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# This is what the democratic city is like: local democracy, housing rights and homeownership in the Portuguese constitutional debate

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**This is what the democratic city is like:**

**local democracy, housing rights and homeownership in the Portuguese constitutional debate**

**Abstract:** In this article, I analyze the making of a normative framework for the democratic city during the regime change in Portugal in 1975 – the answers that were given to the question what should a city *be* like in a democratic regime. Engaging in a discussion concerning post-democracy and its use of post-foundational contributions, I argue that when this approach implicitly establishes an equivalence between democracy and *the political,* it has difficulties in interpreting how democracy provided an historical grammar both to politicize the urban, but also to produce consent. Therefore, a critical debate concerning democracy and the urban must address the question of how democratic expectations of emancipation are translated into institutions, rules and rights in urban spaces, through interwoven processes of politicization and depoliticization. I contend that the call for democratization, emerging during the Portuguese revolution through the voice of urban popular organizations, was answered in the Portuguese Constitution with a political compromise that exchanged the expectations of a *participatory city* for a commitment to a *social rights city,* enhanced with a promise of homeownership for urban popular segments. In this process, the new regime framed roles and functions for a "democratic city".

In April 1975, almost one year after the coup d'etat that triggered the Portuguese democratic revolution, the provisional government issued the following legal decree:

> "There are hundreds of thousands of families in Portugal who are homeless or living in subhuman conditions. Despite the measures already implemented or being studied and the programmed actions to encourage house construction, it is impossible even in the mid term to completely resolve the serious problem of adequate family housing through house construction. Consequently, promoting the full use of the country's housing stock is the path offered and which the fundamental principles of social justice make it necessary to adopt in order to alleviate this scarcity in the short term, given that it is not admissible to have unoccupied houses as long as there are homeless people. […] as for now, it is necessary to resolve the problems arising from the occupancies of empty dwellings that have been occurring. […] It is important to recognize that although these actions were illegal, and will not be tolerated in the future, they were framed by the immediate and understandable needs of extremely disadvantaged segments of the population. It has therefore been decided to admit and legalize the latter kind of situation. On the other hand, similar situations must be definitively and very firmly prevented in the future" (DL 198-A/75)

This legal text had two overriding objectives: first, to provide legal protection for the seizure of empty dwellings that had been taking place in the main cities since the coup; and secondly, to put an end to it.

A revolution was sweeping the country and this legal decree is symbolic of the profound process of political transformation that was underway. It signals a rare disruptive opening in the traditional political limits in Western Europe in the second half of the twentieth century: the legitimization of the popular appropriation of private property. The new regime justified this

appropriation using a direct normative framework: the people's urgent needs validated this disrespect for private property. However, the practice was simultaneously branded as inadmissible in the future. The normative rhetoric of the legal text thus acknowledges that there had been a revolution with its own legitimacy and popular dynamic, but then goes on to state that it is now over.

It is important to bear in mind that the deficit of suitable housing in Portugal in 1974 was estimated at around 600 thousand dwellings (Ferreira, 1984). The housing shortage in the metropolitan areas lasted for more than a decade after the democratic revolution, and in the context of severe economic crisis that prevailed until the mid-1980s. But this law was the only time the new democratic regime allowed the seizure of empty houses. The people were in urgent need, and there were empty dwellings; however, occupancy was no longer available as a "solution" under the legal framework of the democratic regime.

So this legal decree, and its political justification, raises a simple but fundamental question: if a democratic regime is to be built to attend to the people's needs, what exactly does that mean in urban political spaces? How is democracy conceived in order to handle the city, that is the people, the equality status of democratic citizenship and their differences and inequalities in socio-spatial terms; and how does it frame and respond to the so-called urban question?

In recent years, democracy has returned to the theoretical debate of urban studies under the aegis of crisis. The impacts of a strong neoliberal agenda underpinned by globalization processes have prompted new theoretical contributions to assess present-day democratic governance in the urban realm (Purcell, 2007; Swingedouw, 2009, 2011; Soja, 2010; Harvey, 2012). Departing from a discussion about the political-economic mechanisms that have been producing current trends of privatization of public space, the roll-back of redistributive policies, and segmentation of metropolitan territories, the debate has evolved to a discussion about the limits being imposed on political conflict in contemporary democratic regimes, reducing urban politics to a technocrat-managerial system of "good governance" and excluding transformative movements from the realm of legitimate conflict. This theoretical path from "growth machines to post-democratic city", as MacLeod argues, does not imply a simplistic shift but rather an interpretation that "the processes that were unleashed under roll-back, roll-out and roll-with-it neo-liberalisation (…) serve to institute a gradual depoliticisation and de-democratisation of significant institutional forms" (MacLeod, 2011: 2652). This diagnosis of a democracy trapped by neoliberalism has given rise to the notion of a post-political/post-democratic city/condition; as Swingedouw writes "the consolidation of an urban postpolitical arrangement runs (…) parallel to the rise of a neoliberal governmentality that has

replaced debate, disagreement and dissensus with a series of technologies of governing that fuse around consensus, agreement, accountancy metrics" (Swingedouw , 2009: 604).

In an attempt to rescue "real" political conflict for our post-Cold War era and disentangle participation from current models that allow no change in the structuring of power, the post-political/post-democratic debate has drawn on the contributions of post-foundational authors to recapture the "proper political", conceptualized by Ranciére as an emancipatory moment in which those not accounted for emerge to disrupt a certain societal partition of roles, in the name of equality (Ranciére, 1999).

