatters' Movement in Europe: Commons and Autonomy as Alternatives to Capitalism* (London: Pluto Press, 2014).
4. Neil Brenner et al., eds, *Cities for People, Not for Profit: Critical Urban Theory and the Right to the City* (London: Routledge, 2012); Don Mitchell, *The Right to the City: Social Justice and the Fight for Public Space* (New York: Guilford Press, 2003).
5. Clarissa Campos received a scholarship from the CAPES Foundation, an agency under the Ministry of Education of Brazil, to conduct part of her doctoral research as a Visiting Student at Uppsala University; PDSE programme, process n° 88881.189843/2018-01. Miguel A. Martínez's study was supported by a grant from the Research Grants Council of the Hong Kong Special Administrative Region, China (project number 11612016-CityU). Both authors also participate in the STINT–CAPES-funded project BR2018-8011 'Urban struggles for the right to the city and urban commons in Brazil and Europe'.
6. Raquel Rolnik, 'Ten Years of the City Statute in Brazil: from the Struggle for Urban Reform to the World Cup Cities', *International Journal of Urban Sustainable Development* 5, no. 1 (2013): 54–64.
7. The housing deficit encompasses the dwellings without conditions to be inhabited due to the precariousness of the constructions or wear of the physical structure, which therefore must be replaced. It also includes the need to increase the stock, due to forced family cohabitation (families aspiring to live in their own detached home), low-income residents finding it difficult to pay the rent in urban areas, and those living in rented houses and apartments with high density. Finally, it includes housing in non-residential premises. Fundação João Pinheiro, Diretoria de Estatística e Informações, *Déficit habitacional no Brasil 2015* (Belo Horizonte: FJP, 2018), last accessed 3 October 2019, <http://www.fjp.mg.gov.br/index.php/produtos-e-servicos1/2742-deficit-habitacional-no-brasil-3>. The official deficit of 9.3 per cent includes both 'permanent and improvised dwellings'. However, the category 'improvised dwellings' includes 'all places without residential permit and used as alternative accommodation (such as commercial premises, shacks under bridges, cars, boats, caves, etc.)' (ibid.: 21). If we exclude these 'improvised dwellings' from the official statistics, the actual deficit would certainly be much higher.
8. Officially, the vacancy rate is 11.6 per cent, but it is again calculated by including the awkward category 'improvised dwellings': Fundação João Pinheiro, Diretoria de Estatística e Informações, *Déficit habitacional no Brasil 2015* (Belo Horizonte: FJP, 2018), last accessed 3 October 2019, <http://www.fjp.mg.gov.br/index.php/produtos-e-servicos1/2742-deficit-habitacional-no-brasil-3>.
9. Emir Sader, ed., *Lula y Dilma: Diez años de gobiernos posneoliberales en Brasil* (Madrid: Traficantes de Sueños, 2014). The decrease of the poverty rate in Brazil over one decade was

- stunning and also unprecedented historically: from 28 per cent in 2003 to 13 per cent in 2011. Nelson Barbosa, 'Diez años de política económica', in *Lula y Dilma: Diez años de gobiernos pos-neoliberales en Brasil*, ed. Emir Sader (Madrid: Traficantes de Sueños, 2014), 115–16.
10. Alessandra Duarte and Carolina Benevides, 'Without Transportation for Minha Casa Minha Vida', *RioOnWatch*, 8 January 2013, last accessed 3 October 2019, <http://www.rioonwatch.org/?p=6527>; Meg Healy, 'Minha Casa Minha Vida: An Overview of New Public Housing in Rio', *RioOnWatch*, 5 June 2014, last accessed 3 October 2019, <http://www.rioonwatch.org/?p=14887>; Bruce Douglas, 'Brazil officials evict families from homes ahead of 2016 Olympic Games', *The Guardian*, 28 October 2015, last accessed 3 October 2019, <https://bit.ly/2DIsR9j>; Luã Marinatto, Rafael Soares, 'Autoridades não fiscalizam se moradores de condomínios do "Minha casa, minha vida" foram beneficiados pelo programa', *Extra*, 11 February 2015, last accessed 3 October 2019, <https://glo.bo/2CnFl3C>; David Robertson, 'Housing Policy Lessons from Rio's Favelas Part 4: Public Housing', *RioOnWatch*, 22 November 2016, last accessed 3 October 2019, <http://www.rioonwatch.org/?p=33036>.
 11. Melissa Fernández Arrigoitia, 'Unsettling Resettlements: Community, Belonging and Livelihood in Rio de Janeiro's *Minha Casa Minha Vida*', in *Geographies of Forced Eviction: Dispossession, Violence, Resistance*, ed. Katherine Brickel et al. (London: Palgrave Macmillan, 2017): 71–96.
 12. Marcelo Lopes de Souza, 'Together with the State, Despite the State, Against the State: Social Movements as "Critical Urban Planning" Agents', *City* 10, no. 3 (2006): 327–42.
 13. Marcelo Lopes de Souza, 'Together with the State, Despite the State, Against the State: Social Movements as "Critical Urban Planning" Agents', *City* 10, no. 3 (2006): 327–42. See also the most recent publication by the MTST: <http://autonomialiteraria.com.br/loja/livro-movimento/mtst-20-anos-de-historia-luta-organizacao-e-esperanca-nas-periferias-do-brasil>, last accessed 3 October 2019, and a commentary by Raquel Rolnik: 'Em tempos de ascensão do conservadorismo, o livro do MTST é um alento e uma esperança', *Autonomia Literária*, 29 January 2018, last accessed 3 October 2019, <https://autonomialiteraria.com.br/raquel-rolnik-em-tempos-de-ascensao-do-conservadorismo-o-livro-do-mtst-e-um-alento-e-uma-esperanca>. In particular, it is worth noting their own framing of goals which echoes the claim of 'agrarian reform' by the MST (Movimento Sem Terra): 'We affirm that the MTST is not a housing movement. We struggle for housing, but we understand that this struggle is part of a greater struggle for decent living conditions. This is where our proposal for an Urban Reform comes in. We advocate a profound transformation in the way cities are organised' ('As linhas políticas do MTST', *MTST.org*, last accessed 3 October 2019, <https://www.mtst.org/quem-somos/as-linhas-politicas-do-mtst>).
 14. Marcelo Lopes de Souza, 'Together with the State, Despite the State, Against the State: Social Movements as "Critical Urban Planning" Agents', *City* 10, no. 3 (2006): 327–42. 'Favelado (masc.) or favelada (fem.) refers to a person who lives in a favela (or slum, in a direct translation to English, although it would be more appropriate to designate favelas as historically long-lasting consolidated informal and squatter settlements, not necessarily under extreme living conditions, especially after the implementation of some state programmes of favela upgrading)', Janice Perlman, *Favela: Four Decades of Living on the Edge in Rio de Janeiro* (New York: Oxford University, 2011).
 15. Camila Diniz Bastos et al., 'Entre o espaço abstrato e o espaço diferencial: ocupações urbanas em Belo Horizonte', *Revista Brasileira de Estudos Urbanos e Regionais* 19, no. 2 (2017), 251–66.
 16. Camila Diniz Bastos et al., 'Entre o espaço abstrato e o espaço diferencial: ocupações urbanas em Belo Horizonte', *Revista Brasileira de Estudos Urbanos e Regionais* 19, no. 2 (2017), 251–66.
 17. Governor of the State of Minas Gerais, *Lei Complementar 89, de 12 de janeiro de 2006*, last accessed 3 October 2019, <http://fnembrasil.org/wp-content/uploads/2017/10/RM-BH-Lei-Complementar89.pdf>; Instituto Brasileiro de Geografia e Estatística, 'Sinopse do Senso Demográfico 2010', last accessed 3 October 2019, https://www2.ibge.gov.br/home/estatistica/populacao/censo2010/sinopse/sinopse_tab_rm_zip.shtm.
 18. Rafael Reis Bittencourt et al., *Ocupações urbanas na Região Metropolitana de Belo Horizonte* (Belo Horizonte: PRAXIS, 2016), last accessed 3 October 2019, <https://issuu.com/praxisufmg/docs/relato-ocupa-jun2016>; Camila Diniz Bastos et al., 'Entre o espaço abstrato e o espaço diferencial: ocupações urbanas em Belo Horizonte', *Revista Brasileira de Estudos Urbanos e Regionais* 19, no. 2 (2017), 251–66.
 19. Rafael Reis Bittencourt et al., *Ocupações urbanas na Região Metropolitana de Belo Horizonte* (Belo Horizonte: PRAXIS, 2016), last accessed 3 October 2019, <https://issuu.com/praxisufmg/docs/relato-ocupa-jun2016>.

20. Camila Diniz Bastos et al., 'Entre o espaço abstrato e o espaço diferencial: ocupações urbanas em Belo Horizonte', *Revista Brasileira de Estudos Urbanos e Regionais* 19, no. 2 (2017), 251–66.
21. Movimento de Luta nos Bairros, Vilas e Favelas, last accessed 3 October 2019, <https://www.mlbbrazil.org>.
22. Brigadas Populares, last accessed 3 October 2019, <https://brigadaspopulares.org.br>.
23. Camila Diniz Bastos et al., 'Entre o espaço abstrato e o espaço diferencial: ocupações urbanas em Belo Horizonte', *Revista Brasileira de Estudos Urbanos e Regionais* 19, no. 2 (2017), 251–66.
24. Espaço Comum Luiz Estrela, Facebook, last accessed 3 October 2019, <https://www.facebook.com/espacoluizestrela>.
25. Kasa Invisível, Facebook, last accessed 3 October 2019, <https://www.facebook.com/kasainvisivel>.
26. Government of Brazil, *Lei 10.257, de 10 de julho de 2001*, last accessed 3 October 2019, http://www.planalto.gov.br/ccivil_03/Leis/LEIS_2001/L10257.htm.
27. Casa de Referência da Mulher Tina Martins, Facebook, last accessed 3 October 2019, <https://www.facebook.com/casatinamartins>.
28. Camila Diniz Bastos et al., 'Entre o espaço abstrato e o espaço diferencial: ocupações urbanas em Belo Horizonte', *Revista Brasileira de Estudos Urbanos e Regionais* 19, no. 2 (2017), 251–66.
29. Carolina Maria de Jesus, Facebook, last accessed 3 October 2019, <https://www.facebook.com/ocupacaocarolinamariadejesus>; Vicentão, Facebook, last accessed 3 October 2019, <https://www.facebook.com/OcupacaoVicentao>.
30. Manuel Castells, *The City and the Grassroots: A Cross-Cultural Theory of Urban Social Movements* (Berkeley: University of California Press, 1983).
31. Núria Lambea Llop, 'Social Housing Management Models in Spain', *Revista catalana de dret públic* 52 (2016): 115–28; Kathleen Scanlon et al., eds, *Social Housing in Europe* (Chichester: Wiley Blackwell, 2014).
32. In particular, 3.5 million completely vacant houses (13.6 per cent out of the total stock) was the last official figure provided by the government in 2011. The rate was even higher in 1991 (15.4 per cent). However, if we add 'secondary homes' (only partially used, if occupied at all) to the statistics, we end up with a striking figure of 7.1 million of dwellings (28.3 per cent out of the total stock) in 2011, which has slightly decreased to 6.6 million (25.5 per cent) by the end of 2016. More than 2.7 million are estimated to be under construction since 2011, which would add to the 'selling stock' of new houses (also vacant). Ministerio de Fomento, Gobierno de España, *Observatorio de vivienda y suelo. Boletín Anual 2017* (2018), p. 90, last accessed 3 October 2019, <https://apps.fomento.gob.es/CVP/handlers/pdfhandler.ashx?id-pub=BAW053>. In contrast, vacancy rates in other European countries were, for example, 1.5 per cent in The Netherlands, 1.7 per cent in Sweden, 5.3 per cent in Denmark, 7.3 per cent in France and 8 per cent in Germany. Observatorio de la Sostenibilidad, *25 años urbanizando España* (2015), last accessed 4 January 2019, <https://www.observatoriosostenibilidad.com/downloads/25-anos-de-urbanizacion-en-madrid/>.
33. Isidro López and Emmanuel Rodríguez, 'The Spanish Model', *New Left Review* 69 (2011): 5–28. Both poverty and unemployment rates reached their highest peaks in the years after the global financial crisis hit the country hard, although they have slightly decreased since then. 'Over one-quarter (26.6 percent) of the Spanish population is at risk of poverty or social exclusion as of 2017 ... This number has fallen from a peak of 29.4 percent in 2014 ... Nearly 40 percent of Spain's youth labour force was unemployed in 2017. This number is compared to a 9.2 percent in the Euro Area' ('Top Facts about Poverty in Spain, *The Borgen Project*, 2 August 2018, last accessed 3 October 2019, <https://borgenproject.org/facts-about-poverty-in-spain>). See also: Eurostat, 'People at risk of poverty or social exclusion', last accessed 3 October 2019, https://ec.europa.eu/eurostat/tgm/refreshTableAction.do?sessionId=xZzoFVWuW-GaVuU70bBMxYlxWkLPmz6oQY0TcwLJMg8yeh9Kp9yXl-1122435148?tab=table&plugin=1&pcode=t2020_50&language=en.
34. EAPN, *Informe de posición sobre vivienda* (Madrid: European Anti-Poverty Network, 2017), last accessed 3 October 2019, https://www.eapn.es/ARCHIVO/documentos/documentos/1493214158_informe_vivienda.pdf. Exact figures from different sources are also gathered by Miguel Martínez López, 'Bitter Wins or a Long-Distance Race? Social and Political Outcomes of the Spanish Housing Movement', *Housing Studies* (2018): 20, note 8.
35. 'Housing overburden costs' representing more than 40 per cent of the disposable income applied, at least, to 10 per cent of the Spanish population by 2016. Eurostat, 'Estadísticas sobre vivienda', last accessed 3 October 2019, https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Housing_statistics/es#Asequibilidad_de_la_vivienda.

36. FEANTSA and Abbé Pierre Foundation, *Third Overview of Housing Exclusion in Europe* (Brussels and Paris: FEANTSA and Abbé Pierre Foundation, 2018), last accessed 3 October 2019, https://www.divosa.nl/sites/default/files/nieuwsbericht_bestanden/3rd_overview_housing_exclusion_eu_2018_gb.pdf.
37. A recent study about the housing situation of the Spanish gypsy population (estimated to be 520,000 people) identified 2,273 households in 'asentamientos chabolistas' (squatted settlements), which represents a 2.2 per cent out of the total gypsy population. Almost a double percentage is assigned for squatted buildings: 4.5 per cent (around 5,000 households). In addition, substandard living (8.6 per cent), overcrowding (8.9 per cent) and spatial segregation (3 per cent) were also found as features of their general housing exclusion. Ministerio de Sanidad, Gobierno de España. *Estudio-Mapa sobre Vivienda y Población Gitana, 2015* (Gobierno de España, 2016), last accessed 3 October 2019, <https://www.msbs.gob.es/ssi/familiasInfancia/PoblacionGitana/docs/ResumenEjecutivoEstudioViviendaPG2015.pdf>.
38. Manuel Castells, *The City and the Grassroots: A Cross-Cultural Theory of Urban Social Movements* (Berkeley: University of California Press, 1983); Tomás Villasanté et al. *Retrato de chabolista con piso: Análisis de redes sociales en la remodelación de barrios de Madrid* (Madrid: IVIMA-SGV-Alfoz, 1989), last accessed 3 October 2019, http://oa.upm.es/14695/2/Retrato_de_chabolista_con_piso_2.pdf; Victor Renes, 'Las remodelaciones de los barrios de Madrid: Memoria de una lucha vecinal', in *Memoria ciudadana y movimiento vecinal: Madrid, 1968–2008*, ed. Vicente Pérez Quintana and Pablo Sánchez León (Madrid: Los Libros de la Catarata, 2008): 148–171. 16 per cent of the Madrid population lived in squatted settlements by 1950, which decreased to 3,000 households by 2010, mostly concentrated in one single area (La Cañada Real): Thomas Aguilera, *Gouverner les illégalismes urbains. Les politiques publiques face aux squats et aux bidonvilles dans les régions de Paris et de Madrid* (Paris: Daloz, 2017): 75–81. Between 1998 and 2014, the IRIS authorities relocated 10,000 people in 2,185 houses who formerly lived in 110 squatted settlements in Madrid: 'La historia de éxito del IRIS: 110 poblados chabolistas eliminados y 10.000 realojos en 15 años', *Madrid Actual Comunidad*, 22 October 2014, last accessed 3 October 2019, <https://www.madridactual.es/654608-la-historia-de-exito-del-iris-110-poblados-chabolistas-eliminados-y-10-000-realojos-en-15-anos>.
39. Miguel A. Martínez López, 'Squatters and Migrants in Madrid: Interactions, Contexts and Cycles', *Urban Studies* 54, no. 11 (2017): 2472–89.
40. Miguel A. Martínez, 'The Squatters' Movement: Urban Counterculture and Alter-Globalization Dynamics', *South European Society & Politics* 12, no. 3 (2007): 379–98; Robert González et al., 'Autogestión de equipamientos y espacios urbanos: los centros sociales okupados y autogestionados', in *Movimientos sociales y derecho a la ciudad: Creadoras de democracia radical*, ed. Pedro Ibarra Güell et al. (Barcelona: Icaria, 2018), 88–102; Miguel A. Martínez López, ed., *The Urban Politics of Squatters' Movements* (New York: Palgrave Macmillan, 2018).
41. Squatted social centres in Madrid, Seville and Barcelona were the most exhaustively recorded: Miguel A. Martínez López, ed., *The Urban Politics of Squatters' Movements* (New York: Palgrave Macmillan, 2018).
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43. Miguel A. Martínez López, 'Social-Spatial Structures and Protest Cycles of Squatted Social Centres in Madrid', in *The Urban Politics of Squatters' Movements*, ed. Miguel A. Martínez López (New York: Palgrave Macmillan, 2018), 25–49.
44. Miguel A. Martínez López, 'Social-Spatial Structures and Protest Cycles of Squatted Social Centres in Madrid', in *The Urban Politics of Squatters' Movements*, ed. Miguel A. Martínez López (New York: Palgrave Macmillan, 2018), 38.
45. Coordinadora de Vivienda de la Comunidad de Madrid, *La vivienda no es delito* (Barcelona: El Viejo Topo, 2017), 55, based on judicial figures. A governmental report identified 1,398 cases of housing occupations in the Madrid metropolitan region by 2016: *ibid.*, 147.
46. Coordinadora de Vivienda de la Comunidad de Madrid, *La vivienda no es delito* (Barcelona: El Viejo Topo, 2017), 192.

47. Miguel Martínez López, 'Bitter Wins or a Long-Distance Race? Social and Political Outcomes of the Spanish Housing Movement', *Housing Studies* (2018): 20, note 8.
48. Coordinadora de Vivienda de la Comunidad de Madrid, *La vivienda no es delito* (Barcelona: El Viejo Topo, 2017), 195.
49. La Ingobernable, last accessed 3 October 2019, <https://ingobernable.net>.
50. Coordinadora de Vivienda de la Comunidad de Madrid, *La vivienda no es delito* (Barcelona: El Viejo Topo, 2017), 195.
51. Brazil, Russia, India, China and South Africa. This international coalition was formed in 2009 and all the countries are members of the G20 association that encompasses 19 countries and the European Union, accounting for 90 per cent of the GWP (Gross World Product).
52. For example, the Red de Huertos Urbanos de Madrid, last accessed 3 October 2019, <https://redhuertosurbanosmadrid.wordpress.com>.

7

Favela vs asphalt: Suggesting a new lens on Rio de Janeiro's favelas and formal city¹

Theresa Williamson

7.1 Favelas and the widespread view of informal settlements as a 'problem' to be 'solved'

With the original 'favela' still standing and turning 122 in 2019, Rio de Janeiro's informal settlements are some of the oldest – and most infamous – in the modern world. They also boast a tremendously rich history, in which their residents increasingly take pride and are committed to preserving, reflected in the rapid growth of favela-focused community museums (of which there are now 11) in Rio de Janeiro today.²

This vision of favelas as historic communities worthy of recognition and preservation starkly contrasts with the negative presumptions commonly made about them, whether by media, international development organisations, local governments, academics or others. Media outlets tend to be the most obvious culprits of such negativity, and are often interested only in sensationalist images – as one national US TV producer told me as he insisted over and over that I 'show him good TV' while proceeding to gobble up two days of our team's and partner communities' time. We helped him secure access to notable and even heroic interview subjects – known widely as telling victims of police violence – including the widow of the bricklayer Amarildo, whose story had gone viral, only three weeks after his brutal assassination by police. Yet, despite our best efforts, and despite the fact that the interview was conducted in the intimacy of the widow's home, the production team chose only to release a 20-minute segment focused solely on drug traffickers and

heavily featuring a dealer telling the interviewer ‘I could kill you at any moment’.³

At the other end of the spectrum, academics, though now attempting to be more balanced and rarely using stigmatising language about favelas, nonetheless typically see them, at their essence, as a ‘problem’ that needs to be ‘fixed’. That is, scholarly research still tends to focus on ‘fixing the problem’ of favelas, leaving little opportunity for a fresh look at these communities in terms of what they positively offer their residents, the city and society at large.

However, I would argue that poor understanding of favelas among international development organisations and local governments is the most damaging of all, because these are the institutions that actually have a real, direct impact on the policies and investments that affect residents, their development, their sense of security and their upward mobility. And it is precisely these two groups that most bang the drum of ‘addressing’ favelas by ‘formalising’ them. Peruvian economist Hernando de Soto is the most well-known influencer of formalisation policies that are heralded by international development institutions. Thanks to his 2000 book *The Mystery of Capital* and his broader work promoting land regularisation through individual titles, for two decades it has been widely presumed that the most efficient and effective single ‘solution’ to informal settlements is to formalise their land markets by giving residents the same land rights other landowners have.⁴ The basic argument is that, by giving settlers titles, they now have access to credit⁵ and tenure security, which enables them to invest in their homes and businesses, and break out of poverty. The underling logic here is: by formally recognising them through existing frameworks, they cease to be informal (informality being understood, at its essence, as the source of the problem), and therefore the ‘problem’ has now been solved. Quite simply, as residents now have the same rights as those in the formal city and across their broader culture, they are thus no longer marginalised.

7.2 The Paes administration: An example of the deceptive (and convenient) dichotomy of formal vs informal

Similarly, local officials in Rio regularly tout the goal of ‘addressing’ favelas by formalising them. This position has been most associated with the pro-business administration of pre-Olympic mayor Eduardo

Paes (2009–2016) who championed formalising endeavours – including electricity and cable provided by private utilities, policing provided by public agencies, or resident-run moto-taxi and van cooperatives. He argued that such policies were necessary for ‘the exercise of full citizenship’ by residents.⁶

But this was the same mayor who evicted 80,000 favela residents from their homes – most of whom had solid squatters’ rights claims congruent with Brazilian legislation but did not (yet) hold physical titles (though some did, and were nonetheless evicted).⁷ He, like others before him, used the fact that these communities were ‘informal’ to justify human rights violations, which mainly took place in lesser-known favelas (with less political power and largely hidden from the gaze of the press) in the city’s up-and-coming inner West Zone.

On the other side of the city, however, well-known and highly visible favelas in central areas (and consequently with high land values) were targeted by Paes with formalisation policies, the stated objective of which was to ‘integrate’ those communities into the formal city.⁸ Formalising these areas, however, led to a significant rise in the cost of living, which pushed long-time residents out,⁹ and even led to Rio’s beach-front South Zone favelas being recognised internationally as hubs of gentrification.¹⁰

In other words, Rio’s mayor ‘solved the problem’ of informality in one zone of the city (where it was politically viable to do so) by eradicating informal settlements¹¹ at great cost to those long-time communities,¹² while he solved the same ‘problem’ in another zone (where eviction would be politically unviable) by ‘formalising’ (regulating) its economy, which triggered a process of gentrification and market displacement. In the former case, he looked like the ‘bad guy’ to human rights organisations but appeared rational to those (a significant part of the population) who believe favelas are, by nature, illegal and therefore should be removed. In the latter case, he looked like the ‘good guy’ to most actors, for ‘fixing’ the problem of informality, even if the end result was the similar displacement of residents. Gentrification, after all, is often considered a ‘natural’ process.

At the peak of implementing these policies, Mayor Paes declared that ‘the city of the future integrates socially its citizens’, in his 2012 TED Talk.¹³ TED is a media organisation respected globally for producing impactful talks by acclaimed individuals whose ‘ideas are worth spreading’. His massive marketing budget was often used to promote an image of social integration based on what, in fact, was heavy-handed

formalisation imposed top-down.¹⁴ Paes' policy (dubbed 'Shock of Order') was crisply defined by Gareth Doherty and Moises Lino e Silva in a 2011 article:

The structural thinking behind the 'Shock of Order' rationale in Rio de Janeiro seems to be something like:

formal = order = security = generation = increased formal economic activity

*informal = disorder = insecurity = degeneration = decreased formal economic activity.*¹⁵

The authors go on to point out that, in a typical favela market, the 'Shock of Order' policy actually resulted in disorder. When the municipal guard descended on informal markets, one would see 'people running with DVDs, products scattered on the ground, tears, people congregating to watch, others rushing back home'. They reflected, 'This is the situation created by the "Shock of Order" itself'.

'During most other days', they contrasted, 'the market operated peacefully and, although it was often very crowded, no major incidents happened. This is to say that the so-called informal does not necessarily equate with disorder, in fact it carried its own order'.

Which brings us squarely to two questions: are 'formal' and 'informal' truly opposites? And is formality truly the goal? In the context of urban settlements, is informality really the absence of formality, whereby informality is the 'problem' that can simply be addressed through formalisation (of services, processes and institutions)? The presumption is that informal settlements are, by definition, lacking in 'formality', with the prefix 'in' rendering 'informal' the antonym of 'formal'. And the second presumption is that formality is the objective in and of itself. It is with this logic in mind that the 'Shock of Order' policy implemented formalisation as a path to increased formal economic activity, and presumed informality to be the road to decreased activity.

Doherty and Silva, however, with one simple example, make clear that things are not so straightforward: a single-pointed focus on regulating informal enterprises and formalisation policies may, in some cases, create greater disarray rather than order – and may consequently harm communities. It may even keep them from meeting basic needs.

My intention with the rest of this chapter is to explore this false and unhelpful dichotomy – and its negative ramifications – to open a path to more productive approaches to addressing the *real* challenges of informal settlements and building on their positive attributes.

7.3 Rio de Janeiro's particular brand of 'informality', and the conditions leading to it

Informal settlements in Rio are no longer 'slums' characterised primarily by squalor and insalubrious conditions, or 'shanty towns' characterised by precarious construction and makeshift housing. Over decades and generations, residents of Rio's favelas have, for the most part, superseded what were once minimal living conditions by investing as much as possible in their homes and neighbourhoods. Favelas are chronically underinvested and their infrastructure is not up to standard, but they are not, generally speaking, the desperate places the popular imagination (via the media) would have us believe them to be. And though, for the most part, they have been left in a state of neglect by the authorities throughout this same history, brief stints of investment by a handful of administrations mean that over 90 per cent of favela homes have basic infrastructure, including electricity, water and indoor plumbing (albeit, again, insufficient).

