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# Dwelling justice: locating settler relations in research and activism on stolen land

Libby Porter and David Kelly

Centre for Urban Research, RMIT University, Melbourne, VIC, Australia

**ABSTRACT**

There is a general consensus now in Australia that we are in the grip of a severe housing crisis. The characteristics of spiralling housing costs and deepening precarity are unfolding in a context of the systematic managed decline of public housing as a critical social infrastructure, such that the capacity to make and find 'home' is thinning every day. Yet in a settler-colony, such as Australia, the struggle against housing injustice is set inside an already violent relationship of un-homing that creates the very conditions for others to make home. Reckoning with this monstrous dilemma, of the politics of dwelling justice on stolen land, is the focus of this essay, which springs from our own experience and failure to fully comprehend the ways that our housing research and activism works to reinforce settler colonial logics of dwelling on stolen land.

**KEYWORDS:** Dwelling justice; settler-colonialism; racial violence; public housing renewal

## Starting where we are

There is a general consensus now in Australia that we are in the grip of a severe housing crisis. All of the familiar characteristics are here—crushing housing costs, inequitable labour markets, a widening experience of precarity and deepening inequality. These trends are only made more dire by climate change, as the recent catastrophic floods in NSW and Queensland demonstrate. The clearly observable trends of an increasing number of households either displaced from home or rendered stuck in deeply inadequate housing is all too-well known. All of this is unfolding in a context of the systematic managed decline—the slow death (Berlant, 2007)—of public housing as a critical social infrastructure. The capacity of people to find, make and secure 'home' is thinning every day.

Yet, as Goenpul scholar Aileen Moreton-Robinson observes, 'the sense of belonging, home, and place enjoyed by the non-Indigenous subject—colonizer/migrant—is based on the dispossession of the original owners

**CONTACT** Libby Porter libby.porter@rmit.edu.au Centre for Urban Research, RMIT University, Latrobe Street, Melbourne, VIC3000, Australia.

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of the land and the denial of our rights under international customary law' (Moreton-Robinson, 2015, p. 3). How, then, to make sense of the dispossessory basis of the very sense of home, now being dispossessed? What conceptual and political grammars and activities can reckon with this monstrous dilemma? How do we 'resist contemporary forms of dispossession without replicating logics of appropriation and possessiveness that rely upon racial regimes for their sustenance' (Bhandar, 2018, p. 18).

We are unsure that the fields of housing and urban studies have a political or conceptual grammar to grapple with the question of how a subject can be dispossessed in and of places where that subject's belonging is enabled by already existing violent occupation of a settler state. And yet Byrd et al. (2018a) argue that 'critical analysis has an enduring responsibility to address' precisely these 'afterlives' (Bhandar, 2018) of dispossession and the political praxis of First Nations peoples in its face. We suggest that these political and conceptual grammars are contingent, relational and rely upon a more expansive terminology that captures a multitude of dwelling struggles as geographical experiences.

We have come to consider an enduring responsibility more carefully in our work as both researchers and activists in housing justice struggles and movements. In thinking about how to ground this work, we were reminded of Lenape scholar Joanne Barker's powerful but simple suggestion to 'begin with a purposeful attention to where we are' (Barker, 2018, p. 34). Beginning where *we* are, is a context of deepening housing precarity and displacement in a longer story of violent settler-colonial dispossession of First Peoples. Situated on Wurundjeri and Boonwurrung/Bunurong Country in Melbourne, beginning where we are requires acknowledging that our own lives here are contingent on, and complicit in, these ongoing processes. Beginning where we are reminds us that our reading is always a view from somewhere, from this place, and situated in the particular way we are each knitted into the relations of place, here and now.

We each come, then, to the reality of the state's evisceration of public housing here in Melbourne and its attendant injustices as a coloniser and a migrant—each with specifically located responsibilities to the sovereignty of Wurundjeri, Boonwurrung/Bunurong peoples that has never been ceded here. This essay springs from our own experience reckoning with a core tension in housing justice activism in a settler-colony and seeks to explicitly address our own failure to fully comprehend the ways that our public housing research and activism works to reinforce settler colonial logics of dwelling on stolen land.

But first, let us set out a little more of the backdrop.

## Public housing activism on stolen land

Investment in public housing in Victoria and Melbourne has not just stagnated, but completely ceased. During the mid-1960s, the proportion of the stock was around 8% of total housing (Hayward, 1996), since then

it has dwindled to just above 2%. The stock that does still exist has been thoroughly debased in terms of maintenance and repair by a decades-long strategic disinvestment, where the state as landlord has failed to provide even the most basic maintenance of buildings. At the same time, the collective tenant voice has been profoundly diluted, erasing capacity to register complaints and concerns. We observe that few estate-based tenant associations are currently active in Melbourne, where consultation around redevelopments have been criticised for excluding the tenant voice (Kelly, 2018; Legal and Social Issues Committee, 2018) and where a recent review of social housing regulations recommend prioritising the tenant voice in light of their explicit exclusion (Social Housing Regulation Review Panel, 2021). All the while 1500 new applicants are added to the social housing waitlist every three months, a number that is a mere fraction of actual need in the wider community. This is a dire situation, but public housing has been so residualised over decades, one can barely point to a time in recent history where the policy settings have been better.