This paper seeks to engage in that critical debate on democracy and the urban. First, by sharing its interpretation of the centrality of *the political* in the symbolic production of society; secondly, by uncoupling it from a discussion limited to the post-1989 period; and thirdly, following recent contributions, by challenging some conceptual formulations due to the limitations they place on comprehensive analyses of urban political processes.

The difficulties posed by post-political/post-democratic conceptualization have been under discussion in last few years. Recent analyses have argued that when proposing post-democracy as a historical condition for our times, based mainly on a meta-theoretic conceptualization of *the political,* it risks a structuralist bias that forecloses empirical findings of political agency (Beveridge and Koch, forthcoming 2016; MacLeod, 2011); and, from a more *engagé* point of view, post-democracy approach also risks dismissing tentative and emerging forms of political action that do not amount to radical confrontation (Darling, 2014).

In this article, I share these concerns and aim to provide a contribution to this critical discussion. I will therefore argue that although defining democracy as equivalent to *the political* is sustainable on an ontological level, and even politically attractive, it imposes relevant limitations in urban research. When democracy is conceived as a rare and momentary configuration and, implicitly, as an unachievable condition, it becomes difficult to examine the (plural) forms in which "democracy" has provided a political grammar not only for *the politicization of the urban, but also for the normative-institutional arrangements designed to tame that politicization by producing consent*. The historical bond between modern politics and the urban condition can only be clarified if this double role of the historical grammar of democracy is fully fledged; only then will we be able to question not only why conflict emerges, but also why political consent prevails.

Hence, this article discusses a critical approach to democracy by placing the post-foundational conceptualizations in a dialogue with the situated *production of a politico-institutional definition of the democratic city, during the Portuguese democratic regime change*. My aim is to understand how a moment of strong politicization of the "urban", brought about by the revolution,

was translated into an institutional arrangement/political project aimed to respond to the urban question, and to legitimate a new power/state structure. This amounts to exploring how the democratic normative rhetoric was "organized" to act as a legitimation device for a particular articulation of space, scale and class – that is, as the main justification of institutions, policies and rights in the democratic city. I will do so by scrutinizing the Portuguese constitutional debate in 1975-76, during the transitional period of the democratic revolution, arguing that it is particularly valuable to investigate the making of a definition of the democratic city within this process of self-constitution.

I will begin by addressing the work of Claude Lefort on what he calls *la invention democratique* as the modern grammar of emancipation, which can never be fully translated into models of governance. Lefort's conceptualization allows me to argue that there is always contingency and incompleteness in a democratic institutionalization, emphasizing the relevance of empirical research to understand how *democratic politicization* and *democratic institutionalization* come to terms with one another in the urban realm.

Secondly, I will trace Ranciére's theoretical distinction of *the political* and the police/politics order – the former as disruption of social order in the name of equality, and the latter as the symbolic ranking of roles and functions – in order to account for both the politicization of the urban in the Portuguese revolution, and the subsequent depoliticization process(es) during the institutionalization of the new regime. Drawing on the critical reflections of Darling (2014), MacLeod (2011) and Beveridge and Koch (forthcoming 2016), I will argue that to handle Ranciére's theorization in the urban real, we must not undertake a direct transposition of this ontological concepts into research, but rather to conceive it as an incitement to look for/conceptualize politicization and depoliticization as situated and necessarily interwoven processes, in order to make sense of the production of conflict and consent.

Thirdly, a critical reading of the Portuguese constitutional debate in 1975-76 allows me to argue that, after the broad politicization of the urban during the revolution, the making of a new political contract for a democratic city was woven by means of a partition of roles and functions that amounted to a political exchange: *the expectation of a "democratic city as a participatory city" was exchanged during the constitutional debate for a commitment to the "democratic city as a social rights city",* in which housing rights played a decisive role. Finally, I will briefly discuss the consequences of this "definition" of the democratic city in Portugal – how the defeat of a participatory interpretation of the democratic city implied constraining the popular appropriation of the state apparatus after the revolution; and how housing policies led to the financialization of the city, which still finds some resonance in present-day political conflict.

### A   Democracy as a symbolic space

In the work of Claude Lefort, we find a conceptual analysis of the emergence of modern politics as a radical *immanence turn* in the legitimation of power – the democratic invention. According to Lefort, modernity institutes the legitimacy of power as an empty space that can only be filled by "society", and it is this indeterminable concept of society that institutes a new kind of radical political conflict: it is always possible and legitimate to challenge power because political institutional arrangements are not founded on absolute principles, but are dependent on a contingent and historical reading of "what/who" constitutes society (Lefort, 1986; Poltier, 1997).

Within this rupture with traditional legitimacy (after the breach of the French Revolution), the grammar of popular sovereignty, freedom and equality emerges. This modern democratic grammar carries an irretrievable uncertainty: what is the "people", and how is the virtuous tension of freedom-equality translated into the political and institutional order? In the agonistic theoretical proposal, following Lefort's work, it is this political conflict that brings society into being – a self-reflexive space where society conceives itself and subjects acquire societal identities (see Dikeç, 2012).

Nonetheless, this indeterminacy allows the symbolic space of democracy; there is an irredeemable gap between the foundation of the modern legitimacy of power (the people, "society") and its institutional configuration (the democratic political institutional apparatus). Democracy therefore operates as a symbolic space that cannot be reduced to an institutional regime or to decision-making procedure – it is an ever-present *potentia* for challenging names, status, and places of unequal social and political relationships in the name of emancipation.