Nor are they any longer 'squatter communities', because favelas have acquired strong adverse possession rights. Brazil's 1988 constitution recognised the right to remain on land occupied for over five years – a right that applies in all of the nation's cities. This recognition came after pressure from the defiant housing movements that had formed over the previous nine decades since the first favela, today known as Morro da Providência, was settled.

Their adverse possession rights do not typically translate into physical land titles, however. Brazilian laws, often resulting from popular pressure, are quite favourable to favelas. But their implementation leaves much to be desired.¹⁶ This means that favelas live in a limbo state, in theory recognised as deserving of rights and investment, but not in practice – bringing us back to the terminology of informality, in this case our local variant.

In Rio de Janeiro, the local term for the serviced (typically middle- and upper-class) areas of the city is *asfalto* (literally, 'asphalt'), which is diametrically opposed to 'favela' in local parlance. Within the *carioca* (Rio denizen) worldview, using 'asphalt' as a surrogate for the formal city implies two things: formal = infrastructure investment; and infrastructure, particularly asphalt, is inherently good. By their very nature, *favelas*, since they are juxtaposed with *asfalto* (see Figure 7.1), are seen to be characterised by the absence of services, and their residents are conditioned to believe that investment in infrastructure, particularly asphalt, is an ideal to be sought, *no matter what*.

This is why, in 2012, the highly dedicated president of the residents' association representing Asa Branca (a West Zone community facing partial eviction for the widening of a road which already adequately served



Figure 7.1 *Favela and asfalto* in Rio de Janeiro. © Clara S. Rueprich.

his community) turned to me and said, ‘we can’t get in the way of progress!’ Crucially in this case, the road widening was arguably not in their interest at all, as the proposed project would take a local neighbourhood thoroughfare and turn it into a major road, bringing traffic in close range of community homes where children live. And this is also why, in 2011, residents of Pavão-Pavãozinho-Cantagalo, a grouping of three favelas in the city’s South Zone, initially went along with city plans (although they later contested them) to gut the heart of their community to make way for a dead-end road,¹⁷ which was claimed to be necessary by officials to bring ‘greater access’ to residents.¹⁸ In reality, this was simply a cynical move to reduce the population there. Similarly, it is typically assumed that Rocinha, Rio’s largest single favela, in its South Zone, would be better off removing families to open up space for roads and cable cars (which they, too, came to contest). But in all three cases, as with all favelas, the city has failed to provide sufficient access to sewage collection and treatment – an infrastructure investment that is truly in great demand by residents.

And it is similarly because of this blind faith in infrastructure and ‘formalising the informal’ as a ‘solution’ to favelas (presuming them to be a problem by their very nature) that, in the pre-Olympic years, favela organisers were thrilled to see five major government plans to address their problems. From the federal Growth Acceleration Program (PAC) – which

made massive infrastructure investments across Brazil, including in Rio's favelas – to the local Morar Carioca programme that promised to 'upgrade all favelas by 2020', and the Pacifying Police Units (UPP) programme to provide a 'humane' police presence in numerous favelas, residents were hopeful indeed.¹⁹

These programmes all shared the stated aim of formalising – that is, normalising – favela infrastructure in relation to the *asfalto*, or formal city. Residents were delighted with the potential for 'citizenship' that these programmes were touted to bring. This would happen because what was missing from favelas, it was claimed, were these formal investments and treatments, which were seen as paths towards equality vis-à-vis the formal city.

Yet, with the implementation of each of these programmes, numerous pre-existing qualities were undermined – community spaces, solidarity networks and affordability,²⁰ among others. And the true priorities of residents – typically health, education and sanitation – were *not* among the areas receiving investment (spoiler alert: investments all had one thing in common: they primarily benefited construction and property companies).

7.4 Re-examining the discourse around 'slums' and its analogues

Note that the common translations of favela referenced above – slum, shanty town or squatter settlement – all imply that such communities are (or should be) temporary in nature. They imply a level of precariousness – in infrastructure, building materials or legal standing – that must be overcome. Remember, in the case of Rio's favelas, that residents have superseded these conditions for the most part, simply by persisting over time and investing what they could, with occasional (albeit insufficient) investment and recognition from the authorities.

However, they have never become the *asfalto*. Even favelas where land titles have been won, or where the city government has opened administrative offices and published statements declaring the favelas' official switch to the status of *bairros* (formal neighbourhoods), have not become the *asfalto*.²¹ Even where millions were invested in infrastructure during the much-lauded Favela-Bairro programme of the 1990s (funded by the Inter-American Development Bank), which was tasked with transforming favelas into *bairros*, all are still referred to as favelas.

The binary of informal vs formal is thus fairly irrelevant in Rio. Because what is at stake is something deeper. Rio's favelas are a

territorial manifestation of the determination of Brazil's elite to maintain a slave-holding society's logic-structure within a democratic state, where they represent a small minority.²²

Rio de Janeiro is a city of deep divisions that has never, in its 454-year history, faced this issue head-on. Despite Brazil's slave trade lasting 60 per cent longer than that of the US, and the nation importing 10 times as many enslaved Africans as the US – descendants of whom account for 54 per cent of the nation's population today – Brazil has never instituted a policy of inward reflection, as is customary in countries that work to overcome such brutal legacies.²³ Rio de Janeiro alone received five times the number of enslaved Africans as the entire US, making it the largest port of entry for slaves in world history. Today, as a direct result of this history, and given Brazil's severe land inequality that resulted in a large population of freed slaves and their descendants moving to cities after abolition in 1888 (of which Rio at the time was the largest and most important), some 1,000 favelas shelter 24 per cent of the city's population. And most residents live in favelas that are over half a century old.

As long as it is convenient to the local elite to maintain them as such, favelas will remain 'informal' (in fact, or in the public discourse), at least until empowered residents shift the narrative and reality through popular action and pressure. Since only residents are perceived to benefit from such a shift, the change in mindset must come from within these communities. There are many examples of this changing tide today, and though growing and increasingly visible through the efforts of hundreds of community media collectives and other strategic groups, it remains a small wave, as the following example illustrates.

During the pre-Olympic build-up, innumerable residents of favelas were convinced to move to public housing condominiums up to two hours away from their communities of origin, thanks to the societal assumption that their neighbourhoods are of no value and that condominiums provide the ideal lifestyle.²⁴ One favela resident, a woman who had just proudly told me how she, her husband and their two adult daughters had been investing in their home for 15 years and had, finally, 'finished' it, then proceeded to inform me that, if she were given the opportunity to move to a gated condominium, she would take it. Confused, I asked why. She replied, 'I can't stand the way those people in the *asfalto* look at us [favela residents]'. I then prodded: 'What if they didn't see you that way?' She quickly cut me off and said, 'Then I'd never move!'

There is thus an urgent need to drop the conditioned discourses. Rather than view favelas as informal places characterised by what they *lack* (formality), I argue it is more productive to look at the actual

neighbourhoods reflected in this discourse, and compare *them*. If they are characterised by informality, then, why are favelas still considered favelas (with the associated negative connotations) when investments and titles are granted? And if they are so squalid, why do many residents, once acquiring the means to leave, prefer to stay?²⁵

7.5 Two different ways of life and how they address human needs

At least eight clear differences exist between the logic-structures exhibited by Rio's informal and formal settlements, as [Table 7.1](#) indicates.

Table 7.1: Rio de Janeiro: A comparison of formal vs informal settlements.

Aspect of comparison	Formal settlements	Informal settlements
Complexity	Regulation limits complexity, so formal neighbourhoods are inherently less complex internally and less diverse in comparison to one another. Less complexity means quicker deciphering and greater comprehension or predictability of a given place by outsiders, and thus helps diffuse fear across space within a city.	Lack of regulation leads to greater complexity, with complexity increasing over time as long as a community remains unregulated (whether by informal internal or formal external forces). Two informal neighbourhoods in Rio will be governed by their own local conditions, which may result in commonalities that stem from their similarly organic systems of development, but ultimately yield greater diversity in relation to one another as compared to the diversity of formal settlements. The greater complexity (which naturally leads to reduced decipherability by outsiders) may result in a sense of fear of the unknown by outsiders. On the other hand, it may result in a deeper sense of belonging among locals who are uniquely intimate with a given community's complexity.

(Continued)

Table 7.1 (Continued)

Aspect of comparison	Formal settlements	Informal settlements
Market entry	Bureaucratic and financial barriers to entry into the formal market. To start or maintain a formal business, one must meet strict and expensive government-imposed requirements.	Informal businesses can exist without much impediment, and if problems arise, those with strong relationships can use them to ease issues. Barriers can thus be removed or attenuated through relationships.
Urban planning	In theory, the formal city is organised through centralised master planning. In practice, in Rio, however, privilege-based master planning dominates (i.e. for the most part new projects) are developed or influenced by elite interests.	In favelas, urban planning takes place through adaptive, iterative planning characterised by urbanistic freedom responding to present needs and based on the creative use of limited resources. At times, planning is coordinated by resident groups – pre-planned and collectively executed.
Architectural typologies	In the formal city, there is a large number of possible architectural typologies, but nonetheless these are fairly pre-set and meet strict building regulations. The scale of constructed units is limited by zoning rules, not by technology. The tendency is to build vertically as much as possible, to maximise financial investment. Culturally, there is a high preference for high-security vertical condominiums.	In favelas, typologies are entirely flexible, though constrained and adapted to the conditions of the territory (e.g. terrain, substrate). Spaces are often put to the most intense use possible, with shelter being the primary need addressed, thus resulting in high density. The scale of construction is limited by what can be done in terms of finances and what can be done by human hand, thus resulting in low-rise developments.

(Continued)

Table 7.1 (Continued)

Aspect of comparison	Formal settlements	Informal settlements
Critical services	Virtually all services and exchanges are monetised or provided by public agencies.	Many necessary services, including public services, are demonetised and provided through mutual support or self-build (e.g. child care). In some cases, utilities are siphoned (e.g. electricity, water, cable). Still others (due to public policy failures and lapses) can lead to pernicious actors taking advantage of residents' needs (particularly in matters of security).
Relationship with neighbours	Logic of privacy, with individual and family interests dominating.	Logic of proximity, with strong solidarity networks dominating. This results in a strong sense of community and, historically, a high degree of collective action.
Addressing challenges	Formal means to fix and address challenges that surface (e.g. legal representation, hiring of a registered plumber).	Creative responses to challenges, 'hacks' (in Portuguese, <i>gambiarra</i>) (e.g. tinkering with existing materials to mend infrastructure, informal channels for dispute resolution).
Economic coordination ²⁶	The market, then the state, coordinate economic activity.	Necessity, then the market, coordinate economic activity.

Note: Original observations compiled by the author and generations of teams at Catalytic Communities, via observations at over 200 favelas, community resident interviews, dialogues with researcher–collaborators and relevant inferences from connected fields, compiled between 2000 and 2019.

Note that there is no subjective 'good' or 'bad' behind any of the items listed in [Table 7.1](#). However, it is easy to identify various aspects describing the logic-structure of favelas as helpful for reducing or attenuating the most severe consequences of (financial) poverty. That is, in various cases, residents of informal settlements do not need to shoulder significant financial costs to achieve a positive outcome, such as their ability to exercise entrepreneurship, guarantee shelter, repair infrastructures, or address basic services. The removal of bureaucratic hurdles and the ability to solve problems through mutual support, for example, are both

characteristics of informal systems that enable residents to exercise control over their outcomes, even in the absence of money.

Psychologist Abraham Maslow depicted human needs in the form of a pyramid, starting with our most basic (physiological) needs at the bottom – such as the need for air, water, food and shelter. Once these fundamental needs are met, moving up the pyramid, the second level represents our need for safety and security needs, including property; the third level refers to our need for love and a sense of social belonging; and the fourth relates to our need for self-esteem. At the top of the hierarchy is the human need for self-actualisation. Thus, from the perspective of human need, we should separate out the very basic need for shelter from the secondary need for property (particularly immovable property – that is, land and housing). We could also go on to discuss whether the possession of property really is a human need, or whether the actual, underlying need is for safety in land tenure, which can arguably be better afforded through other instruments such as Community Land Trusts,²⁷ or as is done in traditional and indigenous cultures around the world.²⁸

These and other assumptions may not ring true for residents of informal communities where a strong sense of togetherness and the ability to respond creatively to need may be an intrinsic quality in their lives. Informal settlements and informal ways of being in the world offer people in precarious situations flexibility to meet their most basic needs even more effectively than they would be able to if they were equally poor, but constrained to formal systems. They can also produce greater creativity and resilience in communities that depend on these qualities to adapt to difficult circumstances and make ends meet.

Many of the assets produced in favelas are generated through the practice of *commoning*. This is a social process whereby individuals benefit conjointly from combining forces and working together. It is associated with the pooling of resources by individuals, with the goal of maximising advantage while reducing risk to all those who participate. In favelas, the pooling of human labour is the most frequent commoning strategy. The traditional *mutirão*, or collective action event – whereby residents set aside time to help a neighbour build a room or add a rooftop slab, or work together to build a ping pong table or a public square – is largely responsible for any early favela development and is also commonly found well into a community's history.

Each informal settlement develops in its own unique way. Over generations, residents have built up their homes and communities, brick-by-brick, often struggling against adverse circumstances, and as a result adapting to those circumstances in creative ways. Favela homes therefore tend to be highly efficient, taking advantage of every square inch,

producing rooms of intense use, such as bedrooms, leisure spaces, rental units, shops and entranceways that double as storage spaces. For example, the *laje*, or rooftop, can be developed into a rental unit, sold, used for family events, for sunbathing, drying clothes or barbecues, or it can be rented out to tourists. Without externally imposed rules and investment, in some cases a single community leader can determine a whole community's future, for better or worse. The environment changes week-to-week, with new construction, opportunities, *gambiarra* and *mutirão*. These latter words are part of the favela vernacular, meaning a quick-fix DIY project and collective action, respectively. Every visit to a given community is distinct from the last.

In this way, each favela evolves as a unique and deeply interwoven ecosystem.

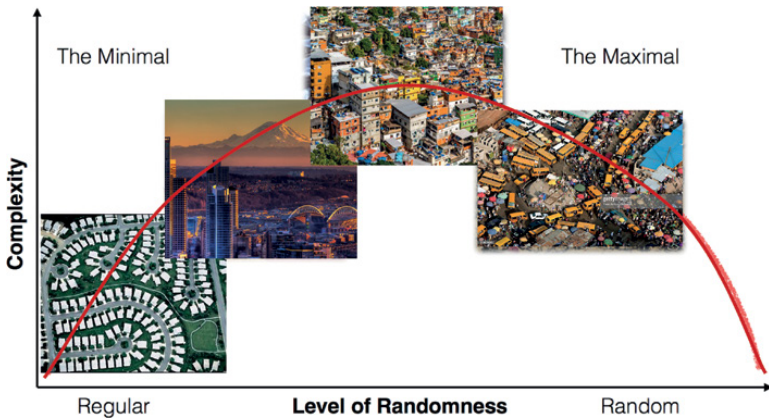


Figure 7.2 Randomness and complexity in human urban ecosystems. Produced by Theresa Williamson as comparison with diagrams on complexity by David Krakauer of the Santa Fe Institute.

Figure 7.2 is my adaptation of David Krakauer's representation of the positive influence of increasing randomness (that is, low imposition of rules and regulations and increasing diversity) in producing the most complexity (adaptive, diverse and resilient systems). It illustrates the value of increasing complexity in human urban ecosystems, and how the very nature of informal settlements (or at least those that find a way to self-regulate when they get to the 'sweet spot') can be seen as beneficial to human resilience and urban development. The 'sweet spot' is where complexity is maximised before too much randomness, as Krakauer calls it, leads to dysfunctional outcomes.²⁹

All varieties and levels of complexity can be found within, and across, the communities of Rio de Janeiro's 1,000-plus settlements. In long-established communities with large-scale growth and little regulation, daily changes, personalities and conditions over decades have led to incredibly complex human ecosystems. In younger, more internally coordinated or smaller communities, the result may be a high-level comprehensibility and liveability palpable even to outsiders on a first visit.

Due to decades of developing with little outside regulation, there are possibly too many factors at play for any top-down universal policy to be effective at improving residents' lives without undermining community assets,³⁰ unless that policy builds in extraordinary community involvement and room for flexible implementation based on community needs.

7.6 A pragmatic 'middle way' solution juxtaposed with the formal vs informal binary

In the case of Rio's favelas, among the documented (for the most part) non-economic assets are: socio-cultural assets, such as cultural output, sociability, atmosphere of play, sense of community and collective action; and urbanistic and economic qualities such as strong community ties,³¹ location, affordable housing in central areas, low-cost, flexible and need-based design, pedestrian-friendly design, and a high rate of entrepreneurship.³² There is nothing objectively good or bad about Rio de Janeiro's favelas. The four characteristics they all share – as neighbourhoods (1) that develop out of an unmet need for affordable housing; (2) with no outside regulation; (3) established by their residents; and (4) evolving based on local culture and circumstance, and their access to resources such as jobs and leadership – produce widely diverse (neither good nor bad) results. Framed another way, favelas are (1) affordable; (2) informal; (3) self-built; and (4) unique.

Approaching and measuring favelas' values strictly through formal approaches, which rely heavily on monetisation as the proxy for value, will inevitably leave out significant non-monetary assets. Measuring attributes financially is not only difficult to do (perhaps impossible), but potentially counter-productive even in cases where it is possible. That is because, at the heart of the logic-structure of 'favelas that work' (those in the 'sweet spot' of complexity) is the practice of effective commoning.³³

Perhaps, then, the most productive response to these settlements' challenges is not in shifting them towards the typical market-heavy and

externally regulated ways that formal settlements operate. Perhaps the optimum response lies in helping those that have reached the 'sweet spot' of complexity to remain there, by producing and instituting new, *appropriate* formalising tools that allow communities to officially self-regulate. That way, when effectively developed through commoning and the accumulation of non-economic assets, communities can be formally recognised in ways that maintain and strengthen those assets while providing them with the recognition and power necessary to institute or advocate for the actual improvements they need.

The question then becomes: how can this be done through formal institutions in a way that does not inherently cause the dissolution of these very non-monetisable attributes? To provide a solid and verified example of such a policy, I will briefly describe the case of the Caño Martín Peña Community Land Trust of San Juan, Puerto Rico,³⁴ which is serving as a model for favela organisers, housing advocates and officials in Rio de Janeiro today. Rather than opt for individual land titles as the stereotypical path to formalising and integrating their settlements in the broader city,³⁵ residents there collectively opted to be titled as a Community Land Trust (CLT). This move gives residents surface and building rights, while the land itself belongs to the community for perpetuity. The CLT comprises residents (and allies voted in by residents), whose job is to manage the community's land for perpetuity. The system allows families to own their homes and buy and sell them, inherit them and so on. But, since the land value is removed from the equation, speculators can neither access the land, nor are they interested in acquiring properties since the land underneath is not included. And because the community now collectively owns a huge swath of land in downtown San Juan, they are now among the city's largest landowners, resulting in a shift in power whereby the community can much more effectively advocate for improvements.

The result is a win-win. Residents are now formally recognised as owners (thus enjoying the qualities of formal systems, namely their being sanctioned and legally recognised, and ensuring critical services), while they own the land *collectively* (thus preserving the qualities that were developed through the years of informality, namely affordability, a preserved sense of belonging, solidarity and community ties, and flexible, community-determined planning).

The CLT model is just one example. Other common-sense approaches to addressing the formal vs informal binary in ways that confer the qualities of formal systems without losing the attributes of informality need to be developed, not only in developing contexts, but in

cities around the world. We desperately need a middle way between the over-planned and the under-planned that promotes creativity, inclusion, diversity, spontaneity and resilience while guaranteeing safety and promoting sustainable development.

7.7 Conclusion

These reflections on the favelas of Rio de Janeiro lead us to contemplate informal settlements through a new lens. Rather than inherently constituting a problem – due to their initial formation through illegal occupation, their uncoordinated development patterns, their potential for exploitation by criminals and so on – these settlements can just as easily become productive, vibrant, unique and exciting sites of cultural production and social well-being. And this is not *despite* their informal nature – but *because of* that nature.

What we term ‘informal settlements’ are characterised by a logic-structure inherent to them, and not, as is often assumed, by the absence of formal structures. And this logic-structure, which is based on, and confers, a particular way of life, brings with it a number of benefits to residents, particularly those with limited financial means – benefits that can lead to consolidated communities enjoying immense qualities that have been built over time.

Even though they lead to the challenges with which we are familiar (and which must be addressed to ensure their equitable and sustainable development), consolidated informal settlements – those that have established themselves over time with significant assets as recognised by residents – are notable for a population that seeks to stay put and improve what they have, rather than leave, when given the chance.

The survival needs met by informal settlements constitute the primary reason for their proliferation historically. This is no doubt why, despite over a century of policies to ‘eradicate slums’, the United Nations (UN) predicts that some 48 per cent of humanity will live in informal urban settlements by 2050.³⁶

Because of the informal, unregulated nature of favelas, they only grow in complexity day by day. This complexity will only be attenuated and contained when, and if, settlements engage in a community-coordinated or externally imposed regulatory process. It is thus essential that we nuance our understanding of such settlements and shift our lens to recognise and build on their assets, addressing their challenges from the springboard of those assets, rather than continuing with policies of

dismissal, ‘integration’, or ‘formalisation’ that disregard (and lead to the loss of) community qualities.

Asset-Based Community Development (ABCD) is one exemplary tool that needs to be instituted, I believe, as core policy in working with established and historical informal settlements like those in Rio. It offers a practical approach to development whereby community assets are framed as the foundation from which challenges can be addressed, rather than solutions assumed to be located outside a community because it is deemed deficient.³⁷

If we first shift our perspective, and then seek out policy options like CLTs and approaches such as ABCD, we are more likely to tackle the *real* challenges posed by informal development, while recognising all that their residents have suffered and achieved over time.³⁸ The fact is I strongly believe that, until we understand the underlying nature of informal settlements, their qualities and their limitations, and compare this on an equal footing with the underlying nature, qualities and limitations of formal settlements, we will not be able to effectively improve the former without eroding their assets and qualities. And, perhaps equally importantly, we will fail to realise the potential of drawing on the qualities of informality in formal environments. That is, informal settlements have a lot to teach us about how to balance the formal and informal in our cities.

For upgrading to effectively take place, then, building on favelas’ natural qualities without compromising their assets – and thereby ultimately providing a much greater depth and variety of human urban experiences and options – this systematisation and recognition must happen first. Some cities in Latin America, for example, are making a mad push to upgrade their informal settlements and bring them into the formal realm, on the assumption this is inherently ‘better’ than what they had before. There is insufficient understanding of the innately different logic-structure that underlies an informal settlement, and what inhabitants may be losing in this process. I hope this thought-piece helps push forward an urgent discussion.

Notes

1. This chapter serves to address the debate on urban informality vs formality by compiling an assortment of anecdotes and research findings from the 19 years’ work I have done as an urban planner and founder and Executive Director of Catalytic Communities, an NGO working alongside thousands of favela organisers in hundreds of Rio de Janeiro favelas.
2. Gitanjali Patel, Museums of Counternarratives and Resistance, Part 2: A New Kind of Museum #MuseumWeek2018, *RioOnWatch*, 15 May 2019, last accessed 9 October 2019, <http://www.rioonwatch.org/?p=43330>.

3. 'War for Paradise', *Nightline*, 15 October 2013, last accessed 9 October 2019, <https://abcnews.go.com/Nightline/video/war-paradise-inside-rios-violent-drug-gangs-20582974>.
4. Simplistic applications of this model do not take into account the complexity of informal housing markets, where, for example, 'gradual increases in *de facto* tenure security often precede and ultimately lead to legal tenure security', among other trends (Jean-Louis Van Gelder, 'What Tenure Security? The Case for a Tripartite View', *Land Use Policy* 27, no. 2 (2010): 449–56).
5. Though even this common assertion is questionable, as shown in a 'natural experiment' on the outskirts of Buenos Aires, where some squatters in 1984 were given title and improved their livelihoods subsequently, but notably *not* due to access to credit: Sebastian Galiani and Ernesto Scharngrodsky, 'Property Rights for the Poor: Effects of Land Titling', *Journal of Public Economics* 94, no. 9/10 (2010): 700–29.
6. Ricarda Lucília Domingues Tavares, 'Intenções e ações em torno dos programas UPP e Morar Carioca', *Cadernos do Desenvolvimento Fluminense* 11 (2016): 107.
7. World Cup and Olympics Popular Committee of Rio de Janeiro, *Rio 2016 Olympics: The Exclusion Games – Mega-Events and Human Rights Violations in Rio de Janeiro Dossier* (November 2015), last accessed 9 October 2019, https://issuu.com/mantelli/docs/dossiecomiterio2015_eng_issuu.
8. Ricarda Lucília Domingues Tavares, 'Intenções e ações em torno dos programas UPP e Morar Carioca', *Cadernos do Desenvolvimento Fluminense* 11 (2016): 107.
9. Sabrina Ost and Sonia Fleury, 'O Mercado Sobe o Morro: A Cidadania Desce? Efeitos Socioeconômicos da Pacificação no Santa Marta', *Dados: Revista de Ciências Sociais* 56, no. 3 (2013): 660–61.
10. Jo Griffin, 'Olympic exclusion zone: the gentrification of a Rio favela', *The Guardian*, 15 June 2016, last accessed 9 October 2019, <https://www.theguardian.com/cities/2016/jun/15/rio-olympics-exclusion-zone-gentrification-favela-babilonia>.
11. Alexandre Magalhães, "A remoção foi satanizada, mas não deveria": O retorno da remoção como forma de intervenção estatal nas favelas do Rio de Janeiro', *DILEMAS: Revista de Estudos de Conflito e Controle Social* 9, no. 2 (2016): 293–315.
12. 'While the informal framework ha(d) proved fairly efficient at managing everyday life in the favelas, the large-scale removals that the government ha(d) implemented in Rio de Janeiro in preparation for the 2014 FIFA World Cup and 2016 Olympic Games ... upset the balance' (Gregory Dolin and Irina D. Manta, 'Parallel State', *Cardozo Law Review* 38, no. 6 (2017): 2083–140).
13. Eduardo Paes, 'The 4 commandments of cities', *TED*, February 2012, last accessed 9 October 2019, https://www.ted.com/talks/eduardo_paes_the_4_commandments_of_cities?language=en#t-706824.
14. Cerianne Robertson, 'A Close Look at the International Awards and Recognition of the Olympic City', *RioOnWatch*, 27 April 2016, last accessed 9 October 2019, <http://www.rioonwatch.org/?p=28309>.
15. Gareth Doherty and Moises Lino e Silva, 'Formally Informal: Daily Life and the Shock of Order in a Brazilian Favela', *Built Environment* 37, no. 1 (2011): 30–41.
16. Patrick Ashcroft, "Two Centuries of Conning the "British": The History of the Expression "É Para Inglês Ver," or "It's for the English to See" and Its Modern Offshoots", *RioOnWatch*, 28 May 2015, last accessed 9 October 2019, <http://www.rioonwatch.org/?p=21847>.
17. 'Estado inicia obras em ruas do Pavão-Pavãozinho e Cantagalo', *Jornal do Brasil*, 5 March 2013, last accessed 24 October 2019, https://www.jb.com.br/index.php?id=/acervo/materia.php&cd_materia=661728&dinamico=1&preview=1.
18. Juliana Blasi Cunha, 'Regularização urbanística e fundiária em uma favela da cidade do Rio de Janeiro: Conflitos, percepções e práticas em jogo no processo', *DILEMAS: Revista de Estudos de Conflito e Controle Social* 5, no. 3 (2012): 483–511.
19. Marcelo Baumann Burgos, Luiz Fernando Almeida Pereira, Mariana Cavalcanti, Mario Brum and Mauro Amoroso, 'O Efeito UPP na Percepção dos Moradores das Favelas', *Desigualdade e Diversidade – Revista de Ciências Sociais da PUC-Rio* 11 (2011): 49–98.
20. Though not universal, many of these qualities are frequently noted among informal settlements, particularly affordability, which is the main driver in their creation. Informal housing around the world is initially more affordable than formal options (though, throughout a home's history with regular rebuilding, this is not so clear). For a comparative example of informal versus formal housing delivery, see David E. Dowall, 'Comparing Karachi's Informal and Formal Housing Delivery Systems', *Cities* 8, no. 3 (1991): 217–27.