When the debasement of public housing estates is coupled with declarations of a new housing crisis elsewhere in 'the housing system', new revanchist interventions are made possible. In response to this declared housing crisis, the Victorian Government in 2017 established the Public Housing Renewal Program (PHRP), which would purportedly increase and renew social housing stock, via the demolition, sale and transfer of public housing and land across nine sites in Melbourne. Refining a method deployed in two high profile renewal programs rolled out in the decade previous, the program introduced a commercially driven 'real estate redevelopment model' of renewal targeting well-located high-value inner city sites. Central to this method was the reorganisation of these spaces to now include a social mix of new private tenures and social housing tenants, contingent upon the marketisation of the majority proportion of the estates, and the shift of tenant management away from the state to community housing organisations (CHOs).

The PHRP attracted significant local backlash. Both on the estates themselves and in surrounding neighbourhoods, local groups established themselves in opposition, protesting the displacement of public housing communities, the introduction of private tenures, the outsourcing of tenancy management to private organisations, and the loss of public assets. Throughout 2018 these groups agitated, alongside a number of existing public housing campaign groups, largely in isolation from each other, until early 2019 when a network of public housing activists formed the *Save Public Housing Collective* (SPHC). We were founding members and with some success, the SPHC has intervened in public discourse, produced compelling evidence-informed arguments, and deployed direct action to disrupt the program.

As the SPHC developed its social media and communications tools, there was broad agreement that a strong statement was needed on the website to situate the contemporary condition of public housing in a longer more pervasive history of displacement of First Nations people. We

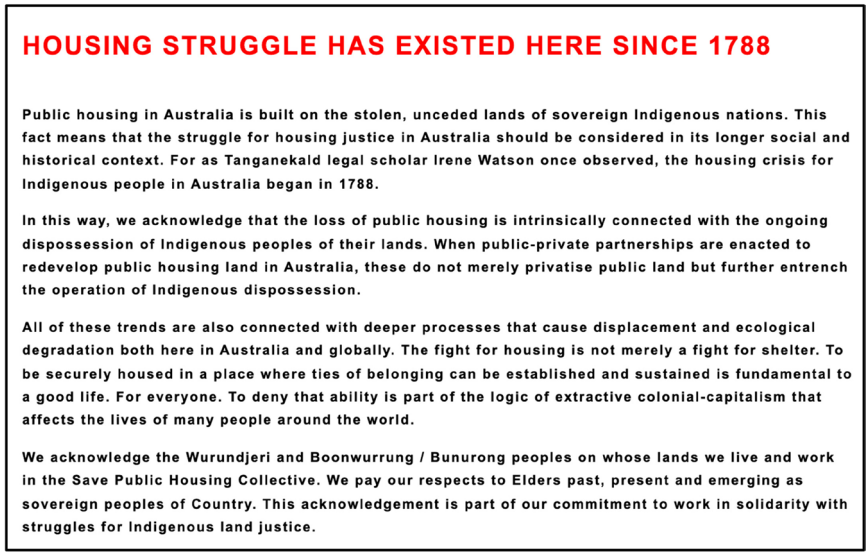


**Figure 1.** Screenshot of save public housing collective website landing page. Source: https://www.savepublichousing.com/.

wrote an acknowledgement of Country (see Figure 1) that attempted to foreground dispossession as a prevailing context in which more displacement is now occurring.

At the same time, as SPHC developed a media profile, we had to find pithy ways of bringing sharp claims about public housing to an audience that has largely internalised housing as a source of private wealth secured individually through the market. We found ourselves having to find a language to signal what might be wrong with the current policy settings, and we developed a stock of key phrases: 'loss of public land', 'build more public housing now' and 'stop the privatisation of public housing'.

We have been experiencing growing unease at this splintered politics. What does it mean to acknowledge the prevailing condition of dispossession and housing crisis for First Nations peoples and then deploy the categories of settler-colonialism and its presumption of an uncomplicated public-ness of common resources? What did it mean to acknowledge the unceded sovereignty of First Nations peoples and then immediately turn to the settler state as if it were a rightful and legitimate authority?

To reckon with these questions and our own complicity in the monstrous dilemma to which they give rise, in this essay we look critically at two key claims of redistribution that we ourselves, like other housing justice researchers and activists, continually make. The first concerns the relative distribution between public and private, with a committed anti-privatisation agenda, and the second concerns the presumed legitimacy of the settler state itself as a distributor of access to housing justice.