Such a conceptualization has two relevant theoretical consequences. First, the filling of the empty space of legitimate power is *contingent*: becoming a "democratic regime" depends on the historical answers given by agents to the indeterminacy of popular legitimacy, and to the normative imperative of egaliberté, as Balibar would put it, of the democratic challenge. Secondly, because it is a symbolic space beyond the "actually existing" democratic regimes, the historical grammar of democracy prevails despite its incompleteness: "The society that democratizes itself must, it can be said, split itself in two, and create a symbolic space for meanings, values and norms meant to remain (under certain limits) valid and filled with concrete meaning, despite an eventual refutation of concrete reality" (Ciaramelli, 2003: 11). In that sense, democracy as symbolic space not only represents a *potentia* to challenge political order, but also operates as a legitimization device for the institutionalization of a democratic regime, within certain limits. Ciaramelli suggests these limits establish an ever-present tension between expectations of emancipation and the legitimacy of

institutional arrangements – allowing both conflict and consent. The examination of this tension is at the core of a critical analyses on democracy and the urban.

## A  Disruption and reordering, politicization and depoliticization

There has been lively debate in recent years on the appropriation of Ranciére's reflections to urban theorization; his work has proved fruitful to most analyses of the post-political/post-democratic city (see Swingedouw, 2009; 2011; Dikeç, 2012).

Ranciére defines *the political* as a conflictual moment in which movements raise the fundamental questioning of a given political order in the name of equality – by defining equality as "assumed", the inherent contingency of the political hierarchy of functions, roles and assigned spaces is brought to light. In this conceptualization, *the political* is brief and provisional, and necessarily followed by a reordering of social order in a new hierarchy of names, places and functions – this latter is what Ranciére calls politics/the police order (Ranciére, 1999).

In a powerful and argumentative stance, post-democratic conceptualization has taken this meta-theoretical framework to propose an interpretation of post-Cold War governance as politics/police order, organized around the incontestability of market interests and norms and the exclusion of any political conflict that confronts them. However, MacLeod's question – "if cities are now post-democratic (...) when and where *were* they democratic?" (2011: 2652) – signals that the issue here is not only its applicability to present-day governance. The problem with the post-democratic proposal are the difficulties that emerge from a conceptualization which portrays democracy and *the political* as equivalents, and that arises from carrying formulations of Ranciére's philosophical work to empirical research.

In a forthcoming article, Beveridge and Koch note that "the binary conception of the political/politics as police order is too narrow a basis to capture the contingencies of actually exiting urban politics", arguing not for a rejection of the post-political debate, but noticing that Ranciére's "claim is an ontological rather than a empirical one" (Beveridge and Koch, forthcoming 2016). Otherwise, we risk excluding political agency that does not amount to a revolutionary act, either today or before the fall of the Soviet Bloc.

I do not intend here to claim that Ranciére's distinction has led to a deterministic approach to urban politics, nor to sustain a truism that "conflict is always there". My point is that the critical discussion of democracy must take a step back in order not to risk a totalizing approach that fails to make an adequate interpretation of historical processes/strategies of *politicization and depoliticization that are played within urban processes.*

Thus, research should focus not only on identifying the moments when *the political* erupts, but also its relationship with what follows – the partitioning and curtailing of the emancipatory stance of politicization. Depoliticization, therefore, "is about redrawing boundaries, limiting the scope of contestation and restricting the ways people make sense of themselves as political agents", and, as Beveridge and Koch argue, should be understood as a contingent political strategy deployed in face of politicization (Beveridge and Koch, forthcoming 2016).

The analysis of how democracy is conceived to "fit" in the symbolic reordering of society - how places and functions are assigned – is of the utmost importance. Because depoliticization is contingent and related to politicization, analyzing its situated processes provides valuable tools to de-naturalize and redesign the boundaries of urban politics, showing new paths for the advent of those not accounted for. My aim is to investigate this interplay, as Darling (2014) puts it, between the politicization and depoliticization of the urban question during the Portuguese democratic transition, and what it meant for a normative formulation of a democratic city.

## A Anchoring the debate: a democratic revolution in the city

The Portuguese revolution was triggered in April 1974 by a military coup led by left-wing segments of the armed forces. Portugal had been swamped in an unpopular colonial war in Africa since 1961, international support of the authoritarian regime had declined after the Second World War, and both democratic and communist opposition were breathing new life from the late 1950s. The regime made a mild attempt at liberalization in 1969, changing protagonists and introducing some modernization policies, but this was unable to overcome the growing contradictions in Portuguese society and, more importantly, did not have a solution to the colonial question. And so the authoritarian regime fell. The Revolutionary Coup met almost no confrontation or resistance, and was celebrated that same day by thousands of people in the streets of Portugal's main cities.

What would be the country's future? A democracy. A dispute between left-wing and liberal segments of the military unfolded, that marked the political environment of the first years after the revolution. The struggle between those in favor of a grass-roots, socialist-inspired popular democracy and others who supported a European-style liberal democracy lasted until the end of Constitution-making debates.

Political confrontation and uncertainty about the future was accompanied by the spread of a revolutionary atmosphere. Empty houses were occupied and large farms were seized by workers; the banking system was nationalized along with energy and transport companies, as well as major industries. A multiplicity of popular organizations sprang up across urban areas. Local "improvement committees", residents councils and neighborhood organizations were not only taking part in the

political turbulence, but were acting on their own initiative: occupying empty houses and facilities, lowering rents in shanty towns, creating kindergarten and medical facilities, repairing streets, building sanitary infrastructures and local roads in illegal settlements (Dows et al.,1978; Pinto, 2013). The housing shortage was such a strong popular complaint that within 3 months of the revolutionary coup the Provisional Government set in motion an assisted self-building program – SAAL – focusing on urban areas (for SAAL see Nunes and Serra, 2003; Bandeirinha, 2007). A few months later, neighborhood organizations and housing cooperatives were given legal status, rent controls were put in place, and legislation was passed to facilitate the state to use private contractors to build low-cost housing.

