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# **The Micropolitics of Criminalisation: Power, Resistance and the Amsterdam Squatting Movement**

By Deanna Dadusc

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This thesis is submitted in partial fulfilment of the requirements for the  
degree of  
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## Acknowledgments

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This thesis is a collaborative work, bringing together multiple experiences of different groups, people and collectives I have encountered from the first day I lived in Amsterdam, in August 2008, and later on in Kent. Acknowledgements seem reductive for expressing their role and presence in each step of this process, as all these encounters have not only made this work possible, but are its constitutive elements.

In first place, this thesis was inspired by, and is dedicated to, all those who, all over the world, are engaged in autonomous struggle, including squatters, queers, hackers and migrants who make of their bodies, minds and everyday practices an act of resistance to any form of government.

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## Abstract

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This research analyses how the criminalisation of the Amsterdam squatting movement works. The key research question addresses how criminalisation operates as a technology of government, what kind of relations of power are constituted through this processes, and how these are experienced and resisted. By paying attention to the relationship between politics, ethics and affects, the focus of this project is on the *micropolitics* of criminalisation and its resistances, where affects, everyday lived experiences, and embodied relations of power and resistance play a central role.

The analytical framework conceptualises power relations as heterogenous, productive and constitutive forces rather than simply repressive and oppositional ones. This enables to analyse how criminalisation works by deployment of legalistic tools and policing practices, by engendering contested moralities around private property and the uses of urban spaces and by constituting specific modes of experiencing, acting and resisting. Moreover, this perspective unfolds the complex relations between criminalisation and resistance: the focus is placed on the active and creative power of heterogenous struggles that counter relations of power by means of protests and direct actions, as much as by experimenting subversive conducts, social relations and modes of life.

This project engages with Activist-Research, aiming at producing a platform for collective reflection on how to resist criminalisation. Here resistance is not intended as an object of study, but as an epistemological perspective: namely a mode of unmasking, knowing and analysing how power operates. The empirical materials presented in the form of *Intermezzi* (between chapters) and *Boxes* (within chapters) constitute composite and collaborative process of reflection and narration.

## Table of Contents

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<b>Acknowledgments</b> .....	<b>iii</b>
<b>Abstract</b> .....	<b>v</b>
<b>Prologue Squatting Goes On</b> .....	<b>1</b>
<b>Chapter 1 Introduction</b> .....	<b>9</b>
1. Squatting in the Netherlands .....	10
2. 2010: The criminalisation of squatting.....	12
3. Research aim and outline .....	15
<b>Chapter 2 Regulated Tolerance and Squatting: legal, political and economic background</b> .....	<b>21</b>
1. Right to housing <i>versus</i> the right to property.....	22
2. Squatters' movements and housing struggles .....	25
3. The liberal turn and regulated tolerance .....	30
3.1 <i>Art 429</i> .....	34
4. The creative city and the co-optation of squatting .....	36
5. Regulated tolerance: critical reflections.....	38
6. The decline of tolerance .....	40
7. The criminalisation of squatting.....	42
<b>Chapter 3 The Criminalisation of Social Movements and the Micropolitics of Power and Resistance</b> .....	<b>45</b>
1. The criminalisation of social movements .....	48
1.1 <i>Squatting, protest, and Political Opportunity Structures</i> .....	48
1.2 <i>Beyond protest</i> .....	52
2. Micro-politics, affects and counter-conduct .....	56
2.1 <i>Conduct</i> .....	58
2.2 <i>Affect and potentia</i> .....	59
2.3 <i>Counter conduct and counter power</i> .....	64
3. The Micropolitics of Criminalisation.....	68
3.1 <i>Private property, conduct and criminalisation</i> .....	69
3.2 <i>Criminalisation and moral ordering</i> .....	76
3.3 <i>Cultural Criminology and Criminalisation</i> .....	77
4. Resistance and Criminalisation.....	79
5. Summary and research questions.....	82
<b>Chapter 4 Epistemology and Methodology</b> .....	<b>87</b>
1. "To all the anthropologists: the zoo is down the road" .....	89
2. Studying relations of power and resistance.....	92
2.1 <i>Participatory observation and Participatory Action Research</i> .....	93
2.2 <i>Activist Research: Research alongside Movements</i> .....	97
2. Queering methodology .....	99
2.1 <i>Embodied methods, affects and events</i> .....	100
2.3 <i>Composite narrations and heterogeneous voices</i> .....	105
3. Ethics and validity.....	108
4. Summary.....	111
<b>Intermezzo I: A new social centre</b> .....	<b>112</b>
i. <i>Home making: toward different ethics</i> .....	116
ii. <i>Every day (and night)</i> .....	118
iii. <i>Urban Deserts</i> .....	119