Starting where we are, as Barker (2018) suggests, means bringing a conceptual framework of 'territory as analytic' to our thinking about these presumptions. We find this enormously insightful for deploying the actual historical and material practice *of* Indigenous territory as the conceptual lens for understanding social geographies of place. We read this as a demand to learn with Indigenous sovereignty, Indigenous expressions of and practices of law and Country as a pathway for understanding ourselves and our obligations. As authors, we are each in the categories of coloniser and migrant, each of us striving to make sense of finding ourselves and our place here on stolen land and practicing a proper relationship for our work in housing justice with Indigenous sovereignty. We have no place from which to speak about an ontology of land, belonging and sovereignty that is not ours—and is under threat by the fact we are here. Yet starting from where we are means engaging in a vital way with our responsibility to draw *conceptually* on Indigenous sovereignty as a framing of rightful relations and attend to the kind of reckoning we think is required in critical housing studies.

In this essay, we take the fact of unceded Indigenous sovereignty as our starting point to examine the ways that we not only miss it in our scholarship and activism but erase it. Using critical reflections from our own praxis in housing movements, we seek to grapple with the intellectual and political demands of bringing struggles for housing justice in settler-colonial contexts towards a rightful relationship with sovereignty-never-ceded. We seek an activist praxis and interrogation of policy that aligns our focus on dwelling, dispossession and redistribution with a truly material practice of decolonisation: land back, community control and being in a right relationship with Indigenous sovereignty. Starting where we are, means starting with the sovereignty that has always been here to understand the social geographies of place.

## The difference sovereignty makes to conceptualising dispossession

Tanganekald and Meintangk scholar Irene Watson calls the system of obligations, rights and responsibility that might in other terms be named sovereignty as 'Raw Law'—a 'natural system of obligations and benefits, flowing from an Aboriginal ontology' (Watson, 2015, p. 5). That ontology is fundamentally relational and the 'essential basis of social conduct: respect, reciprocity and caring for country' (ibid p22). It is a knowledge and practice of law through living, rather than through proscription. The philosophies shared by Indigenous scholars for people like us to learn with conceptualise territory, responsibility and relationship as capacious, unending, dynamic and expansive—grounded in land, and practiced through song, ceremony and relationship with all living and non-living beings (Barker, 2018; Coulthard, 2014; Moreton-Robinson, 2015; Simpson, 2017; Todd, 2015; Watson, 2015; Watts, 2013). This involves obligations,

rights, and custodianship. This has always been the way *and still is* (see Simpson, 2017). First Nations law is 'alive in the present, seeking place beyond the margins to hold and carry First Nations Peoples into the future, as it has always done' (Watson, 2015, p. 29).

Indigenous philosophies and practices of ontological, relational belonging endure on despite the near-devastating violence that settler-colonialism wreaks, most notably through dispossession. As Mohawk scholar Audra Simpson critically observes, the assertion of Indigenous sovereignty occurs 'in the teeth of Empire' (Simpson, 2014, p. 158). Despite attempted genocide, Indigenous belonging remains, standing in its 'incommensurable difference' (Moreton-Robinson, 2015, p. 3) as it continues to 'unsettle non-Indigenous belonging based on illegal dispossession' (ibid:4).

What sovereignty thus clarifies is that dispossession is the prevailing context of life under settler-colonialism, and that the state is an illegitimate organ of violently imposed power. Understanding dispossession through sovereignty demands seeing that the colony is not merely an example of dispossession but the very context out of which it arises, the place in which it is given shape and force (see Nichols in Bhandar et al., 2022; Moreton-Robinson, 2015). Seen in this light, dispossession is a 'relation of taking and violence that works at once to produce and delimit subjectivation, property, and value' (Byrd et al., 2018b). This is what Nichols has called 'recursive dispossession', a specific regime worked out in the colonial context through countless social and historical practices that simultaneously make and take property. It is recursive because it produces what it presupposes, 'a form of property-generating theft' (2020, p. 9).

Conceptually and materially, this means that 'possession does not precede dispossession but *is its effect*' (ibid:34, our emphasis). This is no mere abstract argument, for the form of possession that took hold—property—was 'systematically oriented towards the dispossession of Indigenous peoples in a unique and non-contingent manner' (ibid:35). In other words, the settler colony is a context where a hierarchy of racial value was deliberately created and organised to disavow and erase Indigenous forms of life. As 'an insatiable predatory relation that entails a specific manner of world making that is at once predicated on, and generative of, a dialectic of bio political sorting' (Byrd et al., 2018b), dispossession must therefore be understood as foundationally oriented towards the elimination of Indigenous peoples.