In fact, the consequences of the political and socioeconomic model of the authoritarian regime resonated in the emerging metropolitan areas of Portuguese society more than anywhere else. Starting with mild modernization policies in the mid-1950s and the integration in EFTA in 1960, an industrialization boom unfolded albeit limited mainly to the areas around Lisbon and Oporto. In those years, the metropolitanization process was underway with a massive rural exodus towards the areas around these two major cities – between 1950 and 1970 over 672 thousands new residents came to the municipalities around Lisbon (Salgueiro, 2001).

The authoritarian regime's attempts to resolve the housing shortage for this population influx was limited to timid housing programs, mainly targeting middle-class professional segments that supported the regime (Baptista, 1999). The absence of public housing for the newly arrived working class, and the impossibility of these impoverished segments to access the legal housing market led to the emergence of shanty towns in the inner-city and extensive illegal settlements in the outskirts of Lisbon (Ferreira, 1984; Soares et al., 1985; Ferreira, 1987). By the late 1960s, these were joined by a sprinkling of private initiative *grands-ensembles* that mushroomed in former agricultural lands around the big cities (Nunes, 2011). The absence of urban planning and lack of adequate infrastructures, transportation, services and urban facilities turned these peripheries into fragmented territories, deprived areas and dormitory towns (Salgueiro, 2001; Ferreira, 1984; Ferreira, 1987b).

The rapid urbanization process and its uneven configuration in the emerging metropolitan territories was, in fact, the political question facing Portuguese society. What response could be given to such a profound transformation in social structures – a country "becoming urban", in the context of the political exclusion of large segments of popular classes from the polis? An exclusion not only from "legality", in the way these segments inhabited urban territories, but from representation in a broad sense: an invisibility of their class culture, their needs, their voices in the public institutional spaces. Incorporating them in the realm of legitimate politics was the challenge of the democratic revolution – the Constitution-making debates revolved around these challenges.

## A   A bizarre modernity in an "unplanned country"

It is no coincidence that the Portuguese democratic revolution took place during the world economic crisis in the aftermath of the first oil shock of 1973, which exacerbated the difficulties and contradictions of the authoritarian regime. As described in Harvey's classic work, these troubled times of the mid-1970s resulted in a profound paradigmatic change in the regime of accumulation and its mode of regulation – from fordism to flexible accumulation (Harvey, 1990). Brenner has latter reworked these analyses of statehood strategies, as he has put it, locating in models or urban and regional governance the key-mechanism to interpret the political-spatial articulation that embodied the passage from fordism to a post-fordist mode of regulation, and offered a periodization that identifies this paradigmatic change in the mid 1970s (Brenner, 2004).

The problem lies in how to apply this historical periodization to a social formation that does not fit comfortably in the main narratives/periodizations of western social theory. Portugal is a European country but is economically and politically peripheral; a Mediterranean society that until the 1970s was oddly entangled in an extensive African colonial empire; and it persistently presented "mixed" or medium economic/welfare performance indicators throughout the twentieth century.

This societal configuration should not be interpreted as bearing the traces of a pre-capitalist social and economic structure. On the contrary, it is the result of a particular arrangement of capitalist societal model, and a specific mode of integration in the capitalist world economy. Before the theoretical turn to the new hierarchical global-local dichotomy of places/practices, Portuguese society used to be accommodated in the "semi-peripheral" layer of Wallerstein's model of the world economy: it had both middle-rank development performance, and a pivotal role between central and peripheral spaces of the world economy (Santos, 1990; 1994).

The urban history of Portuguese society in the 20th century may seem bizarre when compared with Northern Europe. But more than two decades ago, Leontidou made a very strong case for a Mediterranean model of urban informal and modernity, showing that Southern European urban informality does not bear the traces of traditional society (Leontidou, 1990). On the contrary, it is a popular (and creative) response to a specific path of modernization that articulated an authoritarian political structure with a protected, and almost monopolist, mode of capitalist accumulation; this was a quite different historical path from the golden years of urban planning and the expansion of redistributive policies of the Northern European Welfare State.

Portuguese scholarly literature signals the weakness of Portuguese urban planning policies throughout the second half of the twentieth century, pointing broadly to two main reasons: a traditional highly centralized form of governance over the territory; and an absence of public

policies, such as public housing or infrastructures, that was able respond to the economic and socio-demographic transformations in Portuguese society after the 1960s (Ferreira, 1984; Salgueiro, 2001).

The image resulting from this analysis is one of Portugal as an "unplanned country". Recently, Baptista surveyed the Portuguese urban scientific literature arguing that this intellectual construct of an "unplanned country" provides an abstract and almost a-political way of organizing this "odd" experience of the modernity of a European country, while trying to mobilize us for an all-embracing goal of order and modernization, similar to the advanced democracies. Baptista argues that this reading of Portuguese urban history fails to take account of the critical debate of contemporary social theory about this idealized view of modernity and modernization (Baptista, 2012).