21. Juliana Blasi Cunha, 'Regularização urbanística e fundiária em uma favela da cidade do Rio de Janeiro: Conflitos, percepções e práticas em jogo no processo', *DILEMAS: Revista de Estudos de Conflito e Controle Social* 5, no. 3 (2012): 489.
22. Rafael Soares Gonçalves, 'The Informal Rental Market in the Favelas of Rio de Janeiro and Its Regulation from a Historical Perspective', *Revue Tiers Monde* 206 (2011): 21–36. In this text, Gonçalves crisply begins (21): 'The informal nature of access to urban land and the development of self-built housing have no doubt been key factors in keeping labor costs in Brazil—and in Rio de Janeiro in particular—as low as possible. The *favelas* have always been associated with illegality, which historically has justified a lack of public investment in these urban areas. This state of affairs has been compounded by clientelist practices, and the public authorities' tolerance for the formation and spread of these areas has become a kind of patronage arrangement, albeit without any *de facto* recognition of the situation. The authorities have maintained—or even cultivated—the temporary and precarious nature of the *favelas* by prohibiting all permanent construction or the connection of houses to the official public electricity or water grids. These conditions ensured that the *favelas* could be eradicated at any time.'
23. Examples include post-war Germany, post-dictatorship Chile, post-apartheid South Africa, and post-Jim Crow United States.
24. In the meantime, even in Chile – seen as Latin America's golden child of relocation to well-designed public housing – researchers have found, at least in one case, that 'through a massive program of investment in subsidized housing, more than a million Chileans have moved out from slums ... and become property owners. [However] ... youth violence, drug trafficking, and other social maladies are increasing in many neighborhoods. It appears that home ownership has not been enough to overcome marginality and disintegration. Moreover, in some cases, moving to subsidized housing projects contributes to increased social problems' (90). The same author later explains that 'segregation may explain some of the differences, but more complex features are critical, including issues of stigmatization, origin of the new home owners, residents' values and expectations, and the degree of social and territorial control they exercise over the territory' (114). From Rodrigo Salcedo, 'The Last Slum: Moving from Illegal Settlements to Subsidized Home Ownership in Chile', *Urban Affairs Review* 46, no. 1 (2010): 90–118.
25. Sukari Ivester, 'Removal, Resistance and the Right to the Olympic City: The Case of Vila Autódromo in Rio de Janeiro', *Journal of Urban Affairs* 39, no. 7 (2017): 970–85.
26. This analysis of economic coordination refers to Pedro Abramo's work, which I will not enter into in this chapter, but which I have included for those wishing to dig deeper. Pedro Abramo, ed., *Favela e mercado informal: a nova porta de entrada dos pobres nas cidades brasileiras* (Porto Alegre: Associação Nacional de Tecnologia do Ambiente Construído, 2009), last accessed 1 October 2019, https://issuu.com/habitare/docs/colecao_10.
27. Theresa D. Williamson, 'The Favela Community Land Trust: A Sustainable Housing Model for the Global South', in *Critical Care: Architecture and Urbanism for a Broken Planet*, ed. Angelika Fitz and Elke Krasny (Cambridge: MIT Press, 2019).
28. Typically, in developing countries, low-income people's concern with property rights is due to their concern that they will lose their homes, as the Property Rights Index (PRIndex) measures. Land Alliance, *Building a Secure Future: Perceptions of Property Rights in India* (Washington, DC: Land Alliance, 2016), last accessed 14 October 2019, <https://landportal.org/library/resources/building-secure-future-perceptions-property-rights-india>.
29. David Krakauer is president of the Santa Fe Institute, dedicated to studying complexity: '[Complex systems] are adaptive, interacting, many-body systems that include populations of cells, societies, economies, cities, human cultures, and technological networks – all phenomena with long histories and adaptive components, and they have a tendency to change as soon as we have come to understand them'. Krakauer goes on to say that 'many of our most pressing challenges and failures in the 21st century derive from an underestimation of complexity'. From David Krakauer, 'Complexity: Worlds Hidden in Plain Sight', *Medium*, 5 April 2019, last accessed 22 August 2019, <https://medium.com/@sfscience/complexity-worlds-hidden-in-plain-sight-44ec16d6f939>.
30. By *assets*, here, I am referring primarily to non-economic assets.
31. In 'The Strength of Weak Ties', *American Journal of Sociology* 78, no. 6 (1973): 1360–80, Mark Granovetter explained how weak ties to more distant and varied contacts offer strategic advantages to those who hold them, and that low-income individuals tend to depend more on strong ties. Many anthropologists have since described how important strong ties can be for vulnera-

- ble communities, however, given that strong, place-based ties are more dependable for those suffering extreme vulnerability. As one community leader in Rio often says, 'in the favela there are no beggars', because of the strong solidarity networks that exist in these communities.
32. Theresa Williamson, 'Rio's Favelas: The Power of Informal Urbanism', in *Perspecta 50: Urban Divides*, ed. Meghan McAllister and Mahdi Sabbagh (Cambridge, MA: MIT Press, 2017), 213–28.
 33. In an insightful article, 'Land Tenure and the Self-Improvement of Two Latin American Informal Settlements in Puerto Rico and Venezuela', *Urban Forum* 24, no. 1 (2013): 49–64, Jean M. Caldieron finds that, in Puerto Rico and Venezuela, in cases where 'even without land tenure, self-improvement ... takes place ... even without any formal documentation ... there is perceived land tenure. This perception fuels a stronger sense of connection to the land than any documentation has the power to create.' That is, *commoning* and community-led development produce a sense of belonging that formal documentation cannot replicate.
 34. Maritza Stanchich, 'People power in Puerto Rico: how a canal community escaped gentrification', *The Guardian*, 18 January 2017, last accessed 9 October 2019, <https://www.theguardian.com/cities/2017/jan/18/people-power-puerto-rico-canal-community-escaped-gentrification>.
 35. Recognising through their lived experience what Durand-Lasserve expressed in a 2006 essay, that property rights 'may hinder community cohesion, dissolve social links, and induce or accelerate segregation processes through market eviction' (Alain Durand-Lasserve, 'Informal Settlements and the Millennium Development Goals: Global Policy Debates on Property Ownership and Security of Tenure', *Global Urban Development* 2, no. 1 (2006): 1–15).
 36. 48 per cent is derived from UN figures that put the human population at 9.7 billion by 2050 (UNDESA, 'World population projected to reach 9.7 billion by 2050', 29 July 2015, last accessed 9 October 2019, <http://www.un.org/en/development/desa/news/population/2015-report.html>) and figures putting the slum population at 3 billion by 2050 (UN Habitat, 'The Challenge', n.d., last accessed 9 October 2019, <http://mirror.unhabitat.org/content.asp?typeid=19&catid=10&cid=928>).
 37. The policy response to new informal settlements that can still realistically be considered slums, shanty towns or squatter communities should be different, attempting to prevent such occupations through humane affordable housing and community-building models. However, policies to respond to established and consolidated communities should be different, building on community-established assets.
 38. John P. Kretzmann, John L. McKnight, *Building Communities from the Inside Out: A Path toward Finding and Mobilizing a Community's Assets* (Evanston, IL: Institute for Policy Research, 1993), is the basic manual that introduced the field of ABCD. For a specific view of ABCD comparing typical international development with that conducted in Rio's favelas, see: CatComm, 'Asset-Based Community Development (ABCD)', n.d., last accessed 18 December 2019, <http://catcomm.org/abcd/>.

Between informal and illegal in the Global North: Planning law, enforcement and justifiable noncompliance

Rachelle Alterman and Inês Calor

8.1 Introduction

The phenomenon of the construction on or use of land without legal permission is a prevalent reality for most inhabitants of the globe. This is especially true for developing countries (also called the Global South). A burgeoning body of scholarly and practical knowledge about developing countries has enhanced our understanding of how ‘informal’ development (as many call it) of housing, shops, industries and other buildings fulfils essential human needs.¹ Unregulated initiatives can also unleash human ingenuity and creativity, as Turner’s analysis of ‘vernacular architecture’ taught us long ago.²

Some scholars have argued that planning and land policy in the advanced-economy countries (the Global North) have much to learn from the Global South.³ We agree. However, in advocating for knowledge transfer from the Global South to the Global North, insufficient attention has been paid to the ‘elephant in the room’: the vast differences in the legitimacy and effectiveness of the rule of law. Noncompliance with regulatory planning and related laws therefore calls for much broader rethinking of the relationship between planning and law.

Our focus in this chapter is on the laws and regulations pertaining to the built environment, sometimes called ‘regulatory planning’. That would include regulatory tools such as zoning, statutory plans

and building/development control.⁴ We do not directly address related legal areas, most notably housing law (occupancy, rental rules, health and so on).

This chapter begins by scoping current knowledge about noncompliance and enforcement in planning, showing a major gap. We then focus on linguistic usage of ‘informal’ versus ‘illegal’ (and ‘noncompliant’ and ‘unauthorised’). The main argument of this chapter attempts to construct a conceptual basis for reconciling ‘informality’ with the rule of law. To illustrate the complex challenges faced by planning when it meets the law, we recount two complex stories. One is a hypothetical story about the processes of change that occur in a rather nondescript neighbourhood when noncompliance with planning regulations gradually becomes rampant. The second is a dramatic story – which happens to be a real-life account – in which situations at the extremes meet in one place. These two stories are intended to highlight the complexity of the challenges faced by planners, enforcement agents and – sometimes – the courts. The readers are challenged to decide what and when to tag as ‘informal’.

The chapter then turns to the neglected zone between planning regulations and enforcement practices. We outline a set of six situations where noncompliance with planning or land laws may indeed be justifiable. Each situation is illustrated with one or more cases, based on our prior studies. From these situations, we attempt to distil six criteria for determining ‘justifiable noncompliance’. In the concluding section, we call on planners and planning theorists to engage much more with the parallel universe of law and enforcement. It is up to planners to learn from noncompliance and incorporate the lessons into more responsive planning, so as to minimise the need for enforcement in the first place.

8.2 Current knowledge about noncompliance and enforcement: The neglected linchpin

It is not easy to build a bridge between planning, law and noncompliance, because there is not a solid platform of knowledge on which to anchor it. Existing international knowledge about noncompliance with planning rules and about enforcement and sanctions is scant, both in planning theory and in planning law. One even wonders how these areas of knowledge have evolved without this linchpin. One good thing about the recent attention to ‘informality’ is that it should force scholars to start filling in this mammoth gap.

The problem is that, unlike planning theory, which is generic and conceptual, planning and related laws are concrete, heavy-bodied institutions. Moreover, they vary significantly from one jurisdiction to another.⁵ To date, there has been no broad systematic comparative research on the relationship between legal structures, enforcement practices and degrees of compliance. The recent evidence from the literature about ‘informality’ does not contribute much to filling in this specific knowledge gap, because it usually addresses only specific cases, and rarely the broader legal contexts.

Informality, noncompliance and enforcement

Much of the scholarly literature on built-environment ‘informality’ – whether in the Global South or in the Global North – is still far from addressing its relationship with the law. Even crucial differences between land-related and other types of informality are left vague. For example, researchers sometimes address informal/illegal street vending in the same breath as the illegal/informal construction of buildings. This non-distinction is appropriate for many Global South countries, where the rule of law may be weak and dysfunctional both for regulating urban development and for economic transactions. However, conceptually, the two forms of noncompliance (and interim categories) should be distinguished, especially by urban planners. Vending is often fully or partially transient, and thus has relatively small long-term impacts on the built or open environment. By contrast, construction of permanent buildings creates long-range externalities, whether positive or negative.

Enforcement is the administrative and legal mechanism that any planning/development control laws would stipulate, at least on paper. This is the zone where planning, law and human needs and behaviour should meet. Sadly, enforcement is neglected not only by planning scholars, but even by legal researchers on planning law. American planning law texts usually skip the enforcement topic altogether. The technical rationale may be that enforcement is classified as a separate legal field, but the outcome is that planning students and practising planners are disconnected from the enforcement function. British literature on planning law devotes somewhat more attention to enforcement,⁶ and there are several dedicated texts (including Harwood, and Travers, Grant and Lambert).⁷

Empirical research on enforcement of development control is also scant. Even in the UK (with the world’s oldest national planning law – 1909) there are only a few scholars who have delved into the topic

empirically.⁸ This is more than could be said for most other countries. Comparative research is equally scarce. Our own comparative evaluation of Portugal and Israel is a rare example.⁹ By contrast, the enforcement of building regulations (the technical engineering aspects of construction) has attracted more attention, perhaps because noncompliance may lead to direct health problems or loss of lives. Several scholars have surveyed building regulations in selected European countries.¹⁰ In the US, Burby and others extensively address enforcement of building codes.¹¹

Overall, the many questions – empirical and normative – concerning enforcement of planning laws and how these relate to patterns of noncompliance constitute virtually uncharted research territory.

The predicaments of enforcement

To understand the meaning and implications of noncompliance with planning regulations, planners should become more familiar with the crucial arena of enforcement. Unlike planning regulatory policies and plans, which have quasi-legislative characteristics, enforcement is an executive (or administrative) government function. It depends on available financial resources, on policy priorities and on politics. Enforcement practices necessarily entail discretion about what, how much and when to enforce.¹² The courts will consider this fact; but, at the same time, this fact exposes the authorities to petitions in many situations of noncompliance – justifiable and non-justifiable alike.

Comparative research on the *de facto* exercise of discretion in enforcement of planning law is extremely lean. Smart and Aguilera's chapter in this volume is a pioneering contribution, and our own empirical study of Portugal and Israel touches on this issue to some extent.¹³ From our interviews with enforcement agents in several local governments we learned that their reports reflected recurring predicaments about how to prioritise their work, given the limited human and financial resources available.

We doubt that many OECD countries have indeed enunciated priorities or have instructed local governments to do so. Even the UK took its first steps in this direction only in 2012, and the process of adoption was still incomplete in 2019.¹⁴

Planning law, noncompliance and planning theory

Theories about justice in planning have made much headway in recent years.¹⁵ If we compare textbooks on planning theory from the 1990s with more recent texts (compare Alexander and Brooks with Gunder,

Madanipour and Watson, for instance),¹⁶ we can observe much greater awareness of the role of power and the ‘dark side’ of planning. But this scholarship has yet to bridge planning theory with planning law, and to address the many sides of the rule of law. The legal realm provides tools of legitimacy for planning policies and tools for implementation, but it also constrains citizens’ behaviour. Planning regulations (zoning, local statutory plans and building permits) restrict many actions that individuals may wish to carry out, *vis-à-vis* the use of land, construction or alteration of built structures. These regulations may be good or bad – depending on the point of view of those involved. Violations of these rules can entail sanctions – sometimes economically or personally severe. At the same time, some actions are not controlled and thus left to self-initiative.

In extreme situations of noncompliance caused by deprivation, planners or NGOs can try to draw on (rather vague) norms of international human rights law such as those regarding the right to housing.¹⁷ These norms are also anchored in the European Convention on Human Rights (ECHR). Some books on UK planning law devote a special section to examining how human rights impinge on planning powers.¹⁸ As noted by Harwood, the ECHR could have a direct bearing on planning enforcement.¹⁹ However, international human rights law is not a panacea. It leaves considerable room for interpretation. Its adjudication is usually left to local jurisdictions. Most cases are unlikely to make it to the highest-level courts, and even if they do, winning is not assured.

The duty to address the topic of noncompliance and what it should signal lies at the doorstep of planners and planning theory. Most planning theory is directed at the planning process (such as visioning, public participation, communication and negotiated development) or to the contents of plans. There is little discussion of what messages noncompliance with planning law convey for planning modes and norms. In surveying the literature, we found only a few contributions in this direction. Among the more relevant is Alan Prior’s discussion of problems in the theory and practice of enforcement of environmental regulations.²⁰ Britnell and Sheppard shed light on the issue of the public interest and social justice behind enforcement practices, noting ‘it is often the impact of unauthorized development upon citizens’ sense of well-being and their perception of justice that lead them to complain in the first instance’.²¹ Neil Harris’s paper²² draws on Foucault’s philosophy,²³ unveiling an interesting fact: the major source of information about violations – even in the era of remote sensing – is neighbours’ complaints. According to Harris (for the UK) and our own findings (based on interviews in Israel and Portugal),²⁴ neighbour reporting is more prevalent among middle- or higher-income

neighbourhoods where social cohesion is not strong. Some jurisdictions – national or local – have established a dedicated web page to communicate a statement promising full confidentiality for those who report planning violations.²⁵

What do these findings mean for planning theories such as collaborative planning? This is just one example – a teaser – of potential insights that could contribute to the understanding of the interrelationships among planning, law, enforcement and noncompliance. But we have barely taken the first steps.

In this chapter, we do not attempt to take on the big mission of filling in the gap between planning theory and law.²⁶ More modestly, we seek to demonstrate that, without considering the attributes and constraints of the legal system, the research on ‘informality’ will not be able to contribute broadly to better planning and regulation. Moreover – from the other side – without better understanding of the reasons for noncompliance with regulatory planning and its implications, planners will not be able to achieve more just and effective planning.

8.3 Language matters

The knowledge gap is reflected in terminology. When do violations of land-related laws and regulations merit the term ‘informal’ and when would it be more appropriate to call them ‘illegal’ or other similar terms? We did not find in the literature any thorough distinction between informality and illegality. Drawing such a distinction should be especially relevant for Global North countries, but our impression is that there is, in fact, an accelerated trend to blur the distinction among these concepts.

The evolution of terminology from ‘illegal’ to ‘informal’ can be observed if we look at the titles of books. One of the earlier books about our topic in the Global South, published in 1998, was titled ‘Illegal Cities: Law and Urban Change in Developing Countries’.²⁷ Today, similar books about the Global South prefer the term ‘informal’.²⁸ In very recent years, one can observe increasing use of the term ‘informal’ regarding planning violations in Global North countries too – including the title of this book volume. Some authors use the term with the specific intention of conveying that the reported types of noncompliance merit special consideration. In this vein, ‘informality’ is widely used by authors who focus on special ethnic-cultural groups, to show how their needs are grossly unmet by modern planning and legal systems.²⁹ The term is also used in

a distinctive context of ideologically motivated noncompliance, such as Low Impact Development³⁰ or the historic Plotlands in the UK.³¹

However, some very recent publications regarding the Global North have been using the term ‘informal’ interchangeably with ‘illegal’, without any attempt to argue that noncompliance in the cases described is justified due to some special circumstances, needs or wrongdoing by government. Some US authors have used ‘informal’ to refer to the phenomenon of illegal accessory housing in relatively well-off neighbourhoods, where noncompliance is largely motivated by economic profit.³² Similarly, the massive illegal construction all over Greece – a long-time member of the EU and the OECD – has been called ‘informal’, with no distinction made according to need, socio-economic level or other special circumstances.³³ A leading scholar in the field, Francesco Chiodelli, indirectly conveys a degree of malaise regarding the overly broad use of ‘informality’. In a recent paper discussing corruption and the illegal construction of mansions and other lucrative properties in Italy, he does use ‘informality’ in the main title, but only to retract in the subtitle: ‘Housing Illegality and Organized Crime in Northern Italy’.³⁴

The dictionary definition of ‘informality’ or ‘informal’ has nothing to do with the rule of law. This term denotes certain types of human behaviour, as distinct from ‘formal’ (or the many in-between shades). For example, one can prefer to wear informal clothes, to use informal speech or to skip formal table etiquette and eat barbeque-style. Such behaviour is usually not illegal – it is simply part of the vast range of human behaviour that is not addressed by laws and regulations.

Terminology should matter. In Global North countries, where planning laws are functioning reasonably well (no planning law is perfect) the use of ‘informal’ is inappropriate and self-defeating. When ‘informal’ is used as a synonym for ‘illegal’, this delegitimises planning law and the rule of law in general. Furthermore, by denoting noncompliance as ‘informal’, we are diverting attention and possible responsibility from the planning laws and regulations and their role in anticipating eventual cases of noncompliance, or adjusting the regulatory planning to accommodate them ex-post.

In the Global North context, ignoring or bypassing planning law in an ad hoc manner undermines the planning system in general and its capacity to serve other public interests. Despite their many faults, planning laws are here to stay, and are even on the rise globally.³⁵ We – citizens, scholars and advocates – need planning laws in many contexts, such as to designate land for public services, to ensure public access, to enhance environmental sustainability or eventually to implement a

minimal portion of affordable housing units in private projects. Just as we would not lightly call a major tax evasion 'informal', even if we think the taxation system is not progressive enough, we should not use the term 'informal' to refer to violations of planning law in a casual manner.

By contrast, where a legal system is grossly malfunctioning, as in many developing countries, the term 'informality' is appropriate and useful. Technically, the residents of the world's huge favelas may be violating a battery of rules lurking somewhere in the law books, but these are often dysfunctional. Even worse, they are prone to being selectively enforced and misused. If the legal system clearly does not serve major parts of society for housing, livelihood, mobility or public services, alternative modes of social or economic institutions are likely to emerge to serve the public needs. They will gradually acquire what Peter Ho calls 'credibility' and replace the rule of law.³⁶ In the Global South context, the term 'informality' appropriately exonerates the residents of favelas from being tagged as violators of the law. At the same time, this term also directs attention to the many positive functions of the self-help and spontaneous solutions.

However, the loose use of 'informality' in jurisdictions where the rule of law, in general, and planning law, in particular, are expected to function undercuts the foundations of the very same institutions that the critics may wish to repair. Ironically, the use of this behaviour-based, rather than institution-based, term implicitly absolves planning law and the manner of its enforcement from any responsibility for the types and degrees of noncompliance.

8.4 The Global North contrasted with the Global South

Before importing 'informality' from the Global South to the Global North, one should be aware of some more (generalised) differences between these two broad spheres.

The Global South: Land tenure is the focus

In cities of the Global South (and in many rural areas too), informality in relation to land – and thus also in relation to building – is the rule, not the exception. The converse holds for the Global North.

In the Global South, much of the informality in the built environment context pertains to land tenure, not to planning law or development control. In developing countries, security of land tenure is the primary concern, and key international bodies have invested large resources in promoting it.³⁷ The very first of the UN Sustainable

Development Goals addresses the importance of securing tenure rights.³⁸ The priority of land tenure over regulation of building is reasonable: where land tenure is not secure, planning is almost irrelevant. Granting of a building permit is predicated on the long-term responsibility of the landholders. Therefore, in Global South countries, planning regulations (and thus planning law) usually hold a much lower priority than land tenure issues. Only recently did UN-Habitat establish a tiny unit with the mission of introducing working planning laws to developing countries,³⁹ whereas land tenure has been UN-Habitat's core mission for decades.

The Global North: Planning law is the focus

In the Global North, most references to informality and to illegality address planning law rather than land tenure. The reason is that, in advanced-economy countries, property rights are usually well established and administered. Landowners are aware of their rights, and the courts enforce claims against private transgressors. Cases of squatting – so rampant in the South – are exceptional.

With stable land tenure, planning law can function. Although violations of planning law are by no means rare – we all know of some, often in our own neighbourhood – they are usually not the main force that shapes cities or neighbourhoods. In most Global North jurisdictions, neither spontaneous occupations nor self-help housing predominate (although here, too, there are special exceptions).

A recent OECD report, in which the planning 'systems' of all member countries are evaluated, notes that, in general, cities and regions are governed according to planning and law. The report also assesses the degree of satisfaction with planning enforcement. Two-thirds of the countries receive a high score of four or five (out of five), and only very few a score of one or two.⁴⁰ This finding indicates that violations of planning rules in the North are an island, not an ocean.

There are four other relevant differences between South and North. First, construction of structurally dangerous, unsafe and unhealthy housing is typical of developing countries, but is rare in developed countries. This is because the regulation of structures is usually adequate, and builders obey them for fear of endangering lives (and insurance policies ...). Second, in the North, violations of planning law usually occur on the violator's own land.⁴¹ Third, large-scale evictions from housing are less frequent in the North. If evictions do occur, there is likely to be at least a minimal housing-security system, and governments are obliged to provide replacement accommodation.

The fourth difference is perhaps the most pertinent to our discussion: noncompliance with planning law in the Global South (if discussed at all) is usually viewed as binary and focuses on whether there is a building permit for the entire structure. There is rarely any discussion of smaller violations. But in most countries of the Global North (with a few exceptions), the majority of planning-related violations concern divergences from the original permit, such as an addition to a building, an unauthorised change of use of the premises, noncompliance with architecture design, or inaction – such as non-installment of compulsory thermal energy.

8.5 A dedicated term for the Global North: Justifiable noncompliance

In the Global North contexts, too, there may be unique situations in which violations of planning laws could be justified. We propose that the term *justifiable noncompliance* becomes the focus of the planning law discussion in the Global North.

Among the various synonyms related to illegality, we chose ‘non-compliance’ over other terms for two reasons. First, ‘illegal’ suggests a yes-or-no status, whereas, in the Global North, cases of noncompliance are a matter of degree – some are minor, some major. Second, we preferred noncompliance over unauthorised because the latter pertains only to actions, whereas noncompliance encompasses also inaction (for example, failure to install a renewable energy element). Unlike ‘informality’ – which (as we have argued) refers to behaviour, is descriptive rather than normative and does not address any institution – *noncompliance* addresses the legal framework. When we add *justifiable* noncompliance, we are explicitly normative, and this term suggests that, within the broad realm of planning-law violations, a small subset may be *justifiable*.