<b>Chapter 5 The Micropolitics of Squatting .....</b>	<b>122</b>
1. Squatting: anno 2015 .....	124
2. The politics of squatted social centers.....	127
2.1 <i>WinterJasmijn</i> .....	130
2.2 <i>Antarctica</i> .....	133
2.3 <i>Op de Valreep</i> .....	138
<i>Box 1: ADEV Manifesto</i> .....	146
3. DIY spaces .....	147
3.1 <i>Free Shops</i> .....	147
3.2 <i>VOKUs: people's kitchens</i> .....	149
4. The Micropolitics of Home Making.....	152
5. Counter-conducts and affects: political and ethical praxis.....	157
6. Criminalisation and moral ordering.....	160
<b>Intermezzo II: The Struggle .....</b>	<b>168</b>
<b>Chapter 6 The Political and Moral Economy of the ‘Squatting and Vacancy Act’ .....</b>	<b>174</b>
1. Kraakverbod: The Squatting and Vacant Property Act .....	174
1.1 <i>Vacancy</i> .....	179
1.2 <i>The privatisation of ‘vacancy’: anti-squatting</i> .....	182
2. Resisting criminalisation in court .....	186
<i>Box 1: Schijnheilig</i> .....	192
2.1: <i>Korte-geding - Fast procedure</i> .....	195
2.2 <i>“The master’s tools cannot dismanel the master’s house”: Criminalise us!</i> .....	197
3. Criminal court-cases .....	199
<i>Box 2: Eviction and court case of the Lange Leidse</i> .....	199
4. Discussion .....	205
<b>Intermezzo III: Behind Barricades.....</b>	<b>208</b>
<b>Chapter 7 Evictions and Their Resistances: politics, aesthetics and ethics .....</b>	<b>214</b>
1. Nuisance, public order and moral order.....	215
2. The economics of eviction.....	220
3. Eviction waves.....	224
3.1 <i>A chronicle of evictions and resistances</i> .....	228
3.2 <i>The last eviction waves</i> .....	234
3.3 <i>The aesthetics of evictions</i> .....	236
4. Forced invisibility and its resistances .....	237
5. Emergency ( <i>speed</i> ) evictions.....	241
<i>Box 1: Weesperzijde 150</i> .....	242
<i>Box 2: Schoolstraat eviction and speed eviction</i> .....	246
6. Discussion .....	251
<b>Intermezzo IV: Custody and Identification.....</b>	<b>256</b>
<b>Chapter 8 Arrests, Identification, and Monitoring .....</b>	<b>264</b>
1. Preventive violence and arrests.....	265
2. Resistances to violence.....	269
3. Stop and Search.....	273
<i>Box 1: Preventive Stop and Search and Counter-actions</i> .....	273
<i>Box 2: Identification and threats</i> .....	277
4. Identification and monitoring.....	280
4.1 <i>Resisting identification</i> .....	283
5. Discussion .....	285

<b>Chapter 9 Conclusion</b> .....	<b>292</b>
1. The Micropolitics of squatting.....	293
2. The micropolitics of criminalisation .....	295
3. <i>Potentia</i> and <i>potestas</i> .....	300
4. Squatting continues: ' <i>Kraken gaat door</i> ' .....	301
5. Contributions and further research .....	303
<b>Annexes</b> .....	<b>308</b>
Annex 1: Legal Acts .....	308
Annex 2: Eviction Lists .....	309
Annex 3: Open Letter to Mayor Van der Laan.....	312
Annex 4: Ellermanstraat .....	314
Annex 5: Identification .....	315
<b>Bibliography</b> .....	<b>316</b>

## Prologue

### Squatting Goes On.

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In 2010 the Parliament declared squatting a crime 'because squatting is a violation of private property rights'<sup>1</sup>. Politicians claimed that squatters are criminals because they want to live for free. 'They are lazy people who do not want to work'. 'They are parasites of law-abiding citizens who work hard to pay their rents or to buy houses'. 'Most of them are foreigners, who come to Amsterdam to have fun, use drugs, and live at the expenses of Dutch society and welfare'. 'There is nothing political in the squatters' movement'<sup>2</sup>.