In my opinion, this analysis is correct. In fact, the intellectual construct of an "unplanned country" reduces urban processes to an inquiry into a canon of state planning policies. If a Western European urban model can be found, then we have "good" modernization happening; otherwise, the diagnosis of a weak state apparatus will suffice as an interpretation of the urban process. And secondly, it implicitly states that the liberal Western European model of democracy followed by the Portuguese regime in the aftermath of the revolutionary years was the natural (and only) path, neglecting a historical analysis of a political conflict in which other models of democracy were available and other political actors were present. Addressing the conflictual production of the Portuguese regime allows us to confront that "natural" narrative of the Portuguese urban processes of modernization and democratization.

## A   Political constitutions: names and functions falling into their "proper places"

According to Ranciére, the eruption of *the political* creates an openness that calls power relations, social identities and expectations about the future into question. After this moment of fragmentation of an old order of things, a new order starts to be reworked that frames meaning, power and place in a new articulation. This articulation occurs in several societal levels and arenas, but it can be recaptured in some of its main normative arrangements such as political constitutions.

Political constitutions work as a legitimation device for statehood – as the articulation of a power structure over people and territory. They do so by complying with two essential functions. First, as the name suggests: pluralistic constitutional-making processes not only define the rules and values that should bind a political regime but also "constitute" the people itself, as Wolin notes (1989). The claim for popular sovereignty requires the abstract conceptualization of the "people" in a hegemonic configuration, that is as an articulation of differences in a Laclaunian sense (Laclau, 2005). So it is not just about the institutional rules of engagement in political conflict, but about

framing the identity of the community itself and establishing a horizon of desired destiny. Secondly, the relationship established between state(hood), people and territory is not normatively neutral. The production of differentiated levels of political legitimacy and autonomy – national, regional and local – define the spatiality of political projects, the legitimate arenas of political conflict and, consequently, indicate scale and place for political actors.

In addition to these functions, the outcome of liberal/democratic inspired constitutional-making processes depends on a conflictual process, where different political ideologies, representing different social segments and classes in society, battle each other to consecrate their definition of political community and political values. The analysis of the proposals/ideologies of the various participants allows us to reconstitute (part of) the main disputes and political cultures/identities in society. This is particularly relevant in western continental Europe where we had, and still have, anti-capitalistic parties either in parliaments or assuming a lead role in urban policies. The Communist Parties of Italy, France and Portugal governed major cities: Bologna and Northern Italy, the famous Paris Red Belt communes, and Lisbon's "red belt" municipalities, that prevail even today. So we should look within the institutional debate taking it as representative, both of the "people" and of their differences, and assume that to some extent it expresses the conflict among the political community. It thus allows us to recapture the possibilities – ideas, projects and political identities – present in a historical context, even if some of them were defeated.

"Given that political and governmental processes are substantively linguistic processes" as Fairclough argues, scrutinizing the constitutional debate will allow us to recapture (part of) the historical conflict about the meaning of what democracy is for the city in the Portuguese revolution (Fairclough, 2000: 167).

## A  A constitutional debate: raising the political in the urban realm, and breaking it down into legitimate scales and actors

The Portuguese political constitution of 1976 encompasses civil liberties, social rights, economic principles and international commitments. The weaving of these normative principles took place over one year of political debate in the Constituent Assembly, to which several political parties were elected (see Vieira and Silva, 2010).

The debates recorded in Constitutional Assembly Diaries (DAC) show that the call for a democratic regime/community meant that, for the first time in the institutional arena, the urbanization process in Portuguese society and its uneven geography were politicized on a full scale – *the city* is named as a space of conflict among antagonistic interests: the people versus speculative interests, and the role of the state is put into question.

This politicization process emerged from a diagnosis of what happened in urban areas during the former regime – the spatial consequences of the former authoritarian government are portrayed as designing an uneven and segmented urban space in which the old regime is represented as an ally of private and speculative market interests.

> "The unrestrained speculation, resulting from abusive appropriation by real estate's big capital, has led to situations of striking exploitation of the Portuguese people, to the benefit of those investors protected by the Fascist State". (DAC, 1813)

> "In the fascist days (…) instead of recovery, a policy of eradication was applied, that is, substituting the areas of shanty towns or illegal settlements (all that is unaesthetic or unpleasant to city dwellers) and these neighborhoods were put far away, out in the periphery (in areas preferably with no water, with no electricity or transport, where the inhabitants would be in a worse position than they were before)" (DAC, 1835)

The segmentation of urban territories was thus defined *as a consequence* of a non-democratic regime and conceived as inequality in itself. But the politicization of the "urban" also came from a massive popular mobilization in the metropolitan areas. As referred above, the Portuguese revolution had a "particularity", as noted during the constitutional debates: a myriad of popular neighborhood organizations and local committees had flourished in the months after the coup, mainly in urban areas, to respond to the population's urgent needs. The constituent parliamentarians were not immune to the political meaning of these actions: a popular/revolutionary legitimacy was competing with state institutions, whilst relevant segments of the military envisaged an important role for these organizations in a new regime of popular democracy (see Pinto, 2013).

The question was therefore how to tackle what was defined as almost a class war over land and housing in metropolitan areas – how to respond to an authoritarian/uneven urban geography with a legitimate project of democratic cities. Two major issues enter the debate: local democratic government and housing rights.

## B  On the people's behalf: political parties and popular organizations in local politics

The debate about local government was central in the configuration of the regime's identity, slowly filling the empty/uncertain dimensions of what a territorialized model of democracy should be.

In the Constitutional text, democratic local government is given a vague purpose: "to pursue its population own interests " (art.237, CRP, 1976). This role can only be understood if we realize that the main economic and social functions were assigned to the central state on a national scale – the elites emerging from the revolutionary process seemed determined to maintain control over economic and social policies. Local government was therefore restricted to controlling urban design,

urban services and complementary social policies. And despite the relevance of Portugal's emerging metropolitan areas in the 1970s, both in population and economic terms, no model of metropolitan governance was conceived.