Indigenous dispossession is therefore the prevailing context in the economies of inclusion that mark late liberal societies. From this dispossession springs the 'logics that order power, violence, accumulation, and belonging for all those who find themselves on lands stripped from Indigenous peoples' (Byrd et al., 2018b) to create settler possession. These logics are mundane and everyday—thoroughly normalised such that they manage to hide in plain sight the structures that sustain settler possession through time and across place. Fences, property titles, land-use planning systems, housing forms, tenure—each helping maintain a system of possession that denies history and erases Indigenous sovereignty.

Territory as analytic (Barker, 2018) situates dispossession as formative rather than merely marking a moment in late capitalism and in so doing de-exceptionalises the current housing crisis. If dispossession is constitutive of forms of belonging and governance in settler colonial cities it is neither a past act now settled, nor reducible to a form of exclusionary domination wielded with universal intent and outcome by capitalists upon a variegated and growing number of poor. Understood through Indigenous sovereignty, dispossession must be conceptualised as a specific relation that endures in countless 'histories and afterlives' (Bhandar et al., 2022).

## Troubling spatial redistribution claims

When grounded by Indigenous sovereignty, an entirely different kind of light is shed on the deployment of dispossession in virtually all urban and housing research, and in housing justice campaigns. Here, dispossession, and its companion concept displacement (often used interchangeably), conceptualises and critiques processes whereby people are 'stripped bare' of the 'means of social reproduction so that accumulation can be secured and capital can be reproduced' (Feldman & Geisler, 2011, p. 7). David Harvey's famous definition of 'accumulation by dispossession' (Harvey, 2003) is a touchstone concept for most accounts in critical urban geography of dispossessory and displacing forces. Considerable scholarly effort has gone into critically examining the mechanisms through which dispossession is conceived to occur, such as commodification of the commons (Chatterton & Pusey, 2020), financialisation (Aalbers, 2019; Yrigoy, 2020), land grabbing (Das, 2020); expulsion and the creation of disposable populations (Alves, 2021) and the processes by which citizens are increasingly 'dissociated from processes of public accountability' (Feldman & Geisler, 2011, p. 7).

In housing studies, dispossession is a concept deployed to understand the un-making of home and the loss of place whether through forced removal, eviction or foreclosure, urban renewal, housing insecurity, gentrification, or the slow decay of social housing (for example Brickell et al., 2017). An especially important area of dispossession research has focussed on public and social housing where dispossession has been used to explain and describe the 'disowning, disavowal and disposability of public housing residents in being dispossessed of home' (Ferreri, 2020). Dispossession has also been used to explain a 'collective spatial trauma' that accrues through everyday modes of structural violence (Pain, 2019, p. 288) as well as the trauma of community disintegration via renewal (Fullilove, 2004; Ruming & Melo Zurita, 2020). None of this work (and we include our own as charged here, see Kelly, 2019, 2020; Porter, 2014, 2018) has attended to dispossession understood through 'territory as analytic', or as a constitutive form of social relations. Consequently, we tend to deploy categories in research, and claims in activism, that reconstitute settler entitlements to belonging and ownership—those grammars of dissent that stage demands

to protect public land, build more public housing and arrest the relentless privatisation of public resources.

These demands are shaped by the absence of a territory analytic and lead us to plead with/to the settler-state as if it were a legitimate authority for the distribution of public goods and processes, fundamentally disavowing the incommensurable reality that the state cannot be both remedy to and cause of displacement-induced precarity. We witness the psychological distress and financial hardship in the experience of displaced communities (Brackertz et al., 2020), exposure to death, violence and bodily harm (Becker & Ferrara, 2019) and increasing proximity to homelessness (Kaufman, 2022). We also understand that forced mobility produces subjects more likely to experience poverty, psychological stress and disintegration of social support networks that are critical in maintaining safety from homelessness (Bramley & Fitzpatrick, 2018). Yet, despite this, our advocacy and activism consistently snaps back to a place where the state's violence is read as aberration and the fix is 'better policy'.

Coming back to where we are, the displacement occurring in Melbourne is a classic form of direct displacement, where urban renewal results in the relocation of tenants from concentrated sites to dispersed units across the city and beyond. Relocation practices by the government cannot of themselves offset the displacement occurring, and they often deploy forms of care that facilitate smoother processes and minimise dissent (Ruming & Melo Zurita, 2020). Households that move from one site to another still accumulate the effects of displacement even if an objectively better and more secure dwelling is attained in the process.