From October 1<sup>st</sup>, 2010 we had to choose between being homeless or criminals. This isn't a choice. We won't live on the streets or in the prison. As one year ago, we will not shut up. As one year ago, we will not silently look at our homes being evicted, at our friends being arrested, at our neighbourhoods being turned into deserts. We will not let rich people becoming richer and the police protecting all this injustice. As one year ago, we will not demand for our rights to be respected. Nobody has ever listened, nobody will ever answer. Instead we will take action. We will take direct action to smash, with our own hands, everything that destroy us. As one year ago we will not observe from a distance. We will go to the streets, raise our voices, and show our presence, talk to each other and show to the city that something different than their politics is still possible<sup>3</sup>. Now, more than ever, it is time to radicalise our performance in the political theatre<sup>4</sup>.

October 1<sup>st</sup>, 2010, the day the Squatting Ban became effective, was the last of several days of action against the criminalisation of squatting. Then, many new houses were squatted, we occupied the Dam square with tents and slept there for one night. We wanted to make clear that if they were going to make all these people homeless, then

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<sup>1</sup> <http://www.nrcnext.nl/blog/2011/10/03/een-jaar-kraakverbod-wat-heeft-het-opgeleverd/>

<sup>2</sup> <https://zoek.officielebekendmakingen.nl/kst-31560-3.html>; <http://vvdamsterdam.nl/article/541/>

<sup>3</sup> <http://kraakverbod.squat.net/?p=100>

<sup>4</sup> <http://kraakverbod.squat.net/report1.html/>

we would take over the streets. During the demonstration against the squatting ban, a house on the Spuistraat, just behind the Royal Palace, was squatted<sup>5</sup>.

The police reacted by blocking the street: horses, then a line of riot cops, then anti-riot vans, then more riot cops, then riot cops with dogs. The police charged us with horses, but we created a compact block protecting the entrance to the house. I had been in these situations before, but each time it feels like the first. The horses pushed us from all directions. They thrust our block toward the wall behind us. I felt so small, squeezed, and unable to move. I could not breathe. Someone behind me screamed: “*Idealen ontruim je niet! Kraken gaat door*” (You cannot evict ideas, squatting goes on!). Someone else shouted: 'All the way right! And now left!' The group was moving in one direction and the other, but without leaving the spot. We tried to hold each other's arms as to keep the block as compact as possible.



**Image 1** Police charging the protesters during October 1<sup>st</sup> demonstration.  
Source: Alex Kemman.

With all the pushing and pulling, the group's shape changed and I ended up in the first line. I felt the horse's legs, its muscles against my breast. The horse's force against mine. The group, behind me, pushing me toward the horse. A flow of images of broken legs and bleeding wounds mirrored all those situations where police brutality exploded. I felt paralysed. Someone standing next to me pushed me back into the

---

<sup>5</sup> Occupation of a house on the Spuistraat during October 1<sup>st</sup> 2010 demonstration  
[onderzoeksgroepradicalestromingen.blogspot.com](http://onderzoeksgroepradicalestromingen.blogspot.com)

second line, turned the back toward the horse, and tried to sustain me, as to prevent me from falling. Suddenly my strength came back. I could breathe again, I stopped shaking, and I let my body rest against other bodies. The only thing that mattered in that moment was this thick assemblage of bodies that moved and felt like one. In these situations bodies can melt into one another creating a human block with impressive power. We succeeded. They retreated. Our resistance was stronger. They could not push the situation any further. They realised they were just wasting their time. It was time for a different strategy.

While the horses retreated, riot-cops approached us, in black iron-like uniforms. What will they do? Will they start hitting us with the batons, as last time? How can I protect my head now? I wished we had shields and helmets as well. The situation was so unbalanced. We felt naked compared to them. The next time we must wear protective clothes. The next time we need to cover our heads. Yes, the next time... They tried to break down the block by removing us one by one. Five cops grabbed my friend and tried to pull her out of the block. Her arms were still chained to mine. It looked like she was using all her power to resist the arrest. She was sweating and short-breathed. We pulled her toward us. The police pulled her toward them and twisted our arms. I knew she was in pain, but she would not give up. I could feel every cell of her body engaged in this resistance. Yet, as soon as the pepper-spray reached her eyes, she had



**Image 2: October 1<sup>st</sup>, 2010 demonstration. By Alex Kemman**

to let go.