The second issue was the definition of the political actors who represent the people's will in local democratic institutions. Under the former regime, local officials were appointed by the central administration – creating a democratic legitimation of local governance was one of the merits of the "constituents" (Ferreira, 1993). But there were two opposing models in the Constituent Assembly. On one hand, we have the communist left (the Portuguese Communist Party, its allies and a member of a radical far-left organization) defending a model of socialist-inspired popular democracy, aiming to sustain political bonds with popular local movements; and on the other hand, we find the center-left Socialist Party (PS), the liberal Social-Democratic Party (PPD) and the Christian-Democrats (CDS), a large majority standing for a liberal-western style of representative democracy.

In the constitutional debate, local (urban) popular organizations were portrayed by the left as playing "a relevant role in the solution of problems that the government has been unable to solve. This means the construction of schools, kindergartens, medical clinics, the creation of cooperatives, the special attention that they have dedicated to the housing issue" (DAC, 3385-86). The question was therefore how to frame this popular participation in a new structure of democratic local government: what can the people do by territorial self-organization? What kind of legitimacy can be assigned to popular organizations and who acts on behalf of the people's interests?

The words of a Socialist Party parliamentarian about "who" were these popular organizations are revealing:

> "in our society neighborhood organizations only began to appear (…) with the start of the so-called workers' dormitories outside the city; (…) people slept outside the cities, and lived and worked in the cities, and began to have some collective interests that needed to be upheld (…) But allow me to say that in relation to the cities itself, in relation to Lisbon, etc, the neighborhood organizations are still an artificial reality. I mean, there are no conditions, or they do not seem to me to have the necessary basis of cohesion; (…) for example in Avenida Fontes Pereira de Melo [an avenue in the central business area of Lisbon] (…) There, people do not have the collective living that gives them that reality of living in neighborhoods" (DAC, 3478)

This almost class-based analysis of "who" needs urban popular organizations acknowledges that they emerged in response to the uneven spatial segmentation in the urban fabric. But it goes on to claim that it is that specificity that makes them "particular" forms of collective action – workers living in deprived suburban areas – and it is argued this "particularity" excludes them from representing common interests.

After a long debate, the Constitution consecrated what was called Popular Organizations of Territorial Base; however, they were granted no legitimate political power, and depended completely on the elected municipalities to intervene in policy implementation. Consequently, the possibility to run for local elections was restricted to national political parties. It was therefore established that the "people" organize local political action through a specific organizational model on a defined scale – national parties. "It is our understanding that sports organizations are intended for the practice of sports and nothing else. It is our understanding that recreational organizations are intended to promote recreation and nothing else (…) It is our understanding that political organizations, political parties are in fact intended to make politics", in the words of a member of the Socialist Party. (DAC, 3395).

This outcome highlights the interweaving strategies of politicization and depoliticization in the articulation of a legitimization discourse about local democracy. First, it assumed that the main policies that can define a democratic framework for the future were to be assigned to the central state, legitimized by the electoral participation of the "people", conceived as an entity devoid of territorial or class differences on a national level, and leaving a secondary role for local administration. In a country with a feeble tradition of political participation following half a century of authoritarian rule, displacing political conflict to a national level implied limiting political action by removing it from the proximity of every-day life, and confining it to institutional spaces of representative democracy. This was decisive in configuring a limited scope not only for urban political rights in Portugal's subsequent urban history, but for the very fabric of the regime – a low-intensity democracy, to use Santos' definition (1998).

Secondly, while assuming a need for the democratic legitimacy of local governance (elected municipal bodies), the Constitution limited *a priori* the political actors that could engage in competition for local government – "allowing" democracy in local politics, and at the same time depoliticizing through a mixture of particularization and hierarquization of political actors: only organizations that were "specialized" in politics on a national scale – political parties - could assume local office. Denying democratic institutional legitimacy to urban popular organizations curtailed the possibility of urban popular segments appropriating the political and administrative state apparatus. As politics becomes a separate arena, played by specific agents – a role that is apart from life, as Lefebvre would say – a participatory interpretation/expectation of the democratic city was brought to an end.

**B Urban rights: housing, land and homeownership**

The problem of adequate housing in Portuguese urban areas was denounced during the Constitutional debate:

> "I visited numerous and miserable dwellings, sometimes simple and poky rooms, where families of six, eight and even ten members were living – and probably still continue to live –, in regrettable and sometimes dangerous promiscuity. I have seen appalling cases. That is why I do not hesitate to consider housing – adequate housing – as one of the major problems in our country, a legacy of the Fascist State" (DAC, 1850).

There was consensus on the right to housing among the different parties and it was conceived as a (central) state obligation. The problem was how to provide massive housing in the context of economic crisis. A multiplicity of instruments to address the housing deficit was then included in the Constitutional text: the self-built agenda, already set in motion by the Provisional Government; along with support for housing cooperatives, rent controls and public housing programs.

But the political parties were opposed on two issues: the issue of urban land and the status of dwelling occupants.

Concerning urban land, the first proposal under debate assumed that assuring a universal right to housing entailed the gradual nationalization or municipalization of urban land and that the state would have to play a leading role in the promotion of construction. The Communist party argued that it was only by making urban land public property that the ongoing speculative logic in the main urban areas could be curtailed; however, the "gradual nationalization" was replaced during the debate by a more modest "necessary nationalization", and the proposal for punitive action on property speculation failed to be approved. Similarly, a constitutional reference to public construction companies was removed by the pro-western democracy parties, while a reference to the state's obligation to stimulate private construction was added to the Constitutional text.