Our aim is to develop criteria for determining what types, degrees or contexts of noncompliance may be justifiable. This would be a first step towards helpfully reforming planning and enforcement practices. However, this mission is not simple. The potential justifications have to pass through the filters of the legal system. To demonstrate how planning and law may react to noncompliance, and some of the complex dilemmas involved, we set out two scenarios. The first is a hypothetical story, where we simulate events and processes that often occur in real-life urban contexts. The second is a real-life case, perhaps more reminiscent of a fictional scenario because of the unique and heightened dilemmas it presents.

8.6 A hypothetical story

A well-off middle-income neighbourhood had been planned according to the urban standards that prevailed at the time, and it offered satisfactory density and a good social fit with the characteristics and desires of the inhabitants. The number of infringements was moderate, similar to that of other nearby areas. The main source of information about violations was neighbour reporting, as is often the case in well-off neighbourhoods.

After a few decades, the neighbourhood lost its prestige and new residents trickled in, usually with a lower income level. The ethnic composition changed gradually, with newcomers mixing in with more well-established residents. The average number of children per household increased. Some homes were crowded. The number of planning infringements escalated significantly. Some residents constructed an illegal annex to their house to relieve family crowding, while others extended their homes or converted their basements into accessory housing units, offered for market rental. Some owners paved over their yards to save on gardening costs, thus hampering water seepage and causing occasional mild flooding.

Some of the households were indeed poor and required the extra space to meet basic housing needs or to earn extra income. A few of the original home owners noticed their neighbours' precedents and followed suit, building small rental units without a permit. As the neighbourhood demographics continued to change, reporting by neighbours reduced dramatically.

A similar neighbourhood not far away developed approximately at the same time. That neighbourhood did not experience the same demographic transformation and retained its middle- and upper-middle-income profile. The rate of infringements remained moderate, and enforcement actions were largely dependent on complaints by neighbours.

The enforcement agents were not prepared for the rise in the number of violations in the first neighbourhood. For a few years, they continued their reliance on neighbour reporting and remained relatively passive. The number of violations grew steeply and started to affect the character of the neighbourhood, for better or for worse (depending on one's point of view). What could the enforcement agents do? If they took a light-touch approach and dismissed the violations, they risked legal challenges from the direction of the second neighbourhood. Some residents there were angry that enforcement was still being carried out in their neighbourhood for the same types of violations that were now being tolerated in the lower-income neighbourhood. They decried what they perceived to be 'selective enforcement' and demanded that the hands-off

policy be applied to them as well. At the same time, from the opposite direction, some residents in the second neighbourhood wanted the enforcement unit to be more proactive, to stem the increase in violations that had occurred in the first neighbourhood. Both sides threatened to take court action against the enforcement unit.

Simply describing the planning law violations as examples of ‘informality’, without distinguishing between them, would not be useful in this case (as in most cases), as it would not help achieve a better balance between planning law, planning policy, and human needs and behaviour. To argue that the violations indicate that the planning rules should be changed or that the legal rules of enforcement or sanctions should be revised, noncompliance should first be shown to be justifiable according to some principles. But what should these principles be?

There are some dilemmas involved here. Should the entire lower-income neighbourhood as one single spatial unit now be characterised as justifiably noncompliant? Or should the justifications apply only to individuals, according to their personal needs and circumstances? Should construction of an accessory unit to contribute to bettering the livelihood of poor people also be regarded as justifiable? Should the reduction in permeable ground-cover also merit the justifiable noncompliance label, and does it matter whether the family is poor or not? What policy regarding enforcement should the authorities adopt? Or should they simply continue their enforcement-by-complaint policy? Should the plan (planning regulations) be amended so that violations would be legalised retroactively? Should any fines or sanctions be imposed, even if legalisation is possible? Should the deregulation also hold for future actions, or just for the violations to date?

Later in this chapter, we discuss possible criteria for testing whether some types of noncompliance can be classified as justifiable. Quite probably, not all the infringements in our hypothetical story will pass these tests.

8.7 A real-life story

Our real-life story is one of extremes. It takes place amid a set of small islands in the Ria Formosa Natural Park, near Faro, on the southern tip of Portugal. This modest but paradise-like location has attracted thousands of illegal summer homes (Figures 8.1 and 8.2). The degree of illegality today is one of the most extreme one could imagine, entailing cumulative breaches of several laws and regulations enacted over the years: squatting on coastal public land, noncompliance with environmental

regulations, noncompliance with regional and national plans, noncompliance with national coastal protection and, in addition, violation of EU-level landscape protection.⁴² Sea-level rise, too, is gradually threatening some of the buildings; thus legal building permits cannot be issued. However, decades ago, some buildings did receive temporary permits from the Port Authority and some are still under its jurisdiction. Many local politicians (and academics) have summer homes on these islands, alongside the permanent homes of fishermen, whose families have lived on the islands for generations, and a few Roma people.

The very context of these islands is likely to generate dilemmas. Some of the homes are very modest, while others are more affluent. Yet, Farol also has some physical attributes of a spontaneous settlement that some scholars regard as ‘informal’.

Today, most people (but not the residents and owners) would probably agree that the islands should be returned to their original pristine state as open public domain. The interests of the islands’ residents are clashing head-on with highly consensual environmental norms. What kind of public policy is appropriate for these settlements that emerged as ‘informal’ decades ago, but currently exhibit multi-layered illegalities? Should the community be left in place, despite the environmental policies? Should there be a soft strategy of gradual and voluntary



Figure 8.1 Summer homes on the ‘illegal half’ of Farol settlement in Ria Formosa, an environmentally highly protected area in southern Portugal. Are these informal? © Inês Calor.



Figure 8.2 Summer homes and fishermen's houses close to the water at the Faro Beach settlement, also in Ria Formosa. © Inês Calor.

phasing-out? Who should bear the costs of replacement housing, if deemed appropriate? Should compensation be paid? Alternatively, is hard-line demolition justified? If so, should demolition be carried out at once or phased according to some priorities? Are there distinguishing criteria, such as long-time owners versus more recent buyers, or permanent residents versus owners of secondary homes?

The state authorities have been (somewhat reluctantly) attempting to enforce demolitions for several years. In practice, this policy has turned out to be partial, seemingly random and based on extraneous variables. The story is still evolving and is far from savoury.

The official criteria were concerned with the right to replacement housing. Fishermen and others who were able to prove this was their permanent residence were eligible for such rehousing – the question remains where and when? Some summer homes have already been demolished. However, residents with means (financial or political) have gained time by accessing the courts to obtain temporary injunctions against demolition. In 2015–2016 an organised group of better-off residents almost succeeded in getting a court order to stop demolition regardless of the priority status of the residents. How did they accomplish that? They recruited a competing public goal – also drawn from the realm of environmental protection. With the support of one of the municipalities, they argued that the demolitions would destroy the preferred habitat of a protected species – chameleons. This species' habitat, so they argued,



Figure 8.3 Summer homes of varying levels of quality in the Farol settlement. © Inês Calor.



Figure 8.4 Recruiting the chameleons to petition the courts against demolition. Farol settlement, southern Portugal. © Inês Calor.

happens to be the backyards of the built-up areas of these islands (see Figures 8.3 and 8.4).

The lower court was indeed convinced and issued injunctions against demolition. However, in April 2016, the Portuguese Supreme Administrative Court determined that the petitioners had no legal standing for species protection and reversed this decision. Meanwhile,

an electoral change in the national government further delayed the enforcement activities.⁴³

The unintended consequences of the appeals to the courts were socially unjust and disruptive. Under the canopy of the courts, the enforcement became, *de facto*, selective. The homes of some poor or less-well-connected households were demolished, leaving a scarred, non-contiguous built-up fabric. However, due to the court interventions, many houses (or homes) remained in place and continued to be used. Because court actions cost money, one can assume that some of the better-off or better-connected have been able to gain many years of vacationing or rental income from paradise.

The overarching dilemma is whether any of the types of noncompliance encapsulated in this story deserve to be regarded as justifiable, and if so, on what grounds? To the best of our knowledge, to date, the chameleons have not yet been consulted.

8.8 In search of criteria for ‘justifiable noncompliance’

Should any of the violations of planning or land laws encountered in our two stories be recognised as justifiable under the rule of law? If so, they could merit waiver of sanctions, changes in enforcement policies or revision of the regulatory planning rules that triggered the violation in the first place. In this section, we seek to identify situations where some aspects of planning regulations or some flaws in enforcement practices can serve as possible grounds for arguing that certain violations of planning laws are indeed justifiable and should serve as the basis for reform. We have identified six types of grounds.

Breach of human rights

The first justification for noncompliance with planning law is, of course, breach of a specific human right, such as the right to adequate housing (variously defined).⁴⁴ The violation of the planning or construction regulation is carried out to provide a minimal level of housing that neither the government nor the market offers. In advanced-economy countries, such situations are less frequent than in the Global South. Thus, in the Global North, breach of human rights is likely to apply in unique cases only.

One such example is a case that has reached the highest legal echelons – specifically, the European Court of Human Rights. The case concerned ‘travellers’ (Roma people) in the UK who resided in their

caravans on their privately owned land, but without planning permission.⁴⁵ The Court did recognise the Roma community members' right to their special way of life and the legitimacy of their desire to set up a community caravan site. The Court additionally acknowledged that there were insufficient sites allocated to meet their housing needs in that particular district. However, the Court also addressed the local authority's argument that it had to consider the negative externalities caused by the caravan site on the environment and the public costs of the necessary infrastructure. The majority (in a split court) ruled that the balance made by the local authority was not unreasonable and that, in this case, there was no breach of the ECHR.

We thus see that, even when breach of a human right is invoked, the courts may still weigh this right against other public interests. Still, an argument for justifiable noncompliance based on human rights is indeed the highest legal norm globally.

A second example – with a more successful decision – is a case heard by Israel's High Court of Justice. It, too, concerned 'travellers' (Bedouin Arab–Israelis), some of whom still pursue a semi-nomadic tribal way of life in the Negev Desert.⁴⁶ To get to school each day, the children of these families had to cross a creek, which was dry most of the year but dangerous to cross during winter flash-floods. The authorities commenced the application process for obtaining the necessary building permit to construct a footbridge, but the procedures took time. The petitioners argued immediate danger. The High Court ordered the Ministry of Infrastructure to construct a bridge immediately, without awaiting planning permission. In this unusual decision, the Court relied on its inherent authority to bypass the legislation when necessary, to ensure justice. (The same High Court, however, in other petitions, did not halt the demolition of illegally constructed makeshift homes and instead accepted the government's position that the families had been offered alternative housing in community settings, which they refused.)⁴⁷

A third example is of noncompliance that is potentially justified under the right to housing. The informal settlement community of Cova da Moura in Portugal can be regarded as a Global South incision into the Global North (see Figures 8.5 and 8.6). Most of its 5,000 inhabitants are immigrants from Cape Verde, Angola and other Portuguese-speaking former African countries.⁴⁸ The self-built settlement has grown over the past 40 years through squatting on a large, once-agricultural, vacant plot of private land (originally, remote from Lisbon). As can be seen in Figures 8.5 and 8.6, the neighbourhood, though entirely illegal, does receive public services today and looks liveable. Its location is now



Figure 8.5 Cova da Moura squatter settlement, Amadora, Portugal. Mostly inhabited by immigrants from Portugal's African colonies. © Ines Calor.



Figure 8.6 Cova da Moura squatter settlement, Amadora, Portugal. © Ines Calor.

close to the Lisbon metro/transportation network, where property values are high. The owners argue that their development plan was denied back in the 1980s due to the administration's inability to provide alternative housing for this community. The national and local authorities have not yet reached an agreement with the landowners about compensation, land exchange or expropriation.⁴⁹

In view of the special social circumstances and governmental failure to provide alternative housing, there may be room to argue that this case constitutes justified noncompliance on the basis of the right to adequate housing. However, the fact that it sits in a Global North context means that the landowners' rights must be handled through the regular rule of law, and the issue of how to find large resources for compensation or land exchange remains.

Crisis situations and legal voids due to major regime transitions

The second category of justifiable situations of noncompliance relates to crisis situations or major geopolitical disruptions of the rule of law. Crises include disasters, when emergency rules and behaviour set the law aside, and we do not address these situations here. Global North countries have experienced other types of crises that may affect compliance with planning laws. Geopolitical upheavals, for example, have caused large-scale migration with which the normal legal regime cannot cope.⁵⁰ Major political–legal regime changes can leave a large legal void during the subsequent transition phase. However, such situations do not universally merit a sweeping classification of all violations as 'justifiable'. We will give two examples.

First, we revisit Portugal, where two crisis-related processes overlapped. The Portugal of the 1960s – then one of the poorest countries in Western Europe – went through a deep economic transition. This entailed migration from rural to urban areas (but neither on the scale of, nor with the economic desperation of, rural-to-urban migrants in developing countries). Many developers subdivided land and sold plots unofficially. This practice, known as clandestine allotment (see Figure 8.7) has led migrants to build hundreds of thousands of homes (mostly on the outskirts of Lisbon) with no building permits, no environmental consideration, and no allocation of land for public infrastructure. The practice continued with renewed force after the end of the dictatorship in 1974, during a period of political and governmental democratic transition. There has never been an official count, but Cardoso estimates that between 1960 and 1969 about 100,000 houses were built illegally,



Figure 8.7 Houses illegally built in ‘clandestine allotments’ – a prevalent phenomenon in Portugal in the 1960s–1980s. © Ines Calor.

and that between 1970 and 1981 the number grew exponentially, to 300,000.⁵¹ Enforcement was obviously lax.

Although basic planning law had been on the books all this time, the transition period was characterised by weak governance.⁵² Breach of planning law was quite tempting, economically, and the owners of the buildings were of various socio-economic groups and housing levels. How should these infringements be regarded today? Tagging them ‘informal’ without distinction will not lead to good public policies. Instead, a rigorous application of criteria is needed, alongside an assessment of alternative modes of enforcement, sanctions or legalisation.

Another example, on a much larger scale, relates to the collapse of the Soviet Union and the entire East European bloc of regimes in 1989–1991, which created nothing less than a legal abyss. Pre-collapse, in top-down government actions, planning law was either non-existent or irrelevant. As the new planning laws that today exist in most of these countries were still being drafted or in their infancy, during this time most East European countries experienced a high number of violations of their embryonic planning laws.⁵³

In such crisis situations, the rule of law in planning is weak – laws and regulations may be vague or not yet familiar to the public. Enforcement of planning law, as a low-priority arm of government, is likely to be very fragile. Noncompliance might be based on genuine ignorance, on dire need, or – let us not forget – also on opportunities to make large profits.

Many of these cases are indeed candidates for classification as justifiable noncompliance. They may merit interim measures of incorporation into the legal regime, either through a special amnesty, through retrospective adjustment of plans and regulations or through an official, openly declared non-enforcement policy for a prescribed period. Unfortunately, all too often, cases where noncompliance may have been justifiable are left in legal limbo for many years. Such situations could be prey to selective enforcement by the authorities – a weapon in the service of neighbour disputes – or could inhibit smooth market transactions in housing or businesses. In the meantime, indecision and inaction in cases of justifiable noncompliance jeopardise the personal, social and property security that citizens deserve.

Intractable planning policies: Doomed to failure

Planning law empowers planning regulations, and regulations expect compliance from citizens and enforcement from the authorities. However, regulations – and indeed any public policy – may have intrinsic limitations. In their classic text on the implementation of policy, Mazmanian and Sabatier present a set of preconditions for successful implementation.⁵⁴ A primary precondition is *tractability*: the degree of behavioural change sought by any regulation – especially a regulatory one – should be reasonably achievable. Here is an example translated into the planning regulatory context: where modern planning regulations, especially concerning residential areas, clash head-to-head with deeply rooted traditional modes of family or community living, large-scale noncompliance should be expected. If governments try to enforce the regulations with a tough hand, they will engender serious socio-political conflicts. When massive noncompliance persists for a long time despite government attempts to increase awareness through enforcement and education, this may be an indicator that the regulation is intractable and noncompliance is justified.

An example of intractability is the failure of Israeli planning law to regulate development in Arab–Israeli villages and small towns. Figure 8.8 depicts a typical development pattern for such towns. The land is privately and legally owned and passed within the family only through parental allocation or inheritance. Planners, trained to seek urban compactness, rationalise roads and services, and conserve agricultural land, gallantly insist on good, sustainable planning, and draft regulations to achieve that. However, the deeply entrenched forces of family tradition are more powerful. Each new household will usually build its



Figure 8.8 Homes built without planning permission on self-owned land, spilling onto agricultural land. An Israeli Arab village/town. © Rachelle Alterman.

home wherever the family happens to own a plot of land, regardless of its location or the availability of infrastructure and public services. In the absence of a real land market, there is no premium for density with good access to infrastructure and services.⁵⁵ Many elected local government officials naturally identify with their voters, despite the implications of sprawl for the local budget.

After 70 years of failed attempts to engender compliance, it would appear the Israeli government has not yet come to the realisation that the attempt to change land-related behavioural norms through modern planning regulations will not succeed. This policy is intractable. Thus, tens of thousands of homes and many businesses remain officially illegal, with thousands of demolition orders yet to be carried out. This gap is a source of constant conflict and tension between Israel's Arab citizens and the national government, and has been appropriately tagged by Nurit Alfasi as 'Doomed to Informality'.⁵⁶ We argue that such situations where regulations are intrinsically intractable could be regarded as cases of justifiable noncompliance. One appropriate approach here would be retroactive full legalisation in most cases. Future planning policies should aspire to be as hands-off as possible.

Overregulation and its implications for violations and enforcement

When does regulation provide an essential underpinning for good planning policies, and when is it clearly overregulation that is not only unnecessary, but detrimental to the ostensible public purpose? If planning controls are excessive, there are likely to be negative impacts of many sorts, including an increase in noncompliance.

The line differentiating overregulation and good regulation is, of course, contextual. A prominent candidate for being regarded as overregulation in some contexts is design control of architectural style. We are not referring to historic preservation or major landmarks, but to regular homes or small shops. Design control might include the compulsory use of a certain colour on a building, restrictions on the style of roof permitted, limitations on decorative materials or compulsory design of shop signage. In some jurisdictions, design control is legally permitted. In other jurisdictions, it is not allowed because it is regarded as overregulation (and, in some jurisdictions, also as infringement on freedom of expression).⁵⁷ Design control is susceptible to noncompliance, especially if the public architect's taste does not resonate with local building traditions or is not welcome by the residents. If enforcement agencies do not regard such factors as a priority, and residents do not submit complaints against their neighbours, violations may run rampant.

Figures 8.9 and 8.10 show an example of overregulation of fences. The original style imposed by the statutory design specification was apparently not appealing to home owners and, over time, almost all replaced them with new designs (often using costly materials). Under the letter of the Israeli planning law at the time (revised since), all violations of planning law were deemed to be of identical severity, and any distinctions would be made in practice by enforcement priorities and the courts. Quite reasonably, the city's small enforcement unit did not give high priority to such minor violations, which were never legalised formally. Even though this was (and still is) an upper-middle- or high-income neighbourhood, only a few neighbours ever complained about each other. Today, the non-enforcement policy remains, and so does the legally ambiguous situation. In our opinion, the neighbourhood looks much better than it would have with the uniformly designed fences.

The relevance of overregulation to our discussion here is that it is prone to misuse through the legal system. Leaving overregulation intact while not enforcing violations may be convenient for the enforcement administration and the courts. However, dormant enforcement powers are not a 'sleeping beauty'. They might be harnessed for selective



Figure 8.9 An upper–middle-income neighbourhood, Netanya, Israel. One of the few fences in the original obligatory design still standing. © Rachelle Alterman.



Figure 8.10 Next door – an example of an individually replaced fence, without a permit and noncompliant with the obligatory design. © Rachelle Alterman.

enforcement in intergroup or interpersonal conflicts. Regulation without a clear public purpose is not likely to promote social justice in the city. It is planners' duty not to remain complacent, and to review regulations on an ongoing basis, while learning from experiences of noncompliance. In the

context of this chapter, we argue that overregulation and concomitant nonenforcement may be one of the justifications for noncompliance.

Lethargic, negligent or unjust enforcement

As a low-priority and under-funded government function, enforcement agencies sometimes adopt a hands-off policy, not only in cases of acknowledged overregulation, but simply because they have been negligent in enforcement in the past. Now that noncompliance has become so widespread, enforcement would cause too much political or physical turmoil. What should governments do?

Many OECD member countries – notably Italy, Greece and Turkey – face violations of planning laws on a huge national scale.⁵⁸ These violations amassed over decades and now cover major parts of the urban and rural population. They do not correlate with poverty or with the needs of specific cultural groups: they can be found in rich and poor neighbourhoods, in commercial areas, in resort areas and so on.

From time to time, governments attempt to bring such widely spread violations into the rule of law. Mass demolition is, of course, out of the question. A few countries have taken the extreme legal step of adopting an official planning amnesty. Amnesties may differ greatly from country to country in their legal and financial impacts. In Greece, a recent amnesty involved payment of high fees to the national coffers (reflecting Greece's economic bankruptcy and the European policy of replenishing the national coffers).⁵⁹ In some countries, such as Italy and Turkey, amnesties have been repeated several times – a phenomenon that does not bode well for the general rule of law.

Where enforcement has been negligent as a government function, the authorities should be accountable and individual noncompliance could be justified. This means that planning regulations should be amended to legalise the violations. If the noncompliance is physically reversible without demolition or major costs to individuals, planners should consider the use of incentives.

Noncompliance serves a public purpose, but planning fails to re-evaluate existing regulations

We now return to illegal accessory dwelling units, as in our hypothetical story. Such units can take on quite inventive physical forms. Figure 8.11 shows an illegal, well-hidden backyard staircase leading to an illegal accessory dwelling unit on the second floor. Figure 8.12 shows a garage



Figure 8.11 Illegal stairs in the backyard of a single-family (detached) home. Access to an illegally partitioned accessory housing unit, rented out. Location undisclosed. © Rachelle Alterman.



Figure 8.12 Garage illegally extended and converted into an accessory housing unit. Upper-middle-income neighbourhood in Netanya, Israel © Rachelle Alterman.

unabashedly turned into an accessory unit. The total number of such illegal units in Global North countries is estimated to be in the millions.⁶⁰ They are found not only in single-family homes (that is, detached properties), but also in partitioned apartments. They are reported in the US, Canada, Australia and Israel,⁶¹ but are probably spread widely across the globe. Some such units are located in low-income neighbourhoods, such as in our hypothetical story, where they provide affordable housing plus additional rental income to the owners. But many accessory units are found in well-off neighbourhoods.

Accessory housing is an example of situations where illegal practices, in fact, serve to adjust static planning regulations to new public policy goals. When many of the suburban American or Canadian neighbourhoods were originally approved, the housing affordability issue was less acute. Furthermore, the households may initially have had, on average, more inhabitants, as there were fewer 'empty nesters' at that point in the life cycle of the neighbourhood. Today, accessory units are recognised as inherently more affordable than the main housing units in the same zone. They also contribute to urban densification, with much lower public investment in infrastructure and services than in new housing.

Another example is depicted in Figure 8.13. Garages are a notorious source of violations of planning law for a variety of ingenious purposes (not only accessory housing units). The picture shows a car parked on a



Figure 8.13 Fake, inaccessible garage door. The underground space designated for a garage has been illegally merged with the main house. Location undisclosed. © Rachele Alterman.

driveway that should lead to an underground garage, but the flattened driveway leads nowhere. The extra floor space has been annexed to the main house. According to the planning regulations in that jurisdiction, the use of an underground garage area for any other purpose is clearly illegal. Any extra floor area in this upper-middle-income area is quite lucrative. This violation is easy to spot from the local road, but has not been stopped. Could it be that addressing such violations is assigned a low priority because the underground garage regulations no longer make sense? Planning policy today seeks to minimise the number of parking places per household, to reduce reliance on private car ownership and encourage greater use of public transport.

In both the accessory-housing and the garage-annexation scenarios, the violation actually resonates quite well with broader planning policies today. Perhaps this recognition – whether explicitly articulated or unspoken – partially explains why the enforcement agencies prefer to turn a blind eye to the increase in accessory units or to the elimination of a built-in parking space.

Are these types of noncompliance justifiable? Probably not, because grabbing by stealth contradicts the pillars of the rule of law – transparency and equality. But this type of violation does point to the serious discrepancies between frozen planning regulations and dynamic urban needs. An enforcement policy of turning a blind eye is not a valid policy. Responsibility should sit back with the planners and decision-makers whose duty should have been to proactively review current planning regulations and deregulate where merited. In the contexts described here, noncompliance should have been foreseen and either strongly sanctioned to overcome human temptation, or the regulation should have been officially relaxed.

8.9 Collating the criteria for justifiable noncompliance in the Global North context

While well-reasoned criteria are a necessary condition for enabling justified noncompliance to coexist with the rule of law, this condition alone is not sufficient. Broader changes in the conceptual and institutional interrelationship between planning, planning law and enforcement policies are needed. In this section, we propose criteria for justifiability of noncompliance and share some thoughts about broader legal and institutional reforms.

Our criteria for distinguishing between unjustified violations and justifiable noncompliance have been distilled from our hypothetical case, the real-life story of the Farol settlement, and our wider research experience. The proposed criteria are tentative and need further theoretical grounding and research.

If justifiable noncompliance is defined too broadly, parts of the foundations of planning law will erode away. Planning laws have many faults – but we need them more than ever to meet today’s challenges of urbanisation, sustainability and social justice. On the other hand, if the criteria are too narrow, they will not enable further progress towards more socially responsive and just planning and enforcement. Part of enhancing social justice entails paying much more attention to the phenomena surrounding noncompliance with planning regulations.