Equally, a guarantee of return cannot nullify the effects of displacement. Shaw et al. (2013, p. 8–9) in their evaluation of the Kensington estate redevelopment, which served as the policy model for the current renewal program in Victoria, showed that of 486 public tenant households relocated from the estate, less than 20% returned. Some residents become satisfied with their new residences, simply desired no further disruption, or are limited by the availability of stock. But the reconfiguration of dwelling types on redeveloped estates means that not all households are able to be re-accommodated. Across renewal sites we are witnessing the elimination of 3- and 4-bedroom units, meaning that relocated residents will not be able to return to sites as a community. New low-income dwellings on these sites will be mostly 1- and 2- bedroom dwellings, effectively extinguishing any capacity to host families on the reconfigured sites. Those dwellings that do have the capacity to host families on the sites, will be private dwellings that are hyper unaffordable, with 4-bedroom townhouses currently on pre-sale for a minimum $(AUD)1.5 m. From being-in-place to becoming-displaced, the final event of return fails to account for the process and cannot acknowledge that the entire spatial and social configuration of the site has been altered beyond recognition.

Given the introduction of private tenures on renewal sites, and the seemingly inescapable neoliberal governmentality of our times, public-private-partnerships have become a new orthodoxy in the delivery of all new social housing developments in Victoria. The partnerships are initiated by government, who provide financial investment and free land, and supported by private developers who build and sell approximately 70% of each site to private residents and investors. This involves the transfer of title from public to private, in the process unlocking economic value in the land by exposing it to housing market forces through processes of financialisation. That portion of the site is then effectively enclosed, and the broader portfolio of public land is depleted, which in turn diminishes the capacity of the state to provide more housing for those in need.

Our view has been that retaining the land in public tenure would maintain the state's interest in, and its capacity to provide more, public housing. This presumption draws from a long-standing commitment in critical urban and housing scholarship and activism to the notion of the public or commons. There is an assumed normative goodness to 'public' or common resources (land, property, water…) and to common or public governance. Thus, public or social housing is seen as a collective commitment to a public good, of non-market housing to more equitably distribute shelter in the face of rampant market forces. This is certainly the logic behind public housing in Australia, which is a highly residualised tenure, seen by governments and more widely in public discourse as housing of 'last resort'. We acknowledge that in other contexts social housing is a much more normalised tenure, not so directly linked to welfare. Either way, the sense of public value as inherent in social housing and public land is pervasive and foundational—a commons organised around broad principles of collectivity and non-commodification, applied to places and practices that in Harvey's terms should be deemed 'off-limits' to 'the logic of market exchange and market valuation' (Harvey, 2012, p. 73).

Critical scholarly and activist attention to dispossession generally, and to the retrenchment of public housing in particular, takes as a point of departure a struggle against the loss of a commons. This encompasses both the loss of a public quality in the ownership of space and land, and the loss of a public commitment to a more equitable distribution of housing resources through the state. Considerable important attention has been paid to the loss of public land as a harbinger of deepening inequality and marginalisation and new waves of enclosure (Christophers, 2019). There is a distinct and foundational temporality in this reading, where old enclosures are those that fit the 'classical story of enclosure and primitive accumulation' (Hodkinson, 2012, p. 501) and new enclosures are organised through neoliberal policy logics of privatisation, gentrification, spatial enhancement and urban boosterism (see also Brenner & Theodore, 2002). Applied in settler-colonial contexts, this reading temporally brackets Indigenous dispossession to a time past, evoking and practising the transit of Empire that Byrd (2011) so aptly diagnoses.

At the same time, the notion of enclosures invites a particularly awkward politics. For while privatisation as enclosure is marked as regressive, there remains strong commitment to enclosure of the commons as a normative public good. Enclosing the commons will be necessary, so argues for example David Harvey, to ensure that this commons is saved from rapacious capitalists:

> It will take a draconian act of enclosure in Amazonia, for example, to protect both biodiversity *and* the cultures of indigenous (sic) populations as part of our global and natural commons. It will almost certainly require state authority to protect those commons against the philistine democracy of short-term moneyed interests ravaging the land with soy bean plantations and cattle ranching (Harvey, 2012, p. 70)

This short but telling statement throws into sharp relief the presuppositions and racialised logics at work in the call for a more equitable redistribution of common resources. For this view disguises the violent 'draconian' imposition of settler-colonial state authority as an intervention for the 'public good'. The violent grabbing of Indigenous lands and bodies that such an intervention would entail, as history has shown, can only be seen as a possible solution when the crisis it looks to avert is framed through the logic of white possessiveness (Moreton-Robinson, 2015). The quote casts 'biodiversity' and 'Indigenous cultures' as components of a global common property only manageable by a form of state authority that by definition erases Indigenous sovereignty. The crisis of the global commons is framed to obscure the dispossession and expulsion that produced 'Amazonia' as a place capable of sustaining Harvey's interest in the first place. The white possessive view can only see injustice and crisis when that entails an *expansion* of dispossession and expulsion to lives and lands temporally beyond First Peoples. Calling for a draconian act of settler-state violence on Indigenous people and lands reveals the racialised presumption that settler states are legitimate arbiters of public goods, in the same moment deftly obscuring the dispossession that enabled the category 'public' to exist.