Frustrated with our strong reaction, the police charged the group, brutally beating anyone they could reach with their batons. Bricks, fireworks and bottles started flying toward them. They retreated, regrouped and charged us several times. Yet the tear gas eventually scattered the demonstration, with the group dispersing in different directions. We run toward the little alleys, where the police lost control over the situation. It was dark, it was crowded, and things happened quickly. I remember looking for objects we could use for barricading the alley, yet always keeping an eye on my friends so not to lose my group. After a few minutes of confusion, someone grabbed my hand and we run away. Behind us there is only tear-gas and fire. Is this what a riot feels like?<sup>6</sup>

“One year ago the situation got out of hand, with clashes between the squatters and the authorities” the media claimed<sup>7</sup>, continuing. “The squatters have left a trail of destruction in the city centre<sup>8</sup>. As a consequence, police violence was a natural response against violence and intimidation. Thanks to the efforts of the police, peace had been restored<sup>9</sup>. They are violent. They are criminals. They terrorise people. They are source of disorder, of fear, of trouble. They resist the status quo and our democratic order. Subversives!”

---

<sup>6</sup> <https://antirepressie.wordpress.com/amsterdam-1-oktober-2010/> ;

Find videos here: <https://www.youtube.com/watch?v=W-TQxFL-rrQ>

<https://www.youtube.com/watch?v=PDgkWxOCqf0>

<sup>7</sup> <http://www.at5.nl/artikelen/49320/agenten-paarden-en-krakers-gewond-bij-rellen> ;

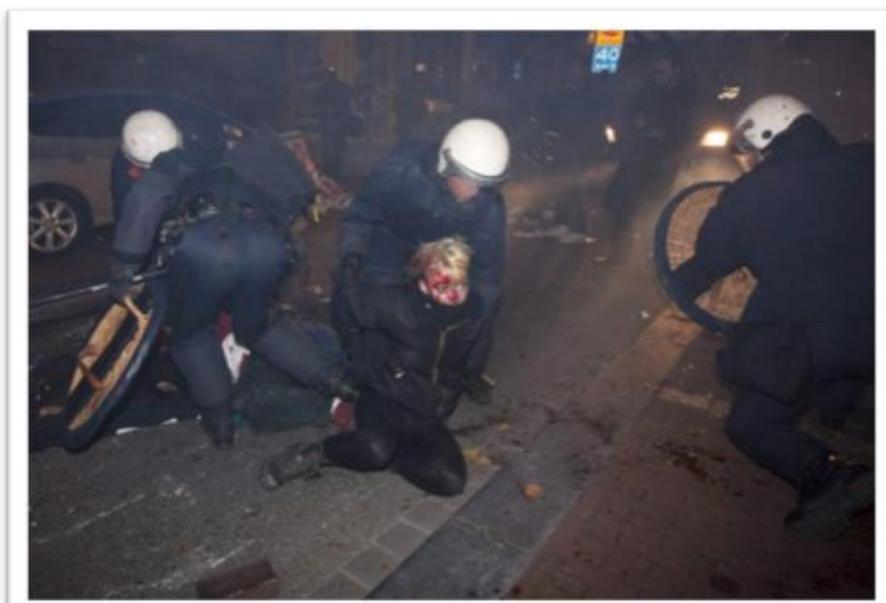
<http://www.nu.nl/binnenland/2377324/van-laan-doet-oproep-krakers.html>

<sup>8</sup> <http://www.at5.nl/artikelen/49316/krakers-richten-spoor-van-vernieling-aan>;

<https://www.youtube.com/watch?v=3JL3xqsE1fY>

<sup>9</sup> <http://www.at5.nl/artikelen/49306/krakersprotest-op-het-spui-begonnen>;

<http://www.at5.nl/artikelen/49237/krakers-bedreigen-van-der-bijl-en-schaap&usg>



**Image 3: 1st October 2011. Photo by Alex Kemman:  
<http://alexkemman.org>**

One year ago there were horses, there were batons, and there were dogs barking against us. Stones, bricks and bottles. Water cannons to extinguish our fire<sup>10</sup>. This year we will protect ourselves. I was afraid, last year. This year I will carefully pick what I am going to wear before going to demonstrate. I will protect my face, my legs, my arms and my stomach. Yet, this year the Mayor has issued a special law on demonstrations. Article 5 of the Law on Public Demonstrations now establishes that “during public demonstrations it is forbidden to wear protective clothes”. Moreover, to prevent any disturbance of public order, and interference with the commercial activities of the city centre, this year the demonstration on October 1<sup>st</sup> is not authorised: “The demonstration could be dangerous for shoppers”<sup>11</sup>, claimed the Mayor.