We propose six criteria; to be regarded as justifiable noncompliance in the Global North context, violations of planning laws should fulfil at least one. The legal or policy arguments may be stronger if two or more criteria are at play. The criteria are:

a) *Basic human needs or rights are unmet under the planning regulations.* Enforcing compliance with planning law will not enable disadvantaged or socially constrained households to have minimally adequate housing or livelihoods in the area relevant for their socio-cultural needs. At the same time, the violations do not entail serious negative externalities that cannot be reasonably contained without jeopardising the equivalent rights of other groups. A reasonable and socio-culturally sensitive policy balance would indicate that noncompliance is justified.

b) *Crisis situations or extreme regime transitions create a legal void.* Since the 1990s, many countries that are today members of the OECD have undergone a major crisis or extreme regime change that has left a void in planning law. In the interim, even though there may have been laws on the books or in the making, there were significant ambiguities in the law or its enforcement. These situations call for concerted thinking about interim policies that will avoid tagging major populations as legal offenders and a large number of structures as illegal.

c) *The planning law or regulations are predicated on intractable objectives.* Sometimes, planners or governments imagine that planning regulations can achieve deeper changes in behaviour than is realistically feasible. Regulations may be intractable when they clash with deeply entrenched

social structures or economic capacity, leading to extensive noncompliance. If planning laws and regulations clearly do not serve the society in question, and no trade-offs are perceived by citizens, noncompliance could be justifiable unless it compromises the interests or values of other groups or the general public good.

d) *There is overregulation or random regulation without a clear public purpose.*

Violations of minor regulations that have no perceivable purpose can be viewed as justifiable if they have no major externalities and are not at the expense of others. One indicator is that the enforcement agencies themselves regard these violations as low-priority and do not spend resources on enforcement.

e) *Enforcement is negligent or clearly unjust.*

The enforcement agencies do not monitor the violations, and these become too rampant to be feasibly enforced. Alternatively, enforcement is selective and unjust. This could arise from intentional discrimination, but could also be an unintended outcome of lethargic, negligent monitoring and enforcement.

f) *Noncompliance serves a new public purpose, but planning fails to re-evaluate existing regulations.*

Planning regulations sometimes create undesirable path dependency. Existing regulation may constrain the capacity to serve new public needs, whereas the noncompliant initiatives do serve them. If the enforcement agencies knowingly close their eyes to large-scale violations of planning regulations, this could signal that the noncompliant actions are justifiable. This type of situation indicates negligence or failure by planning authorities to re-evaluate the existing regulations and find ways to accommodate the new public purpose.

Would any of these criteria be sufficient to justify the violations in either our hypothetical or the real-life stories? The application of the criteria will rarely be easy, because each would depend on specific factors, and would encounter different constellations of competing considerations. In each jurisdiction, there are likely to be relevant prior court decisions that will construct the span of justifications. We leave it to readers to try to simulate the situation and the dilemmas they may encounter in their neighbourhood.

The criteria are all intended to apply to noncompliance after the fact. It would be much better, of course, if planning could anticipate

noncompliance and be proactive in advance. But planners today are barely cognisant of the implications of the regulations they draft with good intentions, which have the potential to turn some individuals into offenders and render them subject to onerous sanctions. This chapter is therefore intended to provoke deeper thinking in planning theory and planning law about their interrelationships.

8.10 A new instrument: Noncompliance impact assessment

The fact that noncompliance with planning law and regulations may sometimes be justified means that planners and lawyers alike should take a hard look at the patterns and degrees of noncompliance. These hold information that should be highly valued and serve as feedback for reviewing both planning and the law. Such rethinking should include the potential for deeper conceptual and institutional changes to minimise the need to justify noncompliance. Indeed, noncompliance is the untapped goldmine of feedback for assessing the adequacy of planning regulations. Such evaluation should include deeper conceptual and institutional changes to minimise the need to justify noncompliance after the fact. Special attention should be paid to the linchpin that should have connected all of these functions: enforcement. As we have seen throughout this chapter, this linchpin is weak, and requires an in-depth review of its functions as part of planning regulation.

We would like to see awareness of noncompliance incorporated not only for ex-post evaluation, but also deep within forward planning. For this, we propose a new instrument: *noncompliance impact assessment*. This instrument calls on planners engaged in forward planning to prepare scenarios of different degrees and types of violations anticipated by alternative planning regulations. These scenarios should serve during the regular planning process as part of the evaluation of alternatives. After approval of the planning policies and regulations, these scenarios should fortify the connection between the enforcement unit and the planning unit and should feed into proactive revisions of plans and regulations on an ongoing basis.

8.11 Conclusions

In the Global North, the land and planning-law systems usually work reasonably well (no legal system is without its flaws). Therefore, while

the term ‘informality’ may be useful for describing human behaviour and initiatives when legal norms are dysfunctional or remote, this term is unhelpful in the context of a reasonably well-functioning legal system, including planning law and regulations. Planning law is here to stay. In this chapter, we have argued that, in the Global North context, the use of the loose concept of ‘informality’ should be replaced by the narrower term ‘justifiable noncompliance’.

To help us identify situations where noncompliance may be potentially justifiable within the rule of law, we have attempted to simulate reality through an unfolding hypothetical case story, a complex real-life story and many simpler examples drawn from our past research. From these elements we have distilled an initial set of criteria for determining when noncompliance with planning regulations might be recognised as compatible with the rule of law. In some situations, noncompliance should even lead to better planning policies.

Beyond justifying noncompliance, planning theory and law should devote more thinking to how to minimise planning-law violations, through more responsive planning and closer linkages with the enforcement function. We lament the sharp disconnection between planning theory and planning law, as if they resided in parallel worlds and each needed the other to function well but were separated, both institutionally and conceptually. We hope this chapter has contributed somewhat towards bringing the two worlds closer together.

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Shanty settlements in nineteenth-century Europe: Lessons from comparison with Africa

Olumuyiwa Bayode Adegun

9.1 Introduction

From the beginning of the Industrial Revolution to the early twentieth century, urban centres in Europe faced housing shortages, slum conditions, informal settlements with shanty/shack dwellings and overcrowding.¹ These are very much like the conditions in most African cities today. Similarities between urban housing conditions in the two continents lend themselves to cross-century exploratory comparison. This chapter seeks to look across time and space, to draw lessons from the past and find solutions to some of the current challenges associated with informal urban housing globally.

The discussion of the severe housing problems that European cities experienced from the beginning of the Industrial Revolution to the early twentieth century focuses on self-built shanty dwellings and informal settlements at the urban margins of Berlin and Paris. These foreshadowed present-day housing conditions in African countries. As the comparison will show, the solutions to the housing crisis that was manifest through shanty settlements in Europe over a hundred years ago are largely similar to those currently applied in Africa. Interventions in Africa are, to a large extent, shaped by the modernist approach emerging from European countries. The following historical comparison across different periods explores similarities and differences, and raises some questions regarding current housing policies in Africa.

9.2 Berlin's history of shanty settlements

In the wake of the Industrial Revolution, the population of Berlin grew at a high rate, increasing by around 57 per cent between 1860 and 1869. Around 20,000 people arrived in Berlin every year in the early 1870s to seize economic opportunities in the industrialising city.² This growth rate was then the fastest in Europe.³ But the city was not only growing due to industrialisation: it was becoming international. Berlin went from having been the capital of Prussia since 1701 to becoming capital of the unified German States in 1871, with aspirations to achieve a level of 'global competitiveness' on a par with that of cities such as London and Paris.⁴

In view of massive rural–urban and international migration, new housing construction could not keep up with demand from the increasing number of migrants. At one instance during this period, around 15,000 people were recorded as homeless.⁵ Dwelling in the unsanitary overcrowded tenements in the central parts of the city was a living nightmare. According to the 1867 census, city-dwellers often lived in cramped conditions; for example, over 20 people were found sharing a single room, and they had to alternate sleeping shifts.⁶ There was insufficient decent housing, and what was available was unaffordable.⁷ Poor Berlin residents were therefore forced to live in self-built settlements on the edge – outside the city's historic walls. The shanty towns at times referred to as *Barrackenstadt* or *Hüttendörfer*, were established on vacant publicly owned land towards Berlin's south – in areas that are today part of the Kreuzberg borough – and to the east in Frankfurter, Landsberger and Tempelhofer Feld.⁸

In 1872, in the Kreuzberg area, 163 families were living in a settlement of tents outside Kottbuser Tor.⁹ In May of that year, another settlement contained 92 families living in 52 dwellings; but by late September 1872, it had grown to a population of nearly 2,000,¹⁰ making it one of the largest shanty towns in Berlin. Built three decades later, in around 1903, the 'cascade village' provides another example. The small area contained shanties built and inhabited by construction workers who were mostly Italian and Polish immigrants.¹¹ The dwellings were constructed from scrap materials such as discarded wood and metal components, old furniture (see [Figure 9.1](#)) and even 'overturned rowboats, abandoned train cars, rafts, and omnibuses'.¹² This form of shelter was neither durable nor structurally stable enough to protect dwellers from inclement weather conditions in summer or winter. A local newspaper described the dwellings as 'shabby and miserably constructed wood huts'.¹³



Figure 9.1 Image from: Georg Koch, 'Die Baracken der Obdachlosen in Berlin', *Über Land und Meer* 46 (1872). © Wikipedia Commons.

Notwithstanding the physical inadequacies of dwellings in these settlements, they mirrored their environment in several respects. Shack-dwellers used local material, and they also reproduced the social and cultural norms of the country. Life in these settlements was 'traditional German family life – the productive, employed nuclear family living in a freestanding single-family house'.¹⁴ The surroundings were surprisingly clean. A semblance of order seems to be apparent in the layout of the sprawling shanty towns. Each dwelling unit, with its yard, was neatly demarcated, separated by twine fences, rope lines or any other suitable material. Utilities such as a stove or water point were located outside the dwellings and shared (see Figure 9.1). Internal walls were decorated in bright paint and the windows with flower boxes. The curtilage (space around the dwellings) was cultivated as vegetable gardens by women. In what represents a demonstration of patriotism, German flags were flown above the shacks while the self-constructed streets bore nationally symbolic names.¹⁵

In the first two decades of the twentieth century, shanties were again prominent in Berlin thanks to its allotments. Indeed, the shanties were known as 'green slums', since fruits and vegetables were cultivated in the gardens (see Figure 9.2).¹⁶ That is, spaces meant to serve as allotments were developed with unapproved, self-built dwellings – one of the



Figure 9.2 Shacks in the Marienthal allotment (now Mariengrund) on Südostallee, Treptow district, 1912. © Landesarchiv Berlin.

self-help actions taken to address housing problems in the city. They were under-serviced – water, which was sourced from wells, was inadequate, and connection to electricity was also partial. Outdoor toilets, with soak-aways, made up for the absence of proper sewerage.

The history of allotment-type gardens in Germany dates back to the 1860s, when Moritz Schreber planted gardens on land leased by the city of Leipzig.¹⁷ This practice spread to Berlin, where living in allotments started in around 1900. At its peak in the 1930s, after the First World War and the subsequent global economic crisis (1929–1933), allotments with shanties covered a total of approximately 6.200 hectares and accommodated around 120,000 persons (representing 2.8 per cent of Berlin’s population), based on the 1933 census.¹⁸ They provided housing for poor Berliners (working and retired) as well as Communists and Jews experiencing discrimination and persecution, particularly after Hitler’s rise to power.

Although informally planned, the layout of the allotment shanties was patterned. Construction materials used for the allotment shanties were generally not dissimilar from those used in the nineteenth century for shanty towns located at the city’s periphery, but they also incorporated new features. The allotment sites included, for example, old railway carriages extended to achieve larger homes (see [Figure 9.3](#)). Some accommodated home-based enterprises such as foodstores and bakeries operated by entrepreneurial residents.

Shanty settlements existed only temporarily in Berlin. In most cases, the state intervened rigorously. For instance, in the late summer of 1872, after existing for a few months, shacks within some settlements were



Figure 9.3 Railway car dwelling in Berlin, 1930. © Landesarchiv Berlin.

cleared and the residents forcefully removed under police supervision.¹⁹ Soon, the periphery land they had occupied was taken up by the city's expansion beyond the former walls.²⁰ The Hobrecht Plan of 1862 set the framework for Berlin's urban development. Implementation of this plan influenced housing interventions during this period. Contemporaries criticised it as authoritarian, partly due to its policies of tearing down shacks and clearing the settlements.²¹

By contrast, the allotment shanties from the late nineteenth to the early twentieth century were tolerated in the short term. In exceptional situations, *in situ* upgrading or incremental consolidation of allotment shanties were permitted in the 1930s. Individual households in the allotment shanties purchased the land, while 'the city lifted the building ban and established the area as a residential neighbourhood'.²² This intervention approach had limited application and was discontinued after the Second World War.

Eventually, most of the allotment shanties were cleared, based on the prevailing school of thought that the 'formally planned city was the future, and self-built homes represented residues of undeveloped past'.²³ Modernist multi-storey housing blocks, including Walter Gropius' Gropiusstadt in Neukölln, replaced many of the shanties. From accommodating about 3 per cent of Berlin's population in the 1930s, only 0.2 per cent of the city's inhabitants lived in the allotment shanties by 1982.

9.3 Shanty towns in a growing Paris

In the second half of the nineteenth century, Paris grew rapidly as migrants poured in to seize opportunities in the booming industries.²⁴ The number of inhabitants increased by 510,000 between 1851 and 1892 alone, with migration responsible for over half of this growth.²⁵ By 1901, the population of the French capital had more than doubled compared to 1851. The new arrivals came in search of employment in the industries, and in the meantime survived through menial or odd jobs. Of note among the casual jobs was the ‘ragpicking’ trade.²⁶ One conservative estimate is that at least 9,000 individuals were working as ragpickers in Paris towards the end of the nineteenth century.²⁷

The increasing population led to a housing crisis, which mostly affected the working poor and under-employed. The low-income class lived in the central part of the city, in overcrowded unsanitary, warren-like, old townhouses.²⁸ These were ‘subdivided abandoned homes ... [where] the rooms were continually divided; floors were sometimes added, creating six-foot ceilings. Stairs were often nothing more than ladders. Water was only available in the streets; few had cesspools’.²⁹ Poorer families were pushed out to the city’s periphery, particularly towards the north and close to industrial sites beyond the 1844 city wall fortifications.³⁰

According to one contemporary writer, they searched for vast open land on the edge of Paris and ‘as soon as one discovered a home or a site available for rent, all the others came to visit and quickly formed a settlement, a clan, a family’.³¹ Historian Alain Faure tells how ‘owners of vacant sites would divide the area into lots on which the tenants constructed their homes’ (see [Figure 9.4](#)), ‘leading to unusual urban landscapes that featured stark geometric constructions assembled from disparate elements forming curious combinations’.³² During this period, up to 269 shanty-like settlements were counted in Paris.³³ *La Zone*, located on land extending 250 metres beyond the historic city wall fortifications, was a popular settlement on the periphery (see [Figure 9.5](#)).³⁴ *Cité Dorée* is another example. It was colonised by a group of ragpickers in 1849 and, just two years later, had 270 inhabitants.³⁵

Dwellings in the shanty settlements were fashioned from materials such as planks, tar paper, tree trunks and thatch roofs.³⁶ The outdoor areas of neighbourhoods inhabited by ragpickers were, at times, filled with the sorted or soon-to-be-sorted proceeds of daily scavenging (see [Figure 9.6](#)). Order was largely absent, and reports of knife fights, drunkenness, robbery and mob justice were rife. The settlements lacked water,³⁷ and the sanitary and social conditions were a source of concern.



Figure 9.4 Shanty town awaiting redevelopment, Rue de la Champlain, late 1850s. © Wikipedia Commons.



Figure 9.5 View of *La Zone* near Saint-Ouen. From bottom to top, one sees the trench of the fortifications, the barren land of the zone and the shanty towns pushed up against the city limits. © Wikipedia Commons.

Urban historian Spiro Kostof described the settlements as ‘squalid belts of privately owned shanties’.³⁸ In 1867, Edwin Chadwick, a leading hygienist, claimed that air pollution associated with these living conditions over time had killed more people than the sword in the whole of Paris.³⁹



Figure 9.6 The Zone, Porte d'Ivry, *chiffonier* (ragpicker), 1912, Gallica. Original photograph by Eugène Atget. © Wikipedia Commons.

Under the autocratic regime of Napoleon III as Emperor, the modern city concept for Paris developed by the *Musée Social* reformers (which notably included Baron Haussmann) proposed the elimination of these settlements. As a result, the shanty settlements began to decline. From the 1880s, they were demolished and gradually replaced with new housing, roads and public spaces for recreation and leisure activities. For instance, as part of the official campaign by the *Musée Social's* new 'Section on Urban and Rural Hygiene', it was proposed that shanty towns of *La Zone* be replaced with a ring of public parks and playing fields by 1908.⁴⁰ In 1879, photographer Charles-François Marville (1813–1879) depicts the gradual replacement and (re)development process in the city, noting 'a shanty town, and in the distance is new Paris ... [an] evocative presentation of the emergence of two cities: bourgeois Paris and the poor *banlieue*'.⁴¹

By the 1930s, up to 40,000 new modern housing units had replaced some of the shanty settlements.⁴² Between 1923 and 1933, no fewer than 120,000 units of social housing (*habitation bon marché*) had been built by local authorities in Paris.⁴³ This, however, did not mark the end of informal settlements in Paris. After the Second World War, migrant squatting again became prominent. Housing scarcity led migrants to establish settlements on the outskirts of Paris and other French cities.⁴⁴ More recently, Roma migrants have set up shanty settlements in Paris, taking up vacant land and spaces (such as buffer zone for bridges, motorways and train lines) for flimsy self-built dwellings.

9.4 Informal settlements in Nairobi

A high rate of urbanisation, skewed land distribution, urban inequality and a legacy of racial segregation in the colonial and post-colonial era all led to the emergence of informal settlements in Kenyan cities.⁴⁵ While informal housing was a marginal phenomenon in Europe, it is a key feature of many African cities. About 2.5 million people, approximately half the population, are estimated to live in over 100 areas regarded as slums in Nairobi, Kenya's capital city.⁴⁶ These informal neighbourhoods are dense. The combined area amounts to only about 6 per cent of the city's land. Over 50 per cent of buildings in the informal settlements occupy less than 103 m², at an average density of 39 buildings per hectare.⁴⁷

Kenya's iconic informal settlement *Kibera* is Nairobi's largest. In 2009, it was home to 178,264 persons living in around 13 'villages' located on 110 hectares of land.⁴⁸ Kibera is characterised by bungalows and rows of overcrowded single-storey rooms made of wattle, daub and corrugated iron sheets, along narrow paths serving as drainage channels (see [Figure 9.7](#)). In some cases, the dwellings are made from concrete, while some walls are plastered with mortar. It is underserved – access to water, sanitation, electricity, waste collection and social amenities is absent or inadequate – and the residents live in extreme poverty.⁴⁹

Improving poor conditions within this and other settlements has been of interest to different stakeholders. A summary of notable measures taken in the past, mainly by the state, to improve Kibera (from the pre-independence era to recent times) is presented in [Figure 9.8](#). The trajectory of partial and/or comprehensive intervention in Kibera is based on the *eliminate* (through eviction and clearance) + *redevelop approach*. Across different phases through the 1970s, new housing (such as the Fort Jesus Scheme, the Olympic Estate and the Eyang Estate) was developed on cleared Kibera land. In 2011, around 1,200 households from Soweto-East in Kibera were relocated to two-bedroom units in blocks of flats located in the Langata area of the settlement (see again [Figure 9.7](#)). More recently, 822 housing units in 21 blocks of four-storey buildings with 245 market stalls, costing 2.9 billion Kenyan shillings, have also been completed in Soweto. The Kenyan government plans to develop over 3,500 additional units on cleared parts of Kibera over the next few years.⁵⁰

The 'elimination of slums' in Nairobi is driven by a modernist agenda and an urban competitiveness vision 'to be a world class business setting, recognised nationally, regionally and globally', as expressed in the Ministry of Nairobi 2008 Metropolitan Development Plan. To support the country's long-term development (the premise of Kenya Vision 2030),



Figure 9.7 View of Kibera settlement showing the shanty dwellings and recently developed housing units in the background. © Olumuviwa Adegun, 2012.

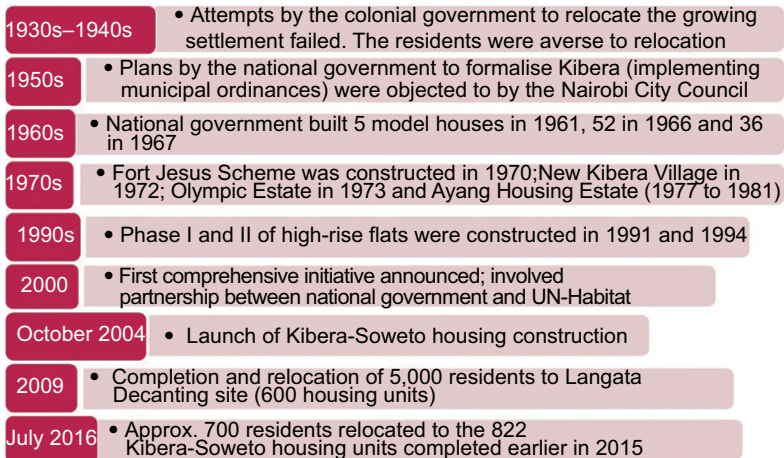


Figure 9.8 Notable milestones of intervention in Kibera settlement. © Olumuviwa Adegun.

the government is attempting to implement slum prevention nationally and aspires to the 'production of 200,000 housing units annually'.⁵¹

9.5 Informal settlements in Johannesburg

Informal settlements are just one of the features evidencing the urban inequality and housing crisis in South Africa – problems attributable to apartheid and increasing poverty in the post-apartheid era. Statistics from South Africa's Household Survey show that 13.9 per cent of households, nationally, lived in informal dwellings as at 2016.⁵² In Johannesburg, South Africa's largest urban agglomeration, there are informal settlements providing accommodation for 109,949 low-income households, approximately 10 per cent of the city's total households.⁵³ These settlements are established in urban or peri-urban locations without official approval and are often named after symbolic national/international events or political actors. They are generally characterised by poor access to basic services and social amenities, uncontrolled population densities, inadequate infrastructure and lack of effective administration by the municipality.

State-led housing intervention for people living in informal settlements involves the relocation of qualifying households to new subsidised houses on a serviced plot in newly established areas, often referred to as townships. This is a product-driven approach that first emerged in 1994 as part of the post-apartheid housing policy. It was initially construed as a means to redress the historical disadvantage that poor households living in urban and peri-urban informal settlements experienced during apartheid. Available statistics show that over 2.7 million households, mostly from informal settlements, are currently living in such post-1994 subsidised houses.⁵⁴

9.6 From Europe to Africa: Similarities, differences and emerging questions in the realm of informal settlements

This chapter has illustrated some of the inherent similarities and differences between settlements in different historical periods in Paris, Berlin, Johannesburg and Nairobi.

A most striking example of similarity is that of the materials used to construct the dwellings across the four contexts. The self-constructed shacks are generally made from recycled scrap materials, discarded furniture, waste components and disused vehicles (such as old, non-working caravans) often sourced from the formal and well-off areas of the city. Given the kind of materials used, the construction methods are rudimentary. Contrasts prevail between order and disorder in the layout of the settlements across all four of the contexts examined here, as this appears to be peculiar to individual settlements. Berlin settlements were largely orderly, while Paris settlements were not. Within Johannesburg, some settlements or parts of it are well laid-out, while others are not. This dualism, though subject to specific circumstances, is common to most informal settlements in African cities.

The use of local materials is not the only thing indicating that these settlements are 'home-grown'. Though these sites are regarded as unlawful and informal, life within the shanty towns is reflective; they are influenced by, and instrumental to, the expression of national customs and mentality. For instance, signs of an intrinsic nationalism can be observed in different shanty settlements, such as flags on dwellings, street names in Berlin and politically significant names in South Africa. Another similarity of informal settlements in Europe and Africa is the general practice of a communal lifestyle, reflected in the sharing of utilities between households.

Significant differences also exist. Although there was a similarly high rate of urbanisation in nineteenth-century European cities and present-day Africa, the completely different scale and size of the informal settlements within the growing cities make a world of difference. In Berlin or Paris in the nineteenth century, there is no evidence that any single settlement had more than 5,000 residents. The shanty settlements that existed in European cities were relatively small. By contrast, most major shanty settlements in Nairobi, Johannesburg and many other African countries contain thousands of residents. Nairobi's Kibera settlement contains over 178,264 persons, Johannesburg's Kya Sands settlement accommodates over 16,000 persons and Cape Town's Joe Slovo had a population of over 20,000. The figures are similar for other cities in Africa.

There are also differences in terms of temporality and broader contexts. It seems that shanty settlements did appear, on and off, in European cities, but they were dismantled quite quickly. Interventions were made to eradicate the informal settlements, remove the dwellings and discourage squatting. Shanty settlements in Africa, by contrast, are more permanent. They often emerge through land invasion for temporary accommodation,

but, given the slow pace of formalisation, *in situ* upgrading and formal housing delivery, these informal modes of housing persist for so long that they become permanent. The macro-economic environments in the two contexts also differ. The nineteenth-century European situation was that of rapid urbanisation marked by industrialisation, which led to economic growth and rising standards of living. In Africa, the high rate of urbanisation has not been accompanied by comparable industrialisation, economic growth or, more importantly, equitable distribution of wealth. This might be one explanation for the relative permanence of shanty settlements in African cities.

Despite important differences, African cities' responses and patterns of intervention in informal settlements are strongly influenced by, or even modelled on, Europe's trajectory of intervention. Colonisation played a strong role in the transfer of European urban planning and informal-settlement intervention ideas to Africa. Scholars have consistently argued that 'current international policies addressing the African city are situated in a longer history going back to the colonial period', imbued with an assertion of European civilising supremacy in terms of a modern developmental approach.⁵⁵

Modernist city planning, which emerged in response to negative corollaries of urbanisation and industrialisation in Paris and Berlin from the late nineteenth century, involved the eradication of informal settlements and massive development of multiple housing units. The same policy is implemented in Africa, as the examples from Nairobi and Johannesburg show. Informal settlements are being demolished, at times through violent forced evictions, by governments in pursuit of modernist city visions emerging from European urban planning traditions. This approach also gained traction in response to initiatives such as 'Cities without Slums' led by Cities Alliance, set up by a coalition of World Bank and UN-Habitat. Echoing criticisms of this approach, Vanessa Watson described these visions as 'urban fantasies' that often attempt to 'sweep the poor away' from the city.⁵⁶

With an eye to the differences between the two contexts – Europe then and Africa now – the comparison raises questions about the transfer of modernist housing solutions for informal settlements. These differences serve as a basis for argument against a transfer of the modernist paradigm. How appropriate is it, given that realities in the African context are so different from those in Europe? How plausible are historical European solutions, in the light of complex socio-economic and environmental problems experienced in the twenty-first century? The differences in terms of the physical scale of the settlements alone require

policies to be adjusted. A small, peripheral settlement can be removed easily, while a settlement on a massive scale that has persisted over time should be treated differently. In view of that, it is time for African countries to *unlearn* – to develop home-grown, incremental settlement interventions that offer alternatives to the modernist mass-housing projects. It might also be time to reverse the learning process, by generating lessons for Europe and the global North from approaches developed in Africa.