If possession is an effect of dispossession, then the things labelled public or common in a settler colony are the product of recursive dispossession, derived from long-standing theft and appropriation (Barker, 2015; Byrd et al., 2018b; Nichols, 2020). The lens of territory as analytic de-exceptionalises public land from its pedestal in housing rights debates as a 'better tenure' of land. Public land is not more or less available to decolonial praxis than privately owned land, even if the late liberal instruments of planning and property suggest so. Indeed, the distinction made between public and private land is a myth, for none really exists. As MacPherson (1962) has stated, each is a form of unitary ownership locked into a logic of possessive individualism. Public land is merely one category of tenure fully inside the settler property regime. What it offers to settler societies is an opportunity to shuffle value and risk, with each step maximising the extractive windfall from dispossession. The recursive dispossession of

Indigenous peoples marked the first step in that profit maximisation process.

Property, whether public or private, is a dispossessory racial regime of precarity *by design*. Territory as analytic shows that transfers of public land into private hands are not new modes of enclosure but a continuation of a foundational logic of dispossession. It does not matter if the land is held in public title or private title, its relationship to Indigenous sovereignty is still organised within the biome of a racial property regime. As Matt Hern observes (in Hern & Lisa, 2021, p. 174)—property is 'a rationality that cannot see outside of itself and views everything around it as subject to owner/owned gazes: land, bodies, animals, air, labour, whatever, or whoever. Once property is substantiated as an operational way of being in the world, then everything is just another market. Property is by definition dominatory'.

We do not intend here to reduce territory as analytic to a simplistic claim about an original theft being the more egregious. This evokes a hierarchy of grievability that we refuse. Our concern is that ignoring or denying the stolen-ness of public things in settler colonies invites a politics of a 'rather amorphous and ill-defined collective subject or multitude' (Nichols, 2020, p. 154) without being able to appropriately attend to actually existing power relations, right here where we are. That politics cannot reckon with the inescapable fact that state provision of public housing is reliant upon, and enabled by, the *perpetual* dispossession of Indigenous lands, the removal of Indigenous bodies and the reification of the settler state as a legitimate authority. This is so **even with** an underlying normative purpose to more equitably redistribute access to shelter.

Ignoring the stolen-ness of public land is a sleight of hand akin to the reconciliation politics of late liberalism that attempts to settle Indigenous claims within the frameworks and mechanics of state power (see Coulthard, 2014). Indigenous dispossession is bracketed as temporally past, no longer relevant to the matter in hand. Translated into the housing justice field, this means we are left—at best—with an awkward acknowledgement that there was always dispossession here (see for example Figure 1; also Masuda et al., 2020), but without a language or conceptual framework to unsettle the temporality that such an acknowledgement incites. Dispossession that acknowledges a prior dispossessory moment comes to be framed, if at all, as a series of moments, 'separated by time' while connected in place (Masuda et al., 2020). This temporal bracketing of Indigenous dispossession casts Indigenous dispossession as a background, coordinating a powerful move of relegation as Ahmed observes 'in order *to sustain* a certain direction' (Ahmed, 2006).

An unproblematised demand for public housing thus perpetuates dispossession because it normalises propertied logics of settler possessiveness and futurity, expanding and deepening the reach of dispossessory logics in space and time. Heather Dorries observes the same dynamic in relation to planning where we could easily substitute the word housing: 'approaches to planning that hinge on improving access to the same racial planning

processes implicated in the creation and management of the racial property regime only stand to reinforce those regimes' (Dorries, 2022). The claim for a commons and a public good enlivened through enhanced public housing will *always* fail Indigenous modes of relation because the logic from which the binary private-public springs is the very basis of Indigenous dispossession in the first place.

## *Troubling redistribution of governance claims*

Indigenous sovereignty as a conceptual framework reveals the settler state to be illegitimate, literally out of place. Yet, the state in a settler colony is daily produced and reconstituted as a legitimate authority—indeed, THE legitimate authority on all matters of the appropriate organisation and distribution of supposedly public goods. This is a foundational myth of colonialism (Watson, 2015, p. 5), and yet, it is one that works hard in housing activism and research, where there is deepening concern about the privatisation of public housing governance. This has been a long-held concern in Victoria, particularly by public housing activists who spotted early on the problems in the emergence and growth of the community housing sector. The argument that we and others have advanced, is that the provision of critical social infrastructure and responsibility to Victorian human rights frameworks is effectively being outsourced in the name of attracting subsidies that create new markets for capital accumulation. Such a redistribution is not a natural phenomenon, but a direct policy choice enabled through a suite of financial and other mechanisms, supported by a discursive logic that stigmatises public housing and casts the state as a failed landlord. The enrolment of these private entities also delegates the operation of state power and authority to non-state actors, discarding along the way any semblance of transparency and public accountability. As public housing campaigners, we have lamented and challenged the rise of non-state social housing providers, arguing that the redistribution of governance responsibilities and privileges amounts to a cannibalisation of the public housing stock. With the rise of what we have termed 'vulture landlords' (Kelly et al., 2021), the administration of public housing has been in a critical state of decline.