The second issue was homeownership. The liberal PPD presented a proposal to constitutionalize a mandatory conversion of house tenants into homeowners. The justification is revealing in a country where the vast majority of housing in urban areas was rented at that time.

> "In the making of a socialist society that we defend, we have to proceed now with progressive ways that allow us to go from the present situation to one where every family has the right to the property of the house in which they live (…) a policy that allows families to have some confidence in the future, a minimum of necessary guaranties, a minimum of stability to believe that it is worth living in this country, to believe that they should invest their savings in something useful, necessary to themselves and their kin" (DAC, 1839-40).

This proposal did not pass the vote, but the state's obligation to promote access to homeownership was approved (n.3, art. 65, CRP, 1976). This reference was celebrated by the Christian-democrats as "a profound desire of large sections of the Portuguese people (…) to access

homeownership stands as a first step towards the liberation of servitudes, that root and perpetuate their proletarian condition" (DAC, 1846).

Two aspects should be emphasized. First, the result of the constitutional debate on housing rights show a juxtaposition of political solutions that equated to a compromise between different ideological frameworks. But this compromise implied removing instruments to implement a strong public-driven housing policy (public control over urban land, and public construction companies) that would eventually be able to confront urban speculative logic, and its political and spatial consequences in metropolitan areas. Secondly, quite symbolically, the non-communist parties portrayed the fostering of homeownership as a central piece of democratic rights. If the right to housing is consensually interpreted as emancipation from poverty/the right to dignity, the liberal parties understood homeownership as establishing a new level of emancipation – autonomy, and a path for the social mobility of families. The response to the housing shortage in Portuguese urban areas was therefore to provide housing rights, contradictory housing policies and an inspirational promise of a homeowners' city.

## A  What came next: the Portuguese "democratic city"

It can almost be said that the revolutionary disruption of 1974 created the Portuguese urban question. A segmented metropolization process had certainly been unfolding since the mid-1960s structuring fragmented and unequal territories along the lines of exclusion, deprivation and "illegality". But it was the revolutionary coup that triggered the articulation of these uneven territories and the subject positions of its inhabitants into a political question. *The political*, as conceived by Ranciére, erupted: conflict carried out by those not accounted for, voicing a "wrong" in the name of equality, interrupting a symbolic order where the urban had previously not been allowed to be a space of political conflict (Ranciére, 1999). That process of politicizing the urban was so relevant that the flourishing urban popular organizations stood at the center of the political dispute about the "model of democracy" to be implemented: popular democracy versus liberal democracy. The Constitutional debate that we reviewed tells the story of their (partial) defeat. But let me emphasize: "partial" is, here, the key word.

In response to the democratic claim – equality and participation – the political project for the democratic city was designed by a significant political exchange: *the expectations of a participatory city were exchanged for a promise of a social rights city, namely housing rights – enhanced by a promise of autonomy and social mobility for urban popular classes, to be achieved by access to property (homeownership).* In the broad symbolic space of the democratic claim, emancipation from poverty and deprived urban living conditions were conceived as the "correct" normative answer to

the urban question – it overshadowed the participatory claim but was still "enough" to legitimize the new regime.

That political exchange was produced by a series of depoliticization strategies applied to "tame" the revolutionary/politicization energy in the urban realm. First, by removing the main conflicts away from local spaces of every-day interaction, and moving them to a national level; secondly, by a process of particularization of urban popular organizations. These depoliticization strategies implied a partition of politics, designing "politics" as a specialized space, where only "legitimate" actors would operate. In fact, it amounted to a Western European styled liberal "normalization" of politics. Popular organizations, in which the protagonists were mainly segments of urban workers tackling urban problems, were restricted in their ability to permeate institutional political spaces.

Housing rights were crucial in this exchange of "participation" for "social rights". It should be noted that in the democratic transitions that took place in the same historical period, namely Greece in 1974, and Spain in 1978, and which had similar housing shortages, both enshrined housing rights in their constitutional texts but neither defined public strategies to achieve this goal. The fact that the democratic transitions of Greece and Spain were negotiated, with no revolutionary conflict, shows the relevance of *the political* – disruption – in fostering the politicization of the urban question; this is what forced the Portuguese parliamentarians to engrave a detailed strategy in the Constitution to deal with the housing deficit.

Forty years after the constitutional debate, it is clear to see that this constitutional articulation between democracy and the urban provided the script for the production of the Portuguese city in the years to come; while not all urban history in the democratic regime can be inferred from the constitutional text, we can however see a selective interpretation of its political definition.

Democratic local governance was institutionalized in the years after the constitutional debate. In the metropolitan areas, the newly elected municipalities were confronted with the legacy of a lack of infrastructures and public services at a time of severe economic crisis and fiscal austerity; the investment in basic infrastructures and "legalizing" informal settlements went on for decades. With no legitimate role in local democracy, neighborhood committees dwindled, mainly owing "to its marginalization by the political system and the disillusionment that followed", and they withered away very rapidly as can be seen by "a striking absence of overlap between the executives of residents commissions and candidates for local office in the first municipal elections of 1976" (Pinto, 2013: 218-219). Local elections very soon had the lowest participation rates, only surpassed by European Parliament in the 1990s. A considerable number of local politicians remained in office for

decades, and social research on local politics portrays it as a highly partisan and/or personalized system, with no popular participation (Mozzicafreddo et al., 1988; Ruivo, 2000).