Notes

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6. Marion W. Gray, 'Urban Sewage and Green Meadows: Berlin's Expansion to the South 1870–1920', *Central European History* 47, no. 2 (2014): 275.
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10. Kristin Poling, 'Shantytowns and Pioneers beyond the City Wall: Berlin's Urban Frontier in the Nineteenth Century', *Central European History* 47, no. 2 (2014): 245.
11. Cascade village 'shanty town' was built during construction of the mills in Berlin. See <http://berlinhistory.weebly.com/areas-and-villages.html>.
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13. This was reported in *Volksstaat*, a local German newspaper, in August 1872.
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15. Kristin Poling, 'Shantytowns and Pioneers beyond the City Wall: Berlin's Urban Frontier in the Nineteenth Century', *Central European History* 47, no. 2 (2014): 274.
16. Florian Urban, 'The Hut on the Garden Plot: Informal Architecture in Twentieth-Century Berlin', *Journal of the Society of Architectural Historians* 72, no. 2 (2013): 221.
17. Florian Urban, 'The Hut on the Garden Plot: Informal Architecture in Twentieth-Century Berlin', *Journal of the Society of Architectural Historians* 72, no. 2 (2013): 221.
18. Florian Urban, 'The Hut on the Garden Plot: Informal Architecture in Twentieth-Century Berlin', *Journal of the Society of Architectural Historians* 72, no. 2 (2013): 221.
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30. Peter S. Soppelsa, 'The Fragility of Modernity: Infrastructure and Everyday Life in Paris, 1870–1914' (PhD thesis, University of Michigan, 2009), 369.
31. Alex Privat d'Angloment, *Paris Anecdote* (Paris: A. Delahays, 1860).
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10

Squats across the Empire: A comparison of squatting movements in post-Second World War UK and Australia¹

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In the midst of severe housing crises, a short-lived series of occupations targeting disused residential properties took place in England and Australia during 1945. In the UK, the movement achieved national prominence following a campaign that began in Brighton in July of that year. A subsequent wave of squatting in 1946 would eventually involve more than 45,000 participants, many of whom took part in mass occupations of military camps. In August 1945, squatting received widespread attention in Australia, with a larger wave in the following year.

This chapter provides a history and comparison of how squatting during 1945 served as a method of informal requisitioning in the context of the failure of official wartime regulations in England and Australia to fully compel owners to make vacant properties available. In doing so, it details how squatting built on, and sought to improve, formal practices, and how it was in part legitimised by them. The use of squatting as a means of securing housing is also linked here to the rising social expectations of working-class communities and increased militancy on the part of some military veterans' groups. In both countries, campaigns were largely localised, and veterans' associations, sometimes working with communists, unionists and other activists, played a key role in initiating, defending and publicising occupations.

The chapter further demonstrates that, beyond the immediate goal of ending deprivation, squatters and activists sought to establish tenancy rather than eliminate rent-paying. In prioritising need over profit,

and feeding into pressures that were already intensifying a shift towards government-provided public housing, these waves challenged aspects of the property market, but largely aimed to regulate it. This would be in keeping with the character of some later squatting waves, but differed from many in that concerns regarding the protection of heritage values and the expression and enactment of alternative lifestyles were not raised, nor objectives for these issues set.

10.1 No homes for heroes?

In both countries, squatting developed primarily in response to critical housing shortages. Housing construction in Australia had come to a standstill in the early years of the Depression, and private industry had failed to make up for this when the economy improved. Public housing schemes were yet to be enacted across much of Australia. Meanwhile, the 1930s had seen a property boom in the UK, but this had been largely confined to houses for sale rather than rent. Public housing, following concerted agitation after the First World War, was more widespread than in Australia, but remained underfunded and often beyond the reach of the poorest tenants. Well-intentioned, but ill-timed, slum clearance programmes in Australia and the UK had removed some of the cheapest accommodation, while the rerouting of human and material resources to the war effort imposed a continuing freeze on private construction of homes in Australia and reduced it in the UK by up to 90 per cent.²

An increase in marriages and births, particularly towards the end of the war, placed further demand on existing housing stock. Long-term demographic shifts from rural areas to cities, coupled with shorter-term ones associated with wartime industry, upped the pressure on cities such as Sydney, Melbourne, London and Glasgow.³ Wartime provisions designed to protect low-income tenants in some cases unwittingly exacerbated shortages of affordable rental properties. In Australia, controls on prices and measures restricting the ability of owners to evict tenants and raise rents resulted in some owners preferring to leave houses empty.⁴ While Australia was spared major bombing, the UK was not, removing a further 468,000 dwellings due to heavy damage or outright destruction, with many more in need of urgent repair.⁵

In 1944, the Australian government estimated a shortage of 200,000 dwellings, with a further 82,000 unfit for habitation and another 155,000 of poor quality. By the following year, the shortfall, not counting substandard housing, was set at between 300,000 and 400,000 – in

a country with a total of just 1,618,500 dwellings.⁶ Regarding the UK, housing researcher Alan Holmans estimates that the gap in housing need and provision had increased by half a million during the war, with around 2.1 million extra dwellings required for 13.2 million households by 1945.⁷

In both countries, residents faced increased rents, homelessness and precarity. Many couples and families were forced to crowd in with relatives or live in single rooms, garages, caravans and tents, or even on verandas. Particularly egregious examples, such as people living in horse stables and under floorboards, were regularly covered in Australian and British newspapers.⁸

10.2 The introduction of requisitioning

Housing shortages had been identified as an issue for both territories from the beginning of the war. Australia's federal system of government made individual states the key policymakers and providers of housing, with local government also having some input into issues such as building regulations. Due to the war, the federal government acquired additional powers, including the freedom to authorise requisitioning via successive War Moratorium and National Security acts and regulations.⁹

Alongside provisions allowing the military to take over property were those enabling service people and their dependent partners, children and parents to apply directly to the owners of an empty 'dwelling property' for a lease. Depending on differing states' arrangements, if this failed, the applicant could then take the owners to the court of petty sessions or a rent board to compel them to let the property.¹⁰

In the UK, regulations also initially focused on the use of empty private dwellings for military purposes. Over time, powers were extended to allow local authorities to assist evacuees, war workers and people who had lost their homes due to bombardment. Pressured to help those suffering more broadly, in 1943 the government agreed to widen their use. Under the system then functioning in the UK, central government made policy and funded housing, with local authorities operating as the primary point of contact and delivery. As such, some 2,485 local authorities were given the power in 1943 to 'requisition, repair and adapt empty properties for the purpose of providing housing accommodation for persons at present inadequately housed'.¹¹

Unlike in Australia, local authorities rather than individuals took the lead in identifying properties. They did not approach owners directly,

but passed on recommendations to the Ministry of Health and other central government bodies, which would then carry out negotiations. Owners could oppose requisitioning on the basis of plans to sell, let or use the dwelling. Once requisitioned, the council was to repair the property, select tenants and determine rents based on market rates typical for the area, with subsidies from the central government available for those in need. Housing via these processes was available for a much larger swath of the population than in Australia, where requisitioning was limited to service people, their relatives and essential war workers all the way through to 1945. Australia only suffered short-term bombing raids that were mainly focused on military targets, so the difference may have been due to the regular bombardment and displacement British residents faced. It may have also reflected differing ideas regarding the 'deserving poor' and different stages in the development and achievement of the idea of housing as a right in each country, as evidenced by the much lower level of pre-war public housing in Australia.¹²

The idea of property owners being forced to rent out their property on the basis of need, with the state and its representatives controlling to whom it would be rented, had rarely been raised as a demand in either country prior to the war, and laws facilitating it would persist for only a few years during peacetime. In a situation of total war, requisitioning – alongside measures such as the centralisation of planning for much of the economy – was deemed not only palatable, but necessary in these and other market-based societies.¹³

In both countries, continuing anger at the poverty of the Depression years, and a consequent weakening of support for (and in some cases rejection of) the existing order, had forced politicians to recognise that appeals to patriotism alone would not suffice. As a result, in what Rowse terms a 'moral contract', the demands of the war effort were accompanied by assurances that needs would be met and the public given some input into how deprivation was managed. Promises regarding 'equality of sacrifice' were made by governments in both countries. These were seen as central to maintaining morale, and the concept was regularly deployed by service people and activists in agitation around housing.¹⁴

Related to this came pledges that post-war reconstruction would avoid a repeat of the conditions that had followed the First World War, when many troops returned to poverty and precarity. During the 1940s, this fed into a social shift in both countries as housing came to be viewed as a human right whose provision could not be solely met by the private market and would thus require greater government intervention. For Labor (Australia) and Labour (UK), party reformers' reconstruction

plans chimed with a long-held belief in regulation, the welfare state and a mixed economy. For right-wing parties they were seen as a way to maintain social peace and ensure a healthy workforce.¹⁵ The combination of the White Australia Policy, low population density and attendant wartime anxieties regarding its place as what Dufty-Jones describes as a 'bastion of British racial purity located in the South Pacific' meant that reconstruction in Australia was also seen as a way of building up the Caucasian population and extending it across the country.¹⁶

Common themes regarding rising expectations, reward for service and the belief that exceptional circumstances justified unconventional measures supported the implementation and widening of formal requisitioning. These and other factors would also vindicate and spur the subsequent use of squatting to meet its failures, initially in 1945 and again in 1946. In addition, combat experiences meant many veterans were familiar with far greater risks than those associated with squatting, as well as with the need for determined (and at times unconventional) action. The existence of the black market and other means of survival also meant that the idea of circumventing official channels was far from unknown.¹⁷ Overall, as historian James Hinton notes: 'The war had unleashed popular initiative and proved that, when the chips were down, authority could be persuaded to abandon red tape and due process.'¹⁸

10.3 Requisitioning in practice

Requisitioning alone could not hope to meet shortages, but it was widely supported as a means of providing relief. The fact that homes and other properties stood empty in a time of crisis was galling for many, as reflected in regular articles and letters of complaint in the mainstream media. Despite legal and moral pressure, requisitioning was defied by Australian landlords from its inception, not least because, once tenanted, the rent level would be frozen and eviction made more difficult by other wartime provisions. The wording of requisitioning provisions assisted resistance, and courts complained of a lack of clarity and direction regarding how to interpret what constituted 'reasonable cause' for rejecting would-be tenants.¹⁹ In 1941, the Australian provisions were tightened to prevent landlords from blocking the process by simply disagreeing with the rent rate offered, and were also extended to cover workers whose contribution to the war was deemed essential.²⁰ In time, recently discharged service people and veterans receiving pensions and suffering from medical conditions, as well as their dependants, would be added to the list of possible applicants.²¹

For much of the war, the regulations seem to have been unheard of across much of Australia. This is evidenced by calls from veterans' and other organisations to introduce requisitioning years after it already had been, by newspaper reports that put their date of introduction incorrectly at 1944 and 1945, and by court reports showing they were not used in some jurisdictions until 1943 or later.²²

Other than a lack of publicity, various loopholes, such as the fact that holiday homes and other properties let out for less than six months at a time were not covered, allowed owners to avoid requisitioning. Conflicting wartime regulations could also be exploited, such as in one case where apartments remained vacant because blocks designed for 30 or more people were required to have air raid shelters and the owners were unwilling, and presumably could not be compelled, to provide them.²³ In other cases, owners falsely claimed repairs were being done and contracts for sale being drawn up, or feigned use by placing furniture or moving friends or family into properties temporarily.²⁴

Such strategies were also employed in the UK. Added to owners' opposition was that of local authorities. Although they were swamped with people seeking housing via requisitioning provisions, councils were under no obligation to apply them. Their willingness and ability to do so were affected by various factors. Some lacked the staff necessary for processing, while others were hesitant to devote scant resources to repairing properties that would eventually be returned to owners. As in Australia, elements of the provisions were also unclear, and some councils were unwilling to act until they were guaranteed they would not be left with financial and legal burdens. For their part, central government bureaucracies proved reluctant to resolve such issues, claiming they were local matters. In the case of Conservative councils, opposition also emerged on political and class grounds. Even where councils embraced the regulations, the government's decision to privilege owners' returns over tenants' needs by pricing rents at market rates, combined with limitations on subsidies, meant that requisitioning failed to meet the need for low-cost housing.²⁵

10.4 The lead-up to the 1945 squatting campaigns

Months ahead of major demobilisation, discontent in Australia and the UK regarding requisitioning increased and newspapers regularly carried reports of rules being flouted. In line with others around the world, each country's Communist Party had come to support the war after the invasion of the Soviet Union. Although they largely opposed strikes, they

consistently campaigned to reduce inequalities and inefficiencies. In the UK, a key demand came to be for improvements in requisitioning as well as its full use by all councils.²⁶

Communists also drew attention to housing issues in Australia, with the party's Victorian newspaper claiming in the wake of squatting actions in August that Prahran members had already been working with the local council on requisitioning.²⁷ For the most part, however, it was veterans' organisations that took the lead. Following surveys of empty properties carried out by 14 sub-branches, the first public calls for direct action came at a Returned Sailors', Soldiers' and Airmen's Imperial League of Australia (RSL) state meeting in New South Wales (NSW) during April 1945. The RSL had been founded in 1918 and was the nation's largest veterans' group. NSW Vice President W.C. Allen, citing a recent case of a veteran breaking into a house in Bondi and living there for three weeks before being discovered, was reported as saying that 'houses kept empty should be broken into by servicemen'.²⁸ A representative from the North Sydney branch, discussing an empty 20-room mansion in the suburb of Mosman, suggested 'homeless families should march on it and open it as residential'.²⁹ A month later, it was reported that the organisation was assisting a soldier to resist eviction from a squatted holiday house, with NSW RSL President J.C. Neagle stating that 'in the present housing crisis, returned soldiers were entitled to occupy them'.³⁰

The threat to occupy properties without first gaining permission appears, in this case, to have been primarily inspired by the aforementioned soldiers' experiences. Squatting is, to some degree, an obvious response to deprivation and one that, in Australia (as elsewhere), dates back to the first instances of homelessness. In Australia, the term had originally been associated with the practice of British settlers and freed convicts moving beyond the official frontier to settle on, and later claim, uncolonised – and in the settler mindset 'disused' – land following the death and forcible removal of indigenous owners.³¹

From the 1890s to the early 1960s, the main form of squatting for shelter in Australia involved people camping in tents or building shacks from found materials on disused public and private land in rural areas, as well as in towns and cities and on their fringes. Some of these settlements could be quite large, with 500 huts estimated to be scattered across the Tarragindi hills and gullies around Brisbane in 1946, and one camp in NSW estimated to include 750 people in the 1950s. Such settlements would long provide shelter for indigenous Australian communities, due to their extreme marginalisation; but, for the non-indigenous population, they reached their height during the 1930s.³²

Direct action regarding urban housing also had strong precedents. Anti-eviction campaigns involving hundreds of properties and thousands of community members were carried out across Australia during the Depression era. Largely, but not wholly, led by activists associated with the communist-dominated Unemployed Workers Movement (UWM), these campaigns sometimes involved reoccupying properties to force landlords to restore or rehouse tenants. In some cases, UWM militants lived in squats, such as disused train carriages occupied in the Melbourne suburb of Jolimont. Reports also surfaced of individual families surreptitiously occupying disused houses during the Depression and the war years.³³

Although occupations in Australia (and England) were often referred to as 'illegal' in the media, they were not defined so in law. This would change in later decades, but during the 1930s and 1940s trespass was generally considered a civil matter and criminal charges could not be laid for committing it. Property owners' rights remained paramount, but unless other matters concerning forcible entry, criminal damage or the like were involved, disputes were usually resolved by the courts, with the police only becoming involved when directed to do so.³⁴

In 1932, a proposal put to a Melbourne conference of relief committees demanding that the state government requisition properties for the unemployed was rejected as too radical.³⁵ Despite this call, squatting does not appear to have occurred on a formally organised level during the 1930s, nor do political activists seem to have made use of it as a tactic to highlight waste or demand that disused, luxury and other properties be made available to the public. Nevertheless, anti-eviction campaigns had established a precedent for direct action in working-class suburbs; and, during 1944, Catholic activists, with some support from communists, resisted evictions on occasion.³⁶

10.5 Squatting in the UK

In August 1945, the first Australian squatting actions to fully involve veterans' and other organisations occurred. These would receive widespread media attention and lead to reform regarding requisitioning. Although the practices discussed here provided precedents, it appears that the impetus for the Australian actions, and the media's concerted interest in them, was directly related to high-profile occupations that had first occurred in the UK during the previous month.

The UK has a centuries-long history of the poor reclaiming disused land for food production and shelter.³⁷ Although eviction resistance

during the Depression was not as widespread as in Australia, major rent strikes following the First World War forced authorities to introduce housing reforms. Ongoing lobbying, protests, advice work, anti-eviction actions and refusals to pay rent by the unemployed, their organisations and communities further demonstrated the power of organised action in the decades prior to the Second World War. This work continued during the war with communists, Labour Party members and others working with tenants to prevent evictions and oppose rent rises.³⁸

National precedents also came from occupations during the war itself. During 1940, communists and others cut the locks to underground railway stations to make them available as bomb shelters for working-class communities. Left with no choice, embarrassed officials authorised such use soon after. As part of this campaign, they also occupied a shelter in the luxurious Savoy Hotel.³⁹ In Scotland towards the end of 1943, 20 families squatted in a tenement in the Clydeside town of Greenock; and in May 1945, seven families occupied an empty mansion at Blantyre.⁴⁰

The most important factor in the growth of UK squatting during 1945 was the experience of Brighton activists. Harry Cowley, spokesperson and leader of what became known as the 'Vigilantes', had a well-developed reputation as a 'fixer' and agitator in the city's working-class communities. Along with other members of the group, he first became involved in grassroots politics after experiencing unemployment following his return from military service in the First World War. During the interwar years, he and others organised protests, aggressively lobbied officials and politicians, ran an unemployed club, disrupted meetings of fascists and raised money for community members in need. They also squatted in houses for homeless families. Interviewed for a pamphlet about Cowley's life, Alf Richardson claimed that, in 1921, after initially helping an ex-serviceman friend and his family move into an empty house, he and others had gone on to squat in a further 60 properties around the city.⁴¹

In the midst of the 1945 housing crisis, these activists came together again and were joined by other women and men, after Cowley was approached for help. Initially acting under the name of the 'Direct Action Society' the group's first publicly reported action came on 2 July when they forced open the door of an empty house and commandeered it for the wife and children of a naval petty officer.⁴²

Within a week, three more families were housed and the group was helping to connect utilities and negotiate with owners. Although English law required a court order, in practice squatters could be evicted unilaterally and illegally by the police. Faced with an organised group, as well as much media attention, they avoided this tactic in Brighton,

instead monitoring empty properties and using informers to warn them of upcoming actions. By 9 July, this approach had enabled the police to prevent a fourth occupation by securing a property before the Vigilantes arrived.⁴³ As would often be the case during the following year's squatting wave, some police and officials were sympathetic, ignoring Vigilante activity if not actively providing assistance.⁴⁴

The actions attracted widespread media coverage and, although reports that Vigilante numbers had rapidly swelled to 1,000 appear exaggerated, by the middle of July other occupations had taken place in Birmingham and Liverpool. Up to 30 houses were also reported as occupied in various parts of London. An action in Lewisham involved Vigilantes from Brighton, while a member of a separate group in Paddington told reporters, 'We are going on every night putting hard cases into empty places until the council acts properly and gives ex-servicemen a square deal.'⁴⁵ Others, such as a group in Acton, issued threats to begin occupying houses if councils did not take action. Formal requests for requisitioning also increased. To expose the deficiencies of the prevailing system, various councils undertook surveys of empty houses and forwarded them to the Ministry of Health.⁴⁶

The Brighton Vigilantes worked hard to promote squatting, with their Secretary, Harold Steer, announcing he had responded to enquiries with the advice, 'If you see a house, take it and let the law do its damnedest. We have started a movement which we hope and pray will spread over the length and breadth of the land.'⁴⁷ Cowley, by this point dubbed 'The Guv'nor' by the media, addressed a crowd of 2,000 in London in mid-July and there were reports of people from London, Sheffield, Portsmouth and elsewhere attending meetings in Brighton. Despite this, coordination appears to have been minimal and it is likely that indirect diffusion via publicity was doing as much as direct contact to spread the practice. It is also possible that increased attention had caused the media to cover instances that may have already been planned or had occurred, regardless of Vigilante activity.⁴⁸

The practice adopted by the Vigilantes in Brighton and by similar groups in London involved members playing a leading role in identifying and securing houses on behalf of others, as well as deciding who would move into them. Organised squatting groups from the 1960s onwards in the UK, Australia and other Western countries would similarly assist people in squatting houses and dealing with landlords and officials. However, as part of their self-help and collectivist ethos, and their critique of existing social structures, they generally did not allocate housing. Instead, they took on a support role, aspiring to empower individuals, families and others to undertake much of the work involved

while creating networks that could defend them, as required. In keeping with changing patterns of life, and for some the desire to create alternatives, a wider range of living arrangements than the conventional nuclear family were also facilitated via squatting. Although the mass squats of military camps, hotels and other large properties that took place in 1946 would involve coordination and cooperation, life was focused on individual family units, with collective elements being a by-product rather than a core organising principle. In part, the model of organisation used by the Brighton Vigilantes probably grew out of Cowley's long-term role in the community as a 'fixer', but it was also a reflection of the more hierarchical nature of politics and community life during the period.⁴⁹

The Communist Party of Great Britain (CPGB) gave conditional support to the Vigilantes via its daily newspaper. As its focus at this time was on minimising social disruption and avoiding outright conflict with the government – as a consequence of the war effort and also in the hope of forming a coalition with Labour – its members did not undertake squatting outside Scotland until 1946. Since the Vigilantes were limited in the repairs they could undertake, the CPGB argued that the efficacy of their efforts would be judged by their ability to force the government and councils to improve requisitioning.⁵⁰

To a large degree, this position appears to have been shared by the Brighton Vigilantes. The group, which publicly eschewed political allegiances, made statements to the media about the need to improve requisitioning and extend it into the fast-approaching post-war period.⁵¹ Such demands were sent to then-Prime Minister Winston Churchill and other politicians by letter. And, following a march, a rally and an address by the Vigilantes and their supporters, Brighton Council sent its own resolution to the government outlining the deficiencies of the current scheme and calling for the power to directly requisition properties, to 'obviate the necessity of the application of unconstitutional methods'.⁵²

Regardless of its actual potential, the risk of a wider outbreak forced central authorities to respond quickly. Churchill, whose government was in caretaker mode due to that year's extended election, advocated press censorship and police repression. This course was blocked by cabinet, in part on the basis that existing law was not being broken, but also because of the popularity of the Vigilantes' actions.⁵³

Given that any changes would essentially mark an improvement in existing policy, rather than a major deviation, the caretaker government appears to have decided that the best course was to support councils in taking back control of the process. On 20 July, less than three weeks after the Vigilantes had first squatted in a house, the Ministry of Health

announced changes that would allow councils to directly requisition disused, habitable housing, with owners to be given 14 days' notice. To expedite proceedings, central government officials would only become involved if owners resisted.⁵⁴

The Vigilantes believed that these reforms did not go far enough in preventing owners and councils from avoiding their responsibilities, and vowed to continue squatting. The Brighton police successfully applied for court injunctions preventing activists from doing so (as they would in similar actions against anti-road campaigners and other activists in the coming decades). Cowley was subsequently arrested and fined £31 by the Brighton County Court for removing a landlord and workmen from a property. Continuing to campaign on the issue, two Vigilantes unsuccessfully stood in council elections in November 1945.⁵⁵

Some councils shared the Vigilantes' concerns, arguing that the changes potentially weakened existing measures, as the notice given to owners could enable them more leeway to exploit loopholes. Issues around staffing and repairs also remained. Nevertheless, when combined with further changes regarding rent controls, reform did result in an expansion in requisitioning, with the result that the need for low-cost housing was met to a limited degree. Unsurprisingly, it was in Labour-dominated areas that requisitioning was most extensive, with Bristol Council at one point applying for every dwelling advertised for sale in the area.⁵⁶ The Northumberland town of Whitley Bay saw notices sent to 150 owners, while, at the peak of Vigilante activity, Brighton Council served 60 notices within two days of the new rules being introduced.⁵⁷ For now, requisitioning had successfully been redirected back into formal channels, but in 1946 continuing shortcomings and the emptying-out of military properties would once again see direct action play a major role in the politics of British housing.