Since the 1970s, a series of distinct policy choices have been made to shift low-income housing support away from direct provision of public housing towards subsidies for people to find their housing in the private market. The primary mechanism for this has been the Commonwealth Rent Assistance (CRA) scheme, which cannot be collected by state authorities, and flows directly to Community Housing Organisations (CHOs) for eligible tenants. CHOs are private not-for-profit organisations providing low-income or other alternative models of housing, and many have their roots in local housing justice campaigns (Kelly et al., 2021). In recent years, with professionalisation and corporatisation, CHOs have become significant actors in the provision of low-income housing, with national policy

endorsing CHOs 'as a vital part of the future of social housing in Australia' (Darcy, 1999:14). The policy logics that drove this endorsement and agenda involved positioning state housing providers as monolithic, inefficient and cost-ineffective, a caricature that justified a relentless decline in funding from the Commonwealth to States and catalysing a shift away from public owned, delivered and managed housing towards private not-for-profit delivery. A clear indicator has been the dramatic increase of CRA from approximately 25% of Federal housing policy expenditure in 1985 to 150% a decade later (Yates, 2013). In pursuit of a UK-style promotion of housing associations the intent and outcome has been to create new markets in low-income housing.

Exiting the direct delivery of public housing and substantially growing the not-for-profit community housing sector was based on the presumption that CHOs have the ability to 'raise private debt, to access rent assistance, to charge higher rents, to generate third party contributions, to attract tax benefits, and to undertake commercial activities' (Yates, 2013, p. 120). This exit was, and still is, justified under the discursive logics of social mix and the emerging notion of renter 'choice', where the problematisation of social housing has been deliberately deployed as a 'pretext for market-based reforms' (Jacobs & Travers, 2015, p. 305). Since the mid-1990s, the community housing sector has been the focus of all growth in the provision of low-income social housing, and we have publicly termed this as state abandonment or managed decline of low-income communities (Capp et al., 2022).

We observe however, that this is not an abandonment, but rather an expansion of state power via delegation to private enterprise, which has devolved state responsibility and resulted in a hybrid social landlord 'spanning state and market, combining public and private action logics' (Blessing, 2012, p. 190). While these are indeed private organisations, they rely on increasingly complex lines of state finance. The CHO sector is undeniably reliant upon public funds in perpetuity. Public housing activism in Victoria has challenged this shift to CHOs, identifying how CHOs are different from the state. The state of Victoria has a Charter of Human Rights and Responsibilities to which all government bodies, representatives and delegated proxies can be held accountable. Under this charter, the state must assess the human rights impact of decisions taken under policy related to all aspects of a resident's tenure. The community housing industry has repeatedly argued at hearings for cases brought before the Victorian Civil and Administrative Tribunal that they are not performing the functions of government and therefore should not be held to the standards and responsibilities of the Act. CHOs specifically do not adhere to any consideration of tenant's human rights: when they experience financial hardship or temporary absence; when issued with a Breach of Duty Notice or Notice to Vacate; in the creation of a tenancy; and when recovering debt.

Community housing tenants are exposed to scenarios where their human rights are diminished but are also more exposed to the forces and

interests of the market. One CHO that has so far benefitted most in the renewal of housing estates has recently partnered with private investment funds to attract government subsidy (see Kelly et al., 2021). Under a build-to-rent scheme, the private fund will build or purchase apartment units in Melbourne and headlease the units to the CHO at market rates for a term of 10 years. The investment fund fronts $150 m for 307 new units, collects market rent for 10 years, then acquires the entire stock at the end of the headlease term. CHOs do not charge their tenants market rent, as they are technically social housing, so the government provides capital grants to make up the shortfall. As social housing tenants become more entangled in capitalist circuits of value, so too does the state. This expansion alongside private capital into newly created markets are entirely premised on creating and maintaining housing precarity.

In arguing against this shift towards CHOs, housing activists adopt an anti-privatisation position which is rightly concerned with the loss of public assets and the abrogation by states of their responsibilities to people and places. But if the state, as seen from a perspective informed by Indigenous sovereignty-never-ceded, is already understood as an illegitimate and violent force, then there is much less, or at least a different meaning to such distinctions. For these are both entities derived from a presumed legitimacy of a settler-colonial order, with all the trappings of that order such as white possessiveness in property and the authority of settler society to determine the equitable distribution of what amounts to stolen loot.