In the aftermath of the Constitutional debate, a mix of housing policies was put in place: supporting housing cooperatives, and contracting major low-cost housing packages in the metropolitan areas through urban land expropriation (Ferreira, 1987a). The assisted self-building program launched after the coup soon came to an end: in general, only operations launched during the revolutionary period were completed (Bandeirinha, 2007; Ferreira, 1987a). But after a peak in public spending on housing policies in the mid-1970s (7% in 1977), the overwhelming solution for the Portuguese housing deficit came from the private sector either through commercial supply or individual/family initiative (Rodrigues et al., 2016). A decade after the revolution, official statistics showed that individual promotion accounted for 58% of new dwellings and, if we add the illegal/informal construction in the metropolitan areas, we could be looking at a figure of about 80% of new dwellings being directly promoted by individuals/families (Ferreira, 1987a).

As early as 1976, the regime directed housing demand to the commercial market by subsidizing interest rates and granting tax benefits for homeownership, and the scope of this policy was systematically extended over the years. In fact, public support for homeownership was the most consistent housing policy for 30 years and came to an end only after the 2008 financial crisis. As Rodrigues et al. (2016) have recently shown, fostering homeownership provided the banking system with a market to expand, not only by financing individual mortgages, but also through financing the private construction sector. This financialization of the city had its consequences: in 1974 the estimated housing deficit was 600 thousand dwellings but by 2012 dwellings exceeded the number of resident families by 45% – there were 1.8 million more houses than families (INE, 2012). Homeownership escalated: in 2011, 73% of dwellings were occupied by homeowners; and 80% of families' indebtedness was due to housing loans (Santos, 2013). The indebtedness of Portuguese families reached 126% in 2011, one of the highest levels in Europe, This helps explain Portugal's major private external debt, which stands at the very core of today's political conflict in the European Union.

We cannot overlook the correlation between the weak democratization of the state administrative structure (that resulted from the exclusion of popular participation from the legitimate space of local governance) and the weakness of direct public housing programs in urban areas. This is particularly striking when compared to educational or health policies, within the set of social rights, for which strong public services were created. This particularity of the "forgotten" constitutional housing rights can only be understood when we realize that educational and health policies implied creating new public sector systems in the democratic period, because very little

existed before; on the contrary, the urban housing question called for a direct public dispute with prevailing private interests linked to urban land and the construction sector. Once the regime was institutionalized and the popular organizations had disappeared, there was no political will or popular strength to confront these interests (Ferreira, 1987a).

If we wander through Portugal's fragmented suburban territories, we can see these layers of private response to the housing shortage – peripheral models of housing estates, surrounded by large extensions of self-built/self-designed townhouses, with no local commerce or services, and no public transport. As Castela noted, it is the morphological result of a "liberal government of the city, invested in fostering homeownership without direct state intervention. A project aim[ed]at an elision of class difference while maintaining unequal citizenships" (Castela, 2011: 20).

## A   Conclusions

This article has explored the democratic claim in the city, aiming to rescue it from a status of an improbable moment. By analyzing the debate on the self-constitution of the Portuguese democratic regime, my aim was to show that, after *the political moment* of the revolution, the politico-symbolic reordering of society was woven into a political contract that resulted from an interplay between strategies of politicization and depoliticization, partitioning and managing the broad expectations and demands arisen from the urban popular. The political exchange of a "participatory city" for a "social rights city" shows that the broad claim of equality of the democratic movement was selectively managed during the construction of the the new regime – and that the partial "answer" of equality through social policies was decisive in producing consent for the new regime, even though that trade-off implied a depoliticization of the urban popular organizations, and curtailed their appropriation of the state apparatus.

This allows me to put forward two relevant theoretical conclusions. First, post-foundational contributions provide ontological grounds to conceptualize the coming into being of political agency/society. Ranciére's *the political* moves towards the de-naturalization of social hierarchies in the name of a presupposed equality; the police order reorganizes these hierarchies, "things" are given places and functions. This meta-theoretical framework, however, is not a pre-defined script for empirical research. On the contrary, post-foudational contributions invites us to provide a conceptualization of politicization and depoliticization processes that are contingent and interwoven in order to make sense of urban historical configurations.

Secondly, I argue that democracy operated not only as a disruptive device in promoting a full-scale politicization of the urban during the Portuguese revolution, but also that the democratic rhetoric was "organized" during the Constitutional debate to operate as a legitimization device for

the coming into being of the new regime. Drawing on recent debates, I have argued that if we draw an equivalence between Ranciére's ontological conceptualization of *the political* and democracy, we will find ourselves limited in our hability to a critically assess situated practices of politicization and depoliticization that stand at the core of a research agenda for urban critical theory. Accordingly, a conceptual distinction between *the political* and *democracy* seems appealing and fruitful. If we interpret democracy not as a brief and rare moment in political conflicts but as a historical grammar which articulates expectations of emancipation and prevails despite its non-fulfillment, we will be able to understand its role both in disruptive processes and political institutionalization.

It is by plunging into urban processes carrying this conceptualization that urban theory can engage in a critical reading of the production of conflict and consent, and its ever-present tension in contemporary democratic regimes. After all, "democracy is an egalitarian presupposition from which even an oligarchic regime like the one we have has to seek some degree of legitimation. Yes, democracy does have a critical function: it is the wrench of equality jammed (objectively and subjectively) into the gears of domination, it what keeps politics from simply turning to law enforcement" (Ranciére, 2011: 79).

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