10.6 Diffusion to Australia

On Friday 3 August 1945, two squatting actions were carried out in Sydney and Melbourne, which, while unconnected, would have a major impact on requisitioning. At 8.15pm that night, members of a previously unknown Melbourne group, the Australian Soldiers' Legion (ASL), met up with the Wagglen family, which included a former soldier who had been wounded in Papua New Guinea, his wife and two children, in Bell St, Hawthorn.⁵⁸ With the media present, ASL members gained entrance to a property and loaded furniture through a window. Although the house was in poor condition and filled with hundreds of empty bottles,

Mrs Wagglen, who had recently been served with a notice to quit the single room her family shared in St Kilda, told journalists: 'This is the biggest thrill of my life. We haven't had a house to ourselves for four years.'⁵⁹

As evidenced by the actions undertaken and threatened by individual Australian war veterans earlier in the year, forms of contention can develop in parallel without the need for direct or indirect diffusion. However, the ASL, whose members maintained their anonymity, described themselves in interviews and subsequent correspondence with the media as 'vigilantes'. This indicates that they most probably modelled their action on the British campaigns, which, given the close ties between the two countries, had received much coverage in Australia.⁶⁰ For some activists, direct action is a preferred method, but it is more commonly seen, or presented to audiences, as a last resort only to be used when conventional means of appeal have failed. This theme had already been present in statements from UK activists, and an ASL spokesperson prefaced his assertion that 'The Government has consistently passed the buck on the housing question and now the Vigilantes have accepted it' with an explanation that he had been a member of various committees and protest groups whose lobbying had failed to produce results.⁶¹

Prior to undertaking its first public action, the ASL claimed to have located 41 empty houses in a habitable condition and to have already housed 13 families over the previous three weeks in areas such as Kew, Newport, Box Hill, Brighton and Camberwell.⁶² One member stated on the evening of the occupation that the organisation had 1,500 members, none of whom knew the leadership's true identity. A separate interview saw another activist more prosaically describe the group as consisting of eight, but with plans to grow.⁶³

Regardless of the true extent of its activities and membership, the ASL's action grabbed widespread attention. By inviting journalists and photographers to attend the seizure, the group had clearly sought this. A statement from a spokesperson reflected and fed into common themes regarding reward for service, the view that society had failed veterans after the First World War, and the special circumstances of the period:

When Australia was threatened by Japan, red tape was dispensed with and all sorts of emergency measures were put through in double-quick time. The housing shortage should also be considered as an enemy to be met by similar high-speed tactics... . The Vigilantes will rise every time the Government fails to do the right thing by servicemen... . We are the young soldiers of a generation which has learnt by the mistakes of its fathers.⁶⁴

On the same day as the Melbourne action, another house was occupied in a suburb of Sydney. In this case, the occupation did not involve a collective approach, but saw one man, an ex-soldier and former member of the merchant navy, occupy a house in Marion St, Auburn. Similarly echoing the idea of direct action as a last, rather than first, resort, he told the Communist Party newspaper *Tribune*, 'Forcible possession of homes will not solve the housing problem. Only new houses will do that. But what other avenue is open to a man in desperate circumstances like me?'⁶⁵

In contrast to earlier incidents in Sydney, a committee of local ex-servicemen was specifically formed to support the squatter in his action. The group advised the occupier to stay put, paid for his furniture to be transported 80 km from Wollongong and informed the media that 'If any attempt is made to evict ... we can muster our forces in time to oppose any such move'.⁶⁶ The committee, which included members of the Labor and Communist parties as well as various veterans' organisations, then assisted him with making a legal application for tenancy. It also pledged to undertake a survey of all empty properties in the area.⁶⁷

The events that followed illustrate the complexities of housing during the period as well as the extent of competition for it. After initial reports claiming the Hawthorn property was being held onto by a previous tenant for 'sentimental reasons' associated with the loss of his wife, it turned out to be rented by an elderly man who had been intermittently hospitalised and was currently recovering with relatives. The police, for their part, stated that under the law they could take no action unless a breach of the peace occurred. Although the previous tenant expressed a willingness to work with the new occupiers to find a solution, the owner, having firstly stated she would rent the property to a returned prisoner of war, issued a letter ordering them to 'vacate immediately and make good any damage caused during the period of occupation'.⁶⁸ In the case of the Auburn property, the estate agent produced a couple to whom he claimed he had let the house on the day of the occupation. It is unknown how either situation concluded.⁶⁹

Although only comprising two events, which coincidentally occurred on the same day, the issue of veterans occupying disused properties was covered in at least 165 articles around Australia over the course of the following week.⁷⁰ The situation was also commented upon in several newspaper editorials, which consistently expressed sympathy regarding homelessness and overcrowding, while also warning of the 'anarchy', 'jungle law' and 'mob rule' that they asserted would follow if occupations were allowed to continue. This was similar to coverage the previous month in the UK, where the *Observer* newspaper had warned,

‘The Vigilantes only meant to help unfortunate people get bare justice, but if their methods became general, justice would be the first victim.’⁷¹

For their part, Australian communist newspapers were supportive with the *Guardian*, which had been running a campaign against attacks by sections of the media on migrants, keen to assert that anti-immigration statements made by a Melbourne Vigilante spokesperson had not been intended to cover those already in the country. Despite a call for readers to form support committees along the lines of that in Auburn, Australian communists did not publicly engage in further squatting activity until the following year.⁷²

As in the UK various levels of government responded quickly in Australia to the increased focus on the failures of requisitioning as well as the sense, probably overstated, that further vigilante actions were in the offing. At the local level the Mayor of Auburn pledged his support for the veterans’ committee and ordered the health inspector to make a survey of empty properties.⁷³

Two days after the Hawthorn occupation, the ASL issued an ultimatum to the Victorian state government threatening to ‘move 3,000 strong and force you to act’ if legislation was not introduced ‘to seize all empty houses in Melbourne and Bayside areas within seven days’.⁷⁴ The following day, the government informed the media that it ‘could not and would not tolerate threatening acts’ and that police action would meet further occupations.⁷⁵ At the same time, the Premier announced that the state government would be introducing legislation to give councils and municipal shires the power to install tenants in disused houses, with the state government to guarantee the payment of rent. On 4 August, the government had announced its intention to order the Victorian State Accommodation Officer to send letters to 50 owners of empty houses and bungalows in Melbourne seaside districts asking them to let their buildings. It is unclear whether this was planned before the Vigilantes’ action, but no suggestion of compelling owners to rent out properties appears to have been made prior to it. In contrast to the UK, where the media had linked reform to direct action, Australian newspapers did not.⁷⁶

The NSW government’s response was also to threaten squatters with police action. On the question of requisitioning, it was more equivocal but similarly showed signs of the pressure direct action had exerted. Having initially claimed that, outside of law and order, the issue was a federal matter, the Acting Premier subsequently announced on 7 August that cabinet had devoted most of its weekly meeting to housing matters, and was investigating proposals regarding the requisitioning of empty hotel rooms and houses.⁷⁷ Although it had previously rejected temporary public

housing solutions, these, too, were now under consideration. Along with Victorian government dwellings in former military barracks, other properties would be set up and requisitioning laws extended during 1946.⁷⁸

For its part, the federal government admitted that existing provisions were being circumvented through false claims of occupancy and announced that the Attorney General's Department was conferring on 'tenancy regulations, with a view to tightening them up'.⁷⁹ The annual Premiers' conference, which brought together federal and state heads of government, was held later in August and, while housing had long been on the agenda, various media outlets reported that the issue of 'vigilantism' was also discussed.⁸⁰ Given the widespread coverage of the situation in the UK, it is possible that events there influenced Australian authorities to adopt these responses. due to the fear that 'vigilantism' could spread, although a lack of surviving cabinet and other internal documents make this impossible to verify.

10.7 Conclusion: A short reprieve before new waves of squatting emerge

In Britain and Australia, limited, yet high-profile, outbreaks of squatting in mid-1945 had rapidly forced authorities to address issues regarding homelessness and disused properties. Squatting was controversial, but drew legitimacy from the existence of formal requisitioning processes as well as the involvement of service people and their families. In many, but not all, cases, squatting was initiated, supported and carried out on behalf of homeless families by groups led by military veterans and organised along committee lines. Action and support for it were encouraged by rising expectations and decreasing deference on the part of working-class communities as well as widespread experiences of housing deprivation and the experience and exigencies of economic and social life during a period of total war.

Given these factors, a short burst of informal requisitioning activity appears to have been all that was required to stimulate reform. The promise or enactment of improvements in official processes came within three weeks of the first squats in the UK and within a week of such activity in Sydney and Melbourne. These responses appear to have been the main factor in demobilising further organised squatting activity in the short term, although police action against the Brighton Vigilantes, and threats of it in Australia, probably played a role. Squatting nevertheless continued to occur at a low level in both countries during late 1945 and early 1946.⁸¹

Major squatting waves erupted in both countries during 1946. The factors that had encouraged squatting during 1945 were intensified by a further population spike and distress at the housing conditions that accompanied major demobilisation. Opportunities to meet demand via squatting were significantly widened by the emptying-out of military properties and the failure of the authorities to immediately reassign them. In the UK, tens of thousands of people squatted in rural and peri-urban military camps from the middle of the year.⁸² In Australia, where the practice was arguably more contained by state governments moving quickly to officially designate camps as temporary housing, roughly 1,000 did so, particularly in and around Brisbane.⁸³

In most cases, the authorities were subsequently forced to recognise tenancy via existing requisitioning rules or new processes. In contrast to the actions of the previous year, the majority of occupations in the UK were undertaken on an ad hoc basis. Although committees would later emerge to deal with common issues, people requiring housing generally squatted in the camps themselves, with housing generally assigned on a 'first come, first served' basis.⁸⁴

Opportunities for squatting within heavily urbanised areas also expanded, often as a result of the emptying-out of properties that governments had previously requisitioned for military and industrial purposes. The housing crisis also saw holiday homes, hotels and other intermittently occupied properties targeted. A campaign in September 1946 that saw 1,500 people housed in mainly upmarket apartments in London was initiated and run by Communist Party members, some of whom were squatting themselves.⁸⁵ In Australia, veterans' and Communist Party groups, sometimes one and the same, also occupied mansions and other city properties from March 1946 onwards, before assigning housing on the basis of need. The form of organisation involved in squatting in these cases cleaved more closely to that used in 1945.⁸⁶

Expanding need and opportunity, as well as a fresh wave of newspaper and newsreel reports, undoubtedly provided the main impetus for the 1946 waves of action. Nevertheless, it is highly likely that the actions of vigilantes the year before, and the widespread and international coverage they had gained, provided a model of action that many adopted. In a small number of cases, such as in Brighton in the UK, where Cowley and his associates were active from March 1946, the same activists were involved.⁸⁷ Various media reports in both countries during 1946 made the link between the two periods, and in some cases initially applied the term 'vigilante' to those involved.⁸⁸ As the level of activity continued to grow, this was soon displaced by the term 'squatter', which remains in

use today. It is possible in the UK that the term ‘vigilante’ fell out of use because of its adoption by former fascists for a new organisation called the Vigilantes Action League, whose meetings were disrupted by communists in March 1946 and from whom the anti-fascist Brighton Vigilantes disassociated themselves.⁸⁹

Notes

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Failed takeover: The phenomenon of right-wing squatting

Jakob Warnecke

In Europe, certain preconditions are required for squatting: availability of empty buildings that are neither too badly damaged nor too heavily secured; a process of urban restructuring and renewal; a permissive state with a not-too-restrictive legal framework and moderate reinforcement of the law; and effective connections between the squatters and social movements and media coverage.¹ In theory, the option of squatting is available to all political groups, but it is usually associated with left-wing movements. In the last 30 years, we can, however, find a few cases of squatting by right-wing supporters. So far, this topic has received little attention from scholarly research. This chapter gives a tentative overview of right-wing squatting in Europe, and investigates, in a historical close-up, how right-wing squatting arose and developed in the early 1990s in eastern Germany, with a particular focus on the appropriation of originally leftist practices.² The study follows a political-actor-oriented approach and considers the extreme right as a collective political actor – as milieu and political movement. The following analysis shows that right-wing squatting developed in relation to the left-wing squatter movement, and that the two shared certain similarities in their formation, appearance and practices but also generated marked differences mainly due to a different idea of political order. While left-wing movements advocate libertarianism, the extreme right pursues the idea of authoritarianism.³ As a result, the adoption of leftist practices by right-wing squatters remained limited and mainly restricted to rather technical aspects.

11.1 Right-wing squatting in Europe

The few examples of right-wing squatting have mostly occurred in countries with a traditionally large left-wing squatter movement. Usually, right-wing extremist structures and organisations were behind these actions, which tried to emulate a successful subversive practice of the radical left. Take, for example, the Netherlands: in 2000, neo-Nazis from the right-wing extremist organisation *Voorpost* occupied a barracks in Eindhoven to create a venue for meetings and concerts.⁴ Up to that point, the establishment of squatted social centres had been a practice reserved to leftist movements in Dutch cities, but now, members of right-wing movements were adopting it. In a crude adaptation of the slogan from Nazi concentration camps, *'Arbeit macht frei'*, a right-wing squatter passed off the occupation as a liberating strategy: *'Kraken [squatting] makes you free!'*⁵ As Eindhoven had been a regional focus for the activities of the right-wing movement since the 1990s, squatting provided it with an effective operational base. The right-wing activists of the barracks were involved in various national and international extremist organisations.

Another example from the Netherlands also demonstrates the transnational character of right-wing squatting, as well as its reference to leftist movements. In 2008, several members of the so-called 'Autonomous Nationalists' (AN) demonstrated against an impending ban on squatting (*Krak* ban), which was publicly discussed in the Netherlands during this period. In September of the same year, they occupied a house in the village of Monster near Den Haag under the name *Autonom Nationalistic Krakersinitiatief*.⁶

The AN had emerged out of Germany's neo-Nazi scene six years earlier. There, members of the AN referenced the left-wing autonomists in their appearance and forms of action, and conflated traditional leftist symbols and forms with right-wing extremist content.⁷ This strategy has also been adopted by right-wing extremists in other European countries. In Italy, for example, there have been attempts to establish right-wing social centres since the 1980s.⁸ However, the most successful occupations are associated with the far-right organisation 'Casa Pound', which was founded in 2003 following a squatters' occupation by right-wing activists in Rome. These 'fascists of the third millennium' forged a new path, with their focus on pop culture, direct action and the establishment of a counterculture. Organised from their headquarters in Rome, the activists of 'Casa Pound' set out to occupy more houses and to build a nationwide network of groups, centres, libraries and concert venues. Similar to leftist squatters, the occupations were legitimised with reference to

the shortage of affordable housing. During the campaign, entitled *Mutuo sociale*, Nazi squatters borrowed leftist ideas, such as that each Italian should be granted their own living space by the state.⁹ The activists of 'Casa Pound' see their housing occupations as a counterpart to leftist cultural centres and as part of an emerging 'Identitarian Movement'.

'Casa Pound' found admirers and imitators in the right-wing scenes of other European countries. The German new-right journal *Sezession* wrote an enthusiastic article on the neo-fascist squatters in 2010.¹⁰ Other examples can be found in Spain and France. In 2014, the campaign '*Hogar Social*' occupied houses in Madrid to draw attention to the housing shortage. At the same time, the far-right in Spain linked rather leftist ideas of social justice with xenophobic beliefs: the occupations should create housing exclusively for native families. Behind this campaign was the neo-Nazi group *Movimiento Social Republicano* or MSR (Social Republican Movement).¹¹ In France, activists of the right-wing youth organisation *Bastion Social* occupied properties in Lyon in 2017, with similar ideological motives. For *Bastion Social*, occupations are a means of autonomy, identity and social justice against alleged colonisation by 'mass immigration and oligarchy'.¹²

11.2 Squatting in West Germany before 1990

Germany has a long history of squatting, particularly in the context of the alternative milieu and the new social movements of the 1970s and 1980s. There were two main waves of squatting in the Federal Republic of Germany (FRG). The first wave emerged in the early 1970s as part of the new social movements in the wake of the disintegrating students' movement. The centre of this first wave of squatting was Frankfurt/Main. In the former stronghold of the student protest movement of 1968, so-called *Spontis*¹³ took the initiative in the squatting movement, often employing militant strategies. The second wave of squatting in the early 1980s, by contrast, reached a significantly larger scale. There were 595 occupations of houses in 153 different West German cities. An estimated 12,900 squatters took part in these actions in various places, including Munich, Cologne, Göttingen, Frankfurt, Düsseldorf, Nuremberg and Freiburg.¹⁴ The hotspot was West Berlin, with 165 squatted buildings accommodating up to 5,000 people.¹⁵

Another centre of left-wing squatting in the 1980s was Hamburg, where a couple of squatted houses in the *Hafenstraße* came to fame. Here, autonomists were the main players. They established practices of

communal life such as holding plenary sessions and sharing a household budget. On the outside of their houses they displayed large colourful wall paintings illustrating their radical left-wing worldviews. Since 1985, Hamburg's municipality (Senat) had been working towards eviction of the *Hafenstraße*. The first attempts met with massive resistance, and, in 1987, after the failure of negotiations, the squatters adopted an actively threatening position. They announced publicly their determination to defend themselves militantly and by all available means, and very visibly fortified the 11 squatted houses with barbed wire and barricades. At demonstration marches, the squatters adopted a military appearance, wearing motorcycle and balaclava helmets and forming a 'black bloc'. The threatening stance proved successful. Eventually in a bid to avoid a street battle, Klaus von Dohnanyi, Hamburg's mayor, refrained from eviction.¹⁶ If nothing else, this designated the *Hafenstraße* to become the main reference point for right-wing squatting in East Germany just a decade later, in the early 1990s.

11.3 Squatting in East Berlin in the early 1990s

The collapse of the GDR in 1989–90 created the conditions for a third wave of squatting in Germany, especially in East Berlin. A high level of vacant residential properties, a temporary power vacuum and a large alternative scene, this time from both East and West, were the antecedents for this. In the eastern part of the city, thousands of apartments had been quietly obtained without attracting public attention during the 1980s. These occupations served to counteract the individual housing shortage, but alternative scenes and sub-cultures also appropriated empty spaces in the ruined old buildings of East Berlin.¹⁷ Some of the East German political actors, who now occupied houses publicly, came from milieus that could only develop to a limited extent in the GDR before the fall of the Berlin Wall, and now experienced a short but intense period of anarchy. Among the first political actors were parts of the GDR opposition, such as the *Autonome Antifa Berlin (Ost)*.¹⁸ East German actors were joined by many autonomous activists from the West and took advantage of the political vacuum during the last months of the GDR. Since the summer of 1990, the centre of the squatter scene had been the *Mainzer Straße* in the East Berlin district of Friedrichshain.¹⁹ Here, West German alternatives in particular had occupied a total of 12 houses. Soon, a colourful cultural and political scene with pubs, stalls, events and band rehearsals, cinemas and *Volxküche* (free cooking and social events) developed there.

In November 1990, the occupied houses were cleared by the police.²⁰ The ensuing street battle of the *Mainzer Straße* was a turning point for the East Berlin occupying movement. As a result, most of the house occupations thereafter were based on negotiated solutions.

11.4 The emergence of the neo-Nazi squat on *Weitlingstraße*

In the shadow of the emerging left-wing occupation movement in the Prenzlauer Berg and Friedrichshain districts of Berlin, neo-Nazis in the neighbouring district of Lichtenberg also began to initiate squats – the most well-known example being the house at *Weitlingstraße 122*.²¹ Here we analyse this right-wing squatting action in detail. To investigate far-right phenomena in a local context, three aspects are considered: the local context including the economic situation and political culture; the structures of the local extreme right groups; and the local power gains by right-wing extremists.²²

In 1990, East Berlin was a locus for neo-Nazi activities, which was, to some extent, a continuation of previous trends. In the latter days of the GDR there was already a neo-Nazi scene, which gathered in illegal, loosely formed groups and attracted attention by acts of violence against migrants, homosexuals and leftist punks. Parts of this scene pursued National Socialist ideals and met in secret group foundations.²³ The ruling SED (Socialist Unity Party) denied the neo-Nazi problem, because, according to state ideology, fascism was a radical version of capitalism; and, due to the abolition of capitalism in the GDR, there could be no more Nazis in socialism. Yet racism, neo-Nazism and anti-Semitism were part of everyday life in East Germany, and they pervaded the whole of society. For the entire period of the GDR, more than 8,000 neo-Nazi, anti-Semitic and racist attacks had been reported.²⁴ Only a raid by neo-Nazis on a punk concert in East Berlin's *Zionskirche* in 1987 brought the problem into the public eye. This led, on the one hand, to state repression against neo-Nazi groups, but on the other hand also to the establishment of alternative anti-fascist groups from the left-wing oppositional youth cultures.²⁵

In the transitional situation in the GDR, in the autumn of 1989, the right-wing youth scenes did not play a significant role, but after the fall of the Wall, from about December 1989, neo-Nazis with militaristic *Reichskriegsflaggen* (imperial war flags) and radical nationalist demands participated in the Monday demonstrations of the civil movement. At the same time, far-right organisations from western Germany poured into eastern Germany to

influence the mood of the times and opinion-formation. In the building of neo-Nazi structures in the still-existing GDR from the beginning of 1990, the West German neo-Nazi network *Gesinnungsgemeinschaft der Neuen Front* (GdNF) played a decisive role, with its *Arbeitsplan Ost* (a programme propagating 'foreigner-free cities' and well-organised right-wing scenes). The GdNF was particularly successful in East Berlin. There, West German neo-Nazis and individuals from the structures of the two illegal East Berlin neo-Nazi groups *Lichtenberger Front* and *Bewegung 30. Januar* founded the neo-Nazi-party *Nationale Alternative* (NA) at the end of January 1990. The programme of this organisation was fundamentally racist and stood for national community and the repatriation of foreigners.

Not least the desire for separate premises for the newly founded party led the *Nationale Alternative* to occupy a house in the Lichtenberg district in February 1990.²⁶ However, because this house, on *Türschmidtstraße*, was in private ownership, the Lichtenberg district administration offered various properties, including a house at *Weitlingstraße 122*, as a substitute.²⁷ Its relatively good condition and its particular configuration, which made it easy to defend against unwanted visitors, spoke in favour of choosing this property.²⁸ The neo-Nazi squatters who occupied *Weitlingstraße 122* founded the *Bürgerinitiative Wohnraumsanierung e.V.* (WOSAN). The name should suggest that it was a citizens' action group operating in the interest of the common good and thus pretended a certain degree of harmlessness. At the same time, the abbreviation bears a striking resemblance to Wodan, the Germanic god of war.

The house at *Weitlingstraße 122* performed different functions: it served as a headquarters for the Nazis; a living community; a contact point for Nazi youths; a fortress; a gathering point for actions; a party space; and a space for celebrations, for news services such as *Anti-Antifa*, for the production of propaganda, and for training activities. Furthermore, the house became a locus for right-wing terrorist activities, developing into a centre for the German and international neo-Nazi scene in the first half of 1990. Leading neo-Nazis such as Michael Kühnen, head of the GdNF, Gary Lauck of the NSDAP-AO and Gottfried Küssel of the *Volkstreue außerparlamentarische Opposition* (VAPO) all resided there. Moreover, Ekkehard Weil from West Berlin, who had been known for several acts of terrorism since the early 1970s, occasionally lived there.

Leading neo-Nazi, Christian Worch, who was responsible for the northern section of the GdNF and thus for Berlin, influenced the activities at *Weitlingstraße 122*. He not only supported the logistical structure of the organisation but also wrote part of the propaganda,²⁹ and he was allegedly the mastermind behind right-wing squatting in East Berlin. He later

stated that, in retrospect, he had learned a great deal from the ‘anarchos’ in the Federal Republic.³⁰ After 1990, he had hoped that a ‘*Hafenstraße* for right-wing extremists’ would be created on *Weitlingstraße*.

To be precise, neo-Nazis had begun orienting themselves towards the practices of autonomists much earlier. Their adoption of protest forms of the radical left can be traced back to 1977, when Worch and Kühnen, who represented a new generation of neo-Nazis, initiated the so-called *Eselsmasken-Aktion*. These neo-Nazis donned donkey masks and denied the Holocaust publicly with a slogan suggesting that only jackasses (another meaning of the German word *Esel*) would believe that Jews had been gassed in Germany. Others accompanied them dressed in black, wearing leather jackets and motorcycle helmets.

Having said that, it was only after the ban of several neo-Nazi organisations by the German government in 1992 that a deliberate adoption of radical left-wing strategies took hold. In reaction to the ban, Christian Worch developed his concept of the ‘autonomist right’, which became established in the form of *Freie Kameradschaften* (free comradeships) in many places later on. It is important to note that this was a selective adoption mainly focused on technical aspects. Whereas Worch disregarded the ideological or cultural aspects of autonomists, he considered the idea of ‘organising without organisation’ crucial, because such a structure seemed to provide a resilient means of resistance against state repression.³¹

11.5 Reinterpretation and Nazification of leftist practices

A photo taken in the *Weitlingstraße* in 1990 indicates that Nazi squatters took some aesthetic elements from the radical left-wing autonomist squatter movement. Just like the leftist squats, the windows were secured with bars. While this can be considered pragmatism – as *Weitlingstraße* was threatened by attacks from political opponents – the right-wing squatters presented themselves on the balcony with motorcycle helmets in a military clothing style, reminiscent of the threatening posture of the autonomists in Hamburg. However, aside from this exceptional photographic testimony, neo-Nazis tended to distinguish themselves from autonomists in their style and clothing. By contrast to the members of the alternative scene and the autonomists, who were often influenced by punk aesthetics, right-wing squatters attached great importance to discipline and a well-groomed appearance.

Accordingly, their occupied buildings had a different appearance as well. Right-wing squatters also used the façade to propagate

political messages. A banner at *Weitlingstraße 122* displayed the slogan *Dem Kommunismus keinen Fußbreit* ('Not an inch of land for communism'), as well as the abbreviations of two neo-Nazi organisations: 'NA' and 'Antiko'.³² But the propagation of neo-Nazi ideology was less imaginative and vibrant. Colourful redesign of house façades in the manner of the *Hafenstraße*, where large wall paintings had publicised the utopian ideas of the radical left, did not feature in right-wing squats.

In the summer of 1990, *Weitlingstraße 122* received vast media coverage. The residents were very open to the press and used it for self-promotion in exchange for generous payments. In their statements to the media, right-wing squatters referred to their leftist political opponents, and simultaneously emphasised traditional virtues such as discipline, order and tidiness. In a TV report by the German magazine *Der Spiegel*, the neo-Nazis presented themselves as orderly and clean-living, busy sweeping the floors of their quarters. In one scene, the camera focuses on a 'duty comrade' with a field cap, who is typing out the work plan for the day. The only woman in the house is shown cooking at the stove, while a young neo-Nazi in a brown shirt combs his hair in the mirror. A young neo-Nazi boy speaks to camera about his motives. He directly refers to communal life in shared flats, which had been established in Germany by alternative youths post-1968: 'If the left can do that, why can't we? [...] In this house, the primary goal is firstly the apartment, a large shared flat [...] which has probably only been on a left-wing basis so far. I think that's incredibly great if it really works.'³³ Such public statements indicate that the house, in its widest sense, was to realise the National Socialist ideals of the political movement holistically in everyday life and in private life. Daily tasks included craft activities and organisation of events. There was a community fund, in which all residents were required to deposit money (as mentioned earlier, leftist autonomists developed a similar practice of shared budgets). This points to a certain overlap regarding anti-capitalist practices. Most neo-Nazis in the *Weitlingstraße* considered themselves followers of Georg Strasser, who belonged to the left wing of the NSDAP.³⁴ The right-wing squatters sought to put their anti-capitalist ideas into everyday practice, which echoed leftist ideas of solidarity and equality. But, beyond such superficial parallels, their male-dominated community followed a command structure that clearly stood out from the leftist movement and its emancipatory ideals and grassroots democracy. Moreover, the right-wing political response to the 'social question' had a completely different character, focusing on nationalism and racism. The outward presentation of the ordinary German community went hand-in-hand with the

violent stance of the Nazi squatters. Both were driven by basic National Socialist ideas regarding the order of society.

More importantly, the cultivated image of orderly Germans was a sham to some extent canvassing the extent of fascist militancy. In August 1990, the Essen-based neo-Nazi magazine *Querschläger*, for example, printed an interview with a resident of *Weitlingstraße 122* indicating that right-wing squatters made propaganda for fascist violence. In photographs, neo-Nazi squatters posed in front of a gallows, making the Hitler salute.³⁵ Moreover, many of the ideas that Nazi squatters boasted about, such as community, camaraderie and solidarity, were less pronounced in everyday life in the *Weitlingstraße*. Former resident Gottfried Küssel acknowledged retrospectively the discrepancy between a minority of disciplined ideologues and a majority of unruly youths: 'most of those who lived in it had no reference at all to the possible effects and only saw a great, fun commune in the zero tariffs. Those Berlin comrades who were trying to advance the entire project were unable to assert themselves against the masses'.³⁶ This is corroborated by former resident and ex-Nazi Ingo Hasselbach, who reports fundamental internal conflicts between the more strictly organised neo-Nazis and right-wing skinheads with their sub-cultural lifestyle.³⁷ Hasselbach also comments in detail on conflicts caused by violent and unfair behaviour within the living community and even by the strikingly different standards of hygiene of different right-wing comrades.