Our lines of argument reinforce the state as a just entity that can facilitate redistribution, upholding what the late Peter Marcuse (1978) referred to as the myth of the benevolent state and an assumed coherence to housing policy. One fundamental goal of housing policy under neoliberalism is to reorientate precarity to private markets, to make an extractable resource for, or in the least not a direct challenge to, the capitalist accumulation of land and expropriation of rent. But beyond this Marxist redistributive reading, our activism critically failed to contemplate that retaining territory in settler regimes of property reconciles Indigenous dispossession as a historical experience; that expanding the public stock perpetuates and calls for a spatial expansion of the settler-colonial project and its modes of dispossession; and that the land is only 'public' if Indigenous sovereignty is ignored.

Our claims closely align with commonplace demands to reclaim (Vale, 2002) or to reset (Danielsen & Lang, 2018) the advance of housing policy that produced precarity over a long durée. But they also ruminate on situations that did not exist. At the time of public housing's big expansion post-WWII, its utopianism was exclusive of First Nations people. It accommodated returned servicemen and their families when the White Australia Policies were in full flight. It was not a housing-for-all solution, it was a vision that only included white tenants, and housing policy makers did not anticipate that the tenure would become non-white over time. Since

the 1980s the inner city high-rise public housing estates that seem to dominate the negative stigmatising imagery of public housing, have consistently accommodated ex-refugee communities from Southeast Asia and the Horn of Africa, such that communities of colour are more representative of inner-city estates today. Regardless, activist demands attempt to rekindle a fantasy of an equitable redistribution of the commons, making claims to expand and redistribute access to the space and infrastructures necessary to reproduce one's life. While these positions are concerned, as we are, about people being left out in the cold, sleeping rough, housed insecurely and precariously, they lack 'a purposeful attention to where we are' (Barker, 2018, p. 34).

## A different place to begin

This essay is an attempt to grapple with a deep tension at the heart of critical housing research and housing justice activism in the settler colony: that the forms of belonging such activity reifies are already bound into an order of recursive dispossession. At its core, the conceptualisation of dispossession that prevails in housing research and activism is founded upon an erroneous idea that dispossession is a deprivation of a relationship of *rightful* belonging. Operationalised in settler-colonial contexts, it feeds the central narrative, essential for the maintenance of settler occupation, that settlers belong and possess a rightful embeddedness in and to place.

How we routinely think with dispossession as housing scholars and activists diminishes our capacity to adequately identify and describe the recursive modes of possession inherent in contemporary housing policy, particularly in settler colonies. As a consequence, our exceptionalisation of housing crises as aberrations among a hitherto fair and equitable distribution of dwelling resources, neglects attention to those spaces that host enduring connections and adjustments under constant crisis conditions. Despite those declarations that housing insecurity and stress is on the rise and that more people are being enveloped in its expansion, there has always been a housing crisis for some and that crisis has been a foundational attribute of the settler-colonial project—here where we are, since 1788.

When we begin with sovereignty-never-ceded, three inter-related facts become clear: settler states are not legitimate proponents of the correct order of things; CHOs and private investment firms may not be as qualitatively different from the state as first thought; and the state's capacity to distribute equitable dwelling outcomes is derived entirely from an enduring power to organise the loot from dispossession and genocide.

We have both, along with countless others, spent a lot of time and energy calling the state to account on the privatisation of public housing and the displacement of thousands of bodies and lives. What we are

learning is that doing so may simply be allowing the state to progress its agenda of furthering the intentions of recursive dispossession. For those anti-privatisation claims merely hold a place for an already problematic idea of 'public' housing to endure. The conventional claim for holding onto public land and housing scaffolds the ongoing settler-colonial take-up of land. The idea that public land can somehow be reconciled with Indigenous sovereignty more easily than land in private tenure is a myth of the benevolent settler-state.

Whether public or private, property, as all forms of stolen land in the settler colony, is always outside First Nations' capacity to self-control because property intrinsically affirms the racial regimes that uphold the attempted erasure of sovereignty in the first place. Thus, the public/private property dichotomy that activists in housing struggle commonly invoke holds together the component parts of settler property regimes. These are property ecologies of colonial loot. Already stolen land and resources cycle through a myriad of public and private tenures always dispossessed of any affirmative relation to or realisation of sovereignty.

At the heart of activist critique against forms of housing that are not public is a concern for the violent and exploitative character of marketized housing that mediates one's capacity to dwell in relative wellbeing to the extractive inhumane forces of the free market. For us, this is an important critique, and desirable given its focus on harm reduction and tenant focussed outcomes. But, the consequences of not imagining an otherwise that takes territory as analytic and places sovereignty-never-ceded as fact are real and material.

The state is not benevolent, and public ownership is not decommodified in any meaningful way that would safeguard against harm or align with the ontological fact of Indigenous belonging and omnipresence of their sovereignty.

Like a 'wrong way, go back sign' we are once again reminded to bring purposeful attention to where we are.

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## ORCID

Libby Porter http://orcid.org/0000-0001-7240-8206

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