<sup>10</sup> <http://old.squat.net/en/news/amsterdam101010.html>  
<http://old.squat.net/en/news/netherlands300111.html>  
<https://www.indymedia.nl/nl/2010/10/69861.shtml>  
<https://www.youtube.com/v/AYDIccj1oKo?fs=1>

<sup>11</sup> <http://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBAMS:2012:BY6335>  
<https://www.amsterdam.nl/@460129/voorwaarden/> ;  
<http://www.parool.nl/parool/nl/4/AMSTERDAM/article/detail/2938081/2011/09/30/Stad-vreest-krakersgeweld.dhtml;>  
<http://www.rtvnh.nl/nieuws/64951/Burgemeester+Van+der+Laan+bezorgd+over+kraakdemo>  
<http://www.rtvnh.nl/nieuws/64899/Van+der+Laan+staat+krakersdemonstratie+toe+;>  
[http://zoeken.rechtspraak.nl/resultpage.aspx?snelzoeken=true&searchtype=ijn&ijn=BY6334&vrije\\_tekst=amsterdam+demonstratie\)](http://zoeken.rechtspraak.nl/resultpage.aspx?snelzoeken=true&searchtype=ijn&ijn=BY6334&vrije_tekst=amsterdam+demonstratie)

All this is just a way to ensure that if there is resistance, there can only be docile resistance. The ways in which you can act against injustice is limited to walking in controlled circles, checked and supervised by the police. So that you may wear yourself out. So that you give up<sup>12</sup>. We don't care if the Mayor does not allow the demonstration. We do not need an authorisation to demonstrate. We will take the streets anyway, like last year. Yet, this time we will organise ourselves and wear protective clothes: 'Black up, mask up, show up!'<sup>13</sup>

As the demonstration was not authorised, the police kettled part of the group. Seventeen people who were wearing protective clothes were arrested. We have been arrested because of not complying with the *Special Lex* of the Mayor<sup>14</sup>. We have been arrested because we protected our bodies from police batons<sup>15</sup>. We have been arrested because we did not obey to police orders and because we have resisted police 'legitimate' violence. We have been arrested because we don't agree and we don't shut up. We have been arrested because we have disturbed public order. We have been arrested because in this 'democratic order' it is not allowed to take action. "Why should you hide and protect yourself when you live in a democracy? Why should you even demonstrate in this way when you live in a democracy? Wearing protecting clothes is a clear sign of their intention to undertake violent actions", claimed the Public Prosecutor at our court case.

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<sup>12</sup> <https://www.indymedia.nl/nl/2011/09/78601.shtml>

<sup>13</sup> All Indymedia links at: <https://www.indymedia.nl/nl/2011/10/78798.shtml> See also: <https://kraakverbod.squat.net/?p=117>

<sup>14</sup> 20 sept 2011 – special law on public demonstrations - Art 11 – Lex Speciaal Openbaar Demonstratie).

<sup>15</sup> Judgment of the Amsterdam Court, Multiple Criminal Division (European Criminal Chamber): The suspect was accused, at the proceeding on 7 November 2012, of the fact that, on October 1, 2011 in Amsterdam (on Spui), he has intentionally failed to comply with Article 5 of the Law on Public Demonstrations, commanded by or on behalf of the Mayor of Amsterdam (being an official with the exercise of any supervisory responsibility) because *he was suspected of covering his face and / or wearing protective clothing*; and / or on October 1, 2011 in Amsterdam he has acted in contravention of Article 5 paragraph 1 of the Law on Public Demonstrations, because the defendant, by participating in the demonstration, *contributed and supported* wearing of protective clothing and / or face-covering clothing (my translation and emphasis)

The rest of the group was forcibly held on a public bus, which is generally used for mass arrests: however, this time it was not used for arresting the protesters, but for moving the demonstration to another spot, outside of the city centre where it was allowed to continue: in practice we were kidnapped and the demonstration was relocated to a 'safer', less central spot where it would not endanger shoppers and commercial activities.