The nature of life at *Weitlingstraße 122* also meant occupying the public space in the neighbourhood. This right-wing radical version of reclaiming of the 'right to the city' was characterised by an openly violent attitude. The neo-Nazis tried to control the neighbourhood and marked their territory by showing their militancy and committing acts of violence. Several militant attacks on asylum homes, as well as on houses occupied by left-wing residents were organised in the *Weitlingstraße*. The public staging of militancy partly resembled autonomist practices. It was directed at the political opponent, it demonstrated strength and it signalled a readiness to use violence. One marked difference, however, was violence motivated by racism and xenophobia; and unlike the informal organisation of autonomists, with flat hierarchies, right-wing squatting was linked to a hierarchical network of parties and organisations. This became evident when, on 27 April 1990, a special unit of the former state security and police stormed this and other Nazi-occupied houses and arrested the neo-Nazi party leadership. In the apartments, they found a weapon and right-wing propaganda, as well as blacklists with names of political opponents.³⁸

As a reaction to systematic assaults on left-wing squatters, *Antifa* groups organised a demonstration against *Weitlingstraße 122* in June 1990. The police stopped the demonstration several hundred metres in front of the house, where about 200 neo-Nazis had entrenched themselves. For defence purposes, they had flamethrowers, a bazooka and 400 litres of gasoline at the ready.³⁹ At the same time, militant autonomists attacked the East German police with Molotov cocktails and stones, but they were not able to break through. At first sight, the situation seems to reveal a comparable propensity for violence from both hostile groups. However, armed weapons in the right-wing squat and regular paramilitary exercises highlight a fundamental difference between radical left and right. Several studies from the 1990s have shown that right-wing violence is generally more life-threatening than political violence from the radical left.⁴⁰

This event marked a turning point in the history of the house, whose decline was now unstoppable because even the city administration was forced to act. The municipal housing administration terminated the lease agreement with *Weitlingstraße 122* in July 1990 and offered to provide its residents with alternative apartments located outside the city centre.

11.6 Decay and aftermath

The real demise of the neo-Nazi squats was not brought about by eviction. There were also ideological tensions between the East German NA players and the GdNF cadres, because some of the East German neo-Nazis did not share the latter's worship of Hitler. Political success was also lacking: as a party, the NA had failed to participate in the people's chamber elections and the local elections in the GDR in March and May of 1990. In the elections to the Berlin House of Representatives in December 1990, a single applicant in Berlin-Lichtenberg received only 0.2 per cent support, with 30 votes.⁴¹ These failings compounded the disintegration of NA and its occupied homes. The connections around the *Weitlingstraße* disintegrated and, by the end of 1990, the neo-Nazis had left the houses altogether.

The activities of right-wing squatters in the early 1990s, however, left their mark on urban space. In a way, the situation was similar to that of the *Hafenstraße* in Hamburg, where, despite massive tendencies of gentrification, the borough of St Pauli still has the reputation of a stronghold of leftist and alternative living. Likewise, the *Weitlingstraße* became mythologised, rendering the borough particularly appealing to

right-wing radicals. In the following years, many young neo-Nazis moved to Berlin-Lichtenberg. Right-wing extremist hegemony lingered there for a long time – T-shirts bearing the slogan ‘No-Go Area Weitlingstraße’ were very popular in the right-wing scene. When the 2006 Africa Council warned against ‘no-go areas’ for foreigners in eastern Germany, the district of Lichtenberg was at the top of the list. Here there was right-wing street propaganda featuring anti-Semitic logos and swastikas. A number of right-wing hangouts and high electoral successes for the far-right NPD party underline this. The neighbourhood also remained a focal point for right-wing violence for many years. To tackle this dynamic, the action plan *Aktionsplan Lichtenberg-Mitte* was launched in 2006. The Federal Ministry of Family Affairs funded the initiative to the tune of 440,000 Euros. More than 120 projects have been financially supported with these funds since 2007.⁴²

The *Weitlingstraße* experience also made an impact beyond Berlin’s city limits, because, in other parts of the republic, neo-Nazis had initiated squats in the early 1990s. In Dresden, neo-Nazis who followed the dazzling neo-Nazi Rainer Sonntag (who had belonged to Michael Kühnen’s inner circle) modelled their activism on the *Weitlingstraße* approach and occupied a house in the *Rabenauer Straße* in November 1990. The city’s Criminal Investigation Department subsequently registered that a large number of neo-Nazis had moved from *Weitlingstraße* to Dresden.⁴³ Since autumn 1990, then, Dresden has been considered the ‘capital of the movement’ for the German neo-Nazis. In Weimar, the neo-Nazi organisation *National Offensive* occupied a house in 1990, too. From there, attacks were launched on leftists and migrants. In Halle, the neo-Nazi organisation *Hallesche Deutsche Jugend* occupied two houses in the summer of 1991.⁴⁴ Most of these and other right-wing occupations in eastern Germany in the early 1990s were short-lived. There are hardly any examples for the coming years. Not only had the opportunity structures for squatting disappeared, but also, in 1992, the German state started a wave of repression against neo-Nazi organisations, including a ban on many parties and organisations until 1995.

While there were serious conflicts between Nazi ideologists and skinheads in squatted houses in 1990, the skinhead sub-culture gradually became fashionable in the right-wing scene during the 1990s. Generally, Nazis adopted the styles of other youth scenes. One result was the emergence of the aforementioned AN. As early as 1996, the Nazi group *Thüringer Heimatschutz* had occupied an abandoned factory in the small city of Saalfeld. Their press statement expressed a similar appropriation of leftist practice as Nazi squatters in Eindhoven in the

Netherlands a couple of years later. They claimed to be a National Youth Centre with no interest in drugs and no communist ideology, but before they could take hold the police evicted the right-wing squat. Years later, it turned out that this collective had launched the German terror group National Socialist Underground, which had murdered nine people.⁴⁵

In 2006, some 20 Nazis squatted in an empty house in Lübeck for a matter of minutes, in a symbolic move. In making this protest, they were demanding that a National Youth Centre be built, again with clear references to leftist practice. On their banners was written 'Create two, three, many alternatives', which was a modified quote of Che Guevara.⁴⁶ Housing occupations have been virtually impossible in Germany in recent times. Right-wing housing projects are therefore often realised legally. In 2017, for instance, the right-wing group 'Identitarians' opened a house project in Halle. Their goal is to establish a right-wing counterculture to fill the pre-political space with their ideas.

11.7 Conclusion

Right-wing squatters mostly originated in countries with a large leftist squatting movement, in Germany as well as in other European cities. Nazi squatters openly referred to leftist squatters, adopted their forms of action and also took on social issues for their own political goals. Right-wing occupations often stated a common good, but their concept of solidarity and commitment was racially motivated and exclusive. The occasional occupations of houses were repeatedly linked to current political trends of the extreme right. In most cases, right-wing extremist organisations, networks and campaigns were behind the occupations. In addition, transnational connections and spheres of influence between extremely right-wing national contexts in Europe were evident. Yet nowhere did right-wing squatter movements approach the size of their left-wing counterparts; they were almost infinitesimal in numbers. Thus, there can be no mention of a successful and independent right-wing occupying movement anywhere in Europe.

The case of the *Weitlingstraße 122* in East Berlin exemplifies these general findings. In a particular historical situation with exceptional scope for action and availability of resources, hundreds of empty houses were occupied in East Berlin in 1990. The opportunity was seized not only by political actors of the left-wing alternative milieu, but also by a few neo-Nazis. It has been shown that the right-wing squatters considered the leftist squats a source of inspiration. They adopted various left-wing

practices and topics, and reinterpreted and modified them according to their own racist and ultra-nationalist ideas. The ideal of a homogenous community, traditional gender relations and clearly structured hierarchies in the milieu of *Weitlingstraße* stands in stark contrast to the libertarian and anti-authoritarian self-concept of the diverse, alternative culture established at the same time in *Mainzer Straße* and elsewhere. The failure of the *Weitlingstraße* impulse was based on internal tensions and conflicts of interest. Counter-strategies by state and non-state political actors against *Weitlingstraße*, which ranged from police repression to civic intervention, also contributed to its decline.

Squatting became part of a struggle for hegemony in the public space between right- and left-wing groups in Berlin in the early 1990s. Although different in many regards, the squatting conducted by both left and right created myths and left their mark on the boroughs.

Notes

1. Miguel A. Martínez López, 'The Squatters' Movement in Europe. A Durable Struggle for Social Autonomy in Urban Politics', *Antipode* 45, no. 4 (2013): 871–2.
2. The term 'right-wing squatting' was first used in a discussion within the SqEK-Meeting 2015 in Rotterdam. Thanks to the SqEK network, friends and colleagues for the many references to 'right-wing squatters' in Europe.
3. Gideon Botsch, 'Was ist Rechtsextremismus? Definitionen, Problemdimensionen und Erscheinungsformen', in *Rechtsextremismus in Brandenburg: Handbuch für Analyse, Prävention und Intervention*, ed. Julius H. Schoeps et al. (Berlin: Verlag für Berlin-Brandenburg, 2007), 31.
4. 'Eindhoven worstelt met nazi-krakers', *de Volkskrant*, 17 November 2003, last accessed 10 October 2019, <https://www.volkskrant.nl/politiek/eindhoven-worstelt-met-nazi-krakers~a752727/>.
5. 'Extreem-rechte vrijplaats in Eindhoven', *Kafka*, 1 April 2004, last accessed 10 October 2019, <https://kafka.nl/extreem-rechte-vrijplaats-in-eindhoven/>.
6. 'Nazi krakers in Monster', *Kafka*, 6 October 2008, last accessed 10 October 2019, <https://kafka.nl/nazi-krakers-in-monster/>.
7. Since 2006, young neo-Nazis in the Netherlands have appeared as 'AN', mainly in the context of the Nationale Socialistische Aktie (NSA). Cf. Jan Schedler and Daniel Fleisch, 'Vorbild Deutschland: Rezeption der AN in Europa', in *Autonome Nationalisten. Neonazismus in Bewegung*, ed. Jan Schedler and Alexander Häusler (Wiesbaden: VS Verlag für Sozialwissenschaften, 2011), 242–3.
8. Wikipedia, 'Far right social centres', last accessed 10 October 2019, https://en.wikipedia.org/wiki/Far-right_social_centres.
9. Martin Langebach and Andreas Speit, *Europas radikale Rechte: Bewegungen und Parteien auf Straßen und in Parlamenten* (Zürich: Orell Füssli, 2013).
10. Volker Weiß, *Die autoritäre Revolte: Die Neue Rechte und der Untergang des Abendlandes* (Stuttgart: Klett-Cotta, 2017), 78–80.
11. 'Madrid: Fierce Resistance as nazi MSR opens "white Spanish only" occupied center', *Squat!net*, 15 September 2014, last accessed 10 October 2019, <https://en.squat.net/2014/09/15/fierce-resistance-as-nazi-msr-opens-white-spanish-only-occupied-center/>.
12. 'À la manière des néofascistes italiens, le GUD ouvre un squat à Lyon', *Rue89Lyon*, 29 May 2017, last accessed 10 October 2019, <https://www.rue89lyon.fr/2017/05/29/a-la-maniere-des-neofascistes-italiens-le-gud-ouvre-un-squat-a-lyon>; Benedikt Kaiser, 'Inseln gelebter Solidarität', *COMPACT-Magazin*, March 2018, 48.
13. Political activists of the 1970s and 1980s who propagated being spontaneous.

14. Sven Reichardt, *Authentizität und Gemeinschaft: Linksalternatives Leben in den siebziger und frühen achtziger Jahren* (Berlin: Suhrkamp, 2014), 502.
15. Sven Reichardt, *Authentizität und Gemeinschaft: Linksalternatives Leben in den siebziger und frühen achtziger Jahren* (Berlin: Suhrkamp, 2014), 527–529.
16. Michael Sontheimer and Peter Wensierski, *Berlin – Stadt der Revolte* (Berlin: Ch. Links Verlag, 2018), 400.
17. Udo Grashoff, *Schwarzwohnen: Die Unterwanderung der staatlichen Wohnraumlösung in der DDR* (Göttingen: V&R Unipress, 2011).
18. 'Das Bandito Rosso in Berlin, Prenzlauer Berg', last accessed 10 October 2019, <http://bandito.blogspot.de/uber-uns>.
19. Susan Arndt, ed., *Berlin Mainzer Straße: "Wohnen ist wichtiger als das Gesetz"* (Berlin: Basis-Druck, 1992).
20. Dietmar Wolf, 'Die Mainzer Straße – Chronologie einer Räumung', *Telegraph*, 12 November 2015, last accessed 10 October 2019, <http://telegraph.cc/die-mainzer-strasse-chronologie-einer-raeumung>.
21. Incidentally, this illegal strategy of acquiring space also had a precursor: just prior to the fall of the Berlin Wall, right-wing youths had occupied vacant flats: Dietmar Wolf, 'Berliner HausbesetzerInnen-Geschichte: Das Neo-Nazi-Haus Weitlingstraße 122 in Berlin-Lichtenberg', *Telegraph*, 18 February 2016, last accessed 10 October 2019, <http://telegraph.cc/berliner-hausbesetzerinnen-geschichte-das-neo-nazi-haus-weitlingstrasse-122-in-berlin-lichtenberg>.
22. Matthias Quent and Peter Schulz, *Rechtsextremismus in lokalen Kontexten: Vier vergleichende Fallstudien* (Wiesbaden: Springer, 2015).
23. Antifaschistisches Autorenkollektiv, *Drahtzieher im braunen Netz: Der Wiederaufbau der NSDAP: Ein Handbuch des Antifaschistischen Autorenkollektivs Berlin* (Berlin, ID-Archiv, 1992).
24. Cf. Harry Waibel, *Der gescheiterte Anti-Faschismus der SED: Rassismus in der DDR* (Frankfurt am Main: Peter Lang, 2014), 13.
25. Dietmar Wolf, 'Die Rückseite des offiziellen Antifaschismus. Neofaschismus und antifaschistische Selbstorganisation in der DDR', in ... *das war doch nicht unsere Alternative: DDR- Oppositionelle zehn Jahre nach der Wende*, ed. Bernd Gehrke and Wolfgang Rüdendklu (Münster: Westfälisches Dampfboot, 1999), 178–98.
26. Antifaschistisches Autorenkollektiv, *Drahtzieher im braunen Netz: Der Wiederaufbau der NSDAP: Ein Handbuch des Antifaschistischen Autorenkollektivs Berlin* (Berlin, ID-Archiv, 1992), 88.
27. Dietmar Wolf, 'Berliner HausbesetzerInnen-Geschichte: Das Neo-Nazi-Haus Weitlingstraße 122 in Berlin-Lichtenberg', *Telegraph*, 18 February 2016, last accessed 10 October 2019, <http://telegraph.cc/berliner-hausbesetzerinnen-geschichte-das-neo-nazi-haus-weitlingstrasse-122-in-berlin-lichtenberg>.
28. Ingo Hasselbach and Winfried Bonengel, *Die Abrechnung: Ein Neonazi steigt aus* (Berlin: Aufbau, 1994), 45.
29. Antifaschistisches Autorenkollektiv, *Drahtzieher im braunen Netz: Der Wiederaufbau der NSDAP: Ein Handbuch des Antifaschistischen Autorenkollektivs Berlin* (Berlin, ID-Archiv, 1992), 52–88.
30. Mathias Brodtkorb, *Metamorphosen von rechts: Eine Einführung in Strategie und Ideologie des modernen Rechtsextremismus* (Münster: Westfälisches Dampfboot, 2003), 53.
31. Christoph Schulze, *Etikettenschwindel: Die Autonomen Nationalisten zwischen Pop und Antimoderne* (Baden-Baden: Tectum Wissenschaftsverlag, 2017), 142–4.
32. Abbreviation for 'Antikommunistisches Aktionsbündnis' ('anti-communist action alliance'), a group which belonged to the Anti-Antifa campaign within the GdNF.
33. 'Rechtsradikale in der DDR (1990 Teil 1)', SPIEGEL TV, May 1990, last accessed 10 October 2019, <https://www.youtube.com/watch?v=qDGP66slTm0>.
34. Ingo Hasselbach and Winfried Bonengel, *Die Abrechnung: Ein Neonazi steigt aus* (Berlin: Aufbau, 1994), 64.
35. 'Weitling 122. Das Interview', *Querschläger*, August 1990, 7.
36. Brehl, Thomas, *Bewegte Zeiten* (2009), cited in Christoph Schulze, *Zwischen Antimoderne und Pop: Zur kulturellen Öffnung des Neonazismus. Eine neonazistische Strömung zwischen Szene und Bewegung. Entstehungen und Entwendungen der „Autonomen Nationalisten“ (AN)* (unpublished PhD thesis, Freie Universität Berlin, 2016), 242.
37. Ingo Hasselbach and Winfried Bonengel, *Die Abrechnung: Ein Neonazi steigt aus* (Berlin: Aufbau, 1994), 71, 74, 75.

38. Bernd Siegler, *Auferstanden aus Ruinen: Rechtsextremismus in der DDR* (Berlin: Edition Tiamat, 1991), 46–50. The German Democratic Republic existed until October 1990.
39. Andreas Borchers, *Un-Heil über Deutschland: Fremdenhass und Neofaschismus nach der Wiedervereinigung* (Hamburg: Gruner und Jahr, 1993), 65.
40. Matthias Mletzko, 'Gewalthandeln linker und rechter militanter Szenen', *Aus Politik und Zeitgeschichte* 44 (2010): 9–16.
41. 'Profil: Nationale Alternative [NA]', *apabiz*, 2005, last accessed 10 October 2019, <https://www.apabiz.de/archiv/material/Profile/NA.htm>.
42. 'Ein Kiez schlägt die Neonazis zurück', *Der Tagesspiegel*, 9 December 2010, last accessed 10 October 2019, <https://www.tagesspiegel.de/berlin/lichtenberg-ein-kiez-schlaegt-die-neonazis-zurueck/3596446.html>.
43. Bernd Siegler, *Auferstanden aus Ruinen: Rechtsextremismus in der DDR* (Berlin: Edition Tiamat, 1991), 21.
44. Antifaschistisches Autorenkollektiv, *Drahtzieher im braunen Netz: Der Wiederaufbau der NSDAP: Ein Handbuch des Antifaschistischen Autorenkollektivs Berlin* (Berlin, ID-Archiv, 1992), 102.
45. Stefan Aust and Dirk Laabs, *Heimatschutz. Der Staat und die Mordserie des NSU* (München: Pantheon, 2014), 181–2.
46. 'Hausbesetzung durch Faschisten', *Antifaschistisches Info Blatt*, 60, no. 2 (2003), last accessed 10 October 2019, <https://www.antifainfoblatt.de/artikel/hausbesetzung-durch-faschisten>.

12

Concluding remarks

Udo Grashoff

What is the contribution of the comparative studies in this volume to the understanding of informal housing? The diversity of topics and approaches does not allow for a universal answer. Whereas some chapters deal with informal settlements, others focus on urban squatting. Some parts focus on strategies and forms of informal housing, others on state policies, and still others on interactions between squatters and authorities. Most studies examine contemporaneous phenomena, while a few analyse historical trajectories.

Some authors arrive at far-reaching conclusions. Thomas Aguilera and Alan Smart ([Chapter 3](#)), for instance, develop a typology of toleration policies, which aims at a nuanced understanding of similar policies in different settings and can be applied both in the Global North and South. Rachelle Alterman and Inês Calor ([Chapter 8](#)), somewhat differently, explore the limitations of concept transfer from the Global South to the North, from a legal point of view. They advocate a carefully considered approach for policies tackling informal housing, particularly in the Global North.

Other authors focus on detailed case studies within a local context, such as Eliza Isabaeva ([Chapter 5](#)), who compares three informal settlements in Central Asia, or Jakob Warnecke ([Chapter 11](#)), who analyses right-wing political squatting in Germany. In so doing, they corroborate Alan Gilbert's ([Chapter 2](#)) statement that specific forms and problems of informal housing, and appropriate solutions, are local rather than global.

Despite the diversity of the chapters in this volume, still a few general observations can be made.

12.1 Studying informal housing

First, this book demonstrates that paired comparisons do not necessarily enforce dichotomies and clichés. If carried out in a careful and reflective manner, rather the opposite is the case. One vivid example is Theresa Williamson's comparison of housing in favelas and condominiums in Rio de Janeiro (Chapter 7). Her analysis challenges the alleged superiority of formal housing and reveals that condominiums do not necessarily, nor in all regards, provide better living conditions than favelas. Another case study that challenges a formal dichotomy is the comparison of urban squatting in the Netherlands and the GDR (Chapter 4). Several striking similarities, particularly in the interaction between authorities and squatters, put the political opposition of democracy and dictatorship into perspective. Both paired comparisons, which are based on empirical findings, highlight the subversive potential of social research in dealing with political concepts and debates.

Authors who compare different forms of informal housing in distinct contexts of the Global South, North, West and East often come across surprising similarities. This is the second general insight this book has to offer. Take as examples the parallels of squatting activism in Brazil and Spain highlighted by Clarissa Campos and Miguel Martínez in Chapter 6, or the similarities of urban squatting in Leiden and Leipzig (Chapter 4). These and other case studies show that both the practices of squatters and policy responses have a lot in common, despite different political, social and cultural contexts. Moreover, similarities seem to encourage a transfer of concepts such as 'squatting' from the West to the East, or 'informal housing' from the Global South to the North, even though (as Alterman/Calor remind us in Chapter 8) an appropriation of notions always requires critical reflection and adjustment.

Likewise, and this is the third point I want to make, striking resemblances should not mislead us into overlooking intricacies and limitations. It is, for instance, no doubt instructive to highlight similarities between slums in nineteenth-century Europe and African shanty towns today. But, as Chapter 9 shows, there are also crucial differences regarding the extent and duration of these informal settlements. Likewise, as Chapter 11 highlights, right-wing squatters adopted the leftist practice of urban squatting to a considerable degree, but there are still fundamental differences. For instance, unlike the informal organisation of autonomists, with flat hierarchies, right-wing squatting was linked to a hierarchical network of parties and organisations.

Most comparisons reveal a complex mix of similarities and differences. In this regard, typologies such as the one developed in [Chapter 3](#) provide a precise and comprehensive tool for the analysis of such a complex matter. In their comparison of toleration of illegal housing in Hong Kong and Paris, Aguilera/Smart demonstrate that types of toleration that can be found in both cities at one time or another help identify subtleties and refined distinctions. The challenging of dichotomies based on empirical research, the discovery of surprising similarities and subtle differences, as well as the critical reflection on limitations of likeness and shortcomings of conceptual transfer, are just a few examples that highlight the great potential of comparisons for a better understanding of informal housing as a global phenomenon.

At the same time, there is no doubt that much more is possible. Many lacunae remain. Perhaps even more serious than the underdeveloped dialogue between scholars of the global South and North is the almost complete lack of comparisons between informal housing in Africa and Latin America. Hence, we can only encourage colleagues from around the globe to take up and continue our initiative.

12.2 Implications for policies

According to Jovana Dikovic, informal housing or squatting is not only one of the most universal informal practices, driven by an elementary human right to shelter and life. It also represents ‘probably one of the oldest informal practices that evolved in conjunction with the institution of property rights.’¹ Solutions such as legalisation or temporary toleration of informal housing rely on the Roman law that had provisions for accommodating the interests of squatters. As Dikovic’s astute observation underscores, comparison of similar phenomena in remote contexts can not only put a new complexion on a well-known matter but can also help develop more appropriate policies.

Whereas the approach of this book is predominantly explorative and questioning, there are nevertheless a few practical implications. Let me highlight three aspects. First, informal housing cannot be properly understood without a thorough analysis of the historical context. Several comparisons in this volume underline the importance of specific historical situations. Take as example Iain McIntyre’s meticulous exploration of post-war squatting in England and Australia in [Chapter 10](#). On the one hand, it analyses local processes such as the fact that informal requisitioning became widely accepted in Britain in a period of extreme need, and that this happened after formal requisitioning had already been widened during the Second World War. On the other hand, it explores

influences over long distances, namely the ‘diffusion’ of squatting practices from England to Australia.

Second, in this regard it is illuminating to see that interactions between squatters and authorities made for policies of toleration or even legalisation in many cases. The often quite positive outcome of the encounter between housing strategies that are not entirely lawful, and state institutions that show some degree of leniency, points to the importance of social values in the respective contexts. The ‘right to housing’ was not only a central value in communist dictatorships, and is still a factor in post-Soviet states, but the right to housing is also enshrined in constitutions of West European democracies such as the Netherlands, as well as in African and Latin American states such as the Republic of South Africa and Brazil. For that reason alone, it is meaningful to compare policy responses despite the fact that local practices of informal housing differ significantly.

Moreover, historical comparisons (such as Olumuyiwa Adegun’s discussion of the history of nineteenth-century slums in Europe through an African lens in [Chapter 9](#)) suggest a relaxed and pragmatic attitude towards shanty towns in the Global South. This brings me to my third point: if we conceptualise informal housing predominantly from a normative point of view, we risk neglecting the multifaceted *experience* of it. A focus on home ownership, for instance, is not always helpful, as Alan Gilbert aptly remarked in [Chapter 2](#): ‘The desire for a secure, safe and comfortable home is universal and is not the same thing as home ownership.’ Several case studies in this volume have shown that informality can be a problem – and a solution, too. This book thus advocates a nuanced and careful way of studying it, to identify adequate policies that acknowledge both positive and negative aspects of informality. Be it Astana, Belo Horizonte, Bogotá, Bishkek, Hong Kong, Johannesburg, Leiden, Madrid, Nairobi, Paris or Rio de Janeiro – urban informality is not a bad thing, as such.

A thoughtful and respectful way of dealing with complex situations does not solve pressing problems; but developing a deeper understanding and a differentiated assessment can be a first step towards more sustainable, humane and respectful practices of providing housing according to the needs of millions of inhabitants of this planet. A few suggestions are being made in this volume. Alterman/Calor’s proposal ([Chapter 8](#)) to use the yardstick of ‘justifiable noncompliance’ as a criterion for state intervention is one possible solution to reconcile the conflict between law and need. Theresa Williamson ([Chapter 7](#)), most notably, has made the case for the sustainable option of ‘asset-based community development’. Her chapter reminds us that a ‘healthy dose of informality’ can be advantageous. More such pragmatic and considerate approaches are needed.

Note

1. Jovana Dikovic, 'Squatting', in *The Global Encyclopaedia of Informality: Understanding Social and Cultural Complexity, Volume 2*, ed. Alena Ledeneva (London: UCL Press, 2018), 10–13.

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Comparative Approaches to Informal Housing Around the Globe brings together historians, anthropologists, political scientists, sociologists, urban planners and political activists to break new ground in the globalisation of knowledge about informal housing. Providing both methodological reflections and practical examples, they compare informal settlements, unauthorised occupation of flats, illegal housing construction and political squatting in different regions of the world. Subjects covered include squatter settlements in Kyrgyzstan and Kazakhstan, squatting activism in Brazil and Spain, right-wing squatting in Germany, planning laws and informality across countries in the Global North, and squatting in post-Second World War UK and Australia.

The volume's global approach is found not only in the variety of topics but in the origins of its authors, who between them contribute specialist knowledge from Africa, Asia, Australia, the Middle East, North and South America, and Eastern and Western Europe. Bringing together such a wide range of authors and subjects demonstrates the power of comparative research to open up new perspectives. By comparing, for example, toleration of informal housing in Hong Kong and Paris, squatting in the Netherlands and communist East Germany, or slums in nineteenth-century Europe and twentieth-century Africa, the chapters connect different contexts in path-breaking fashion.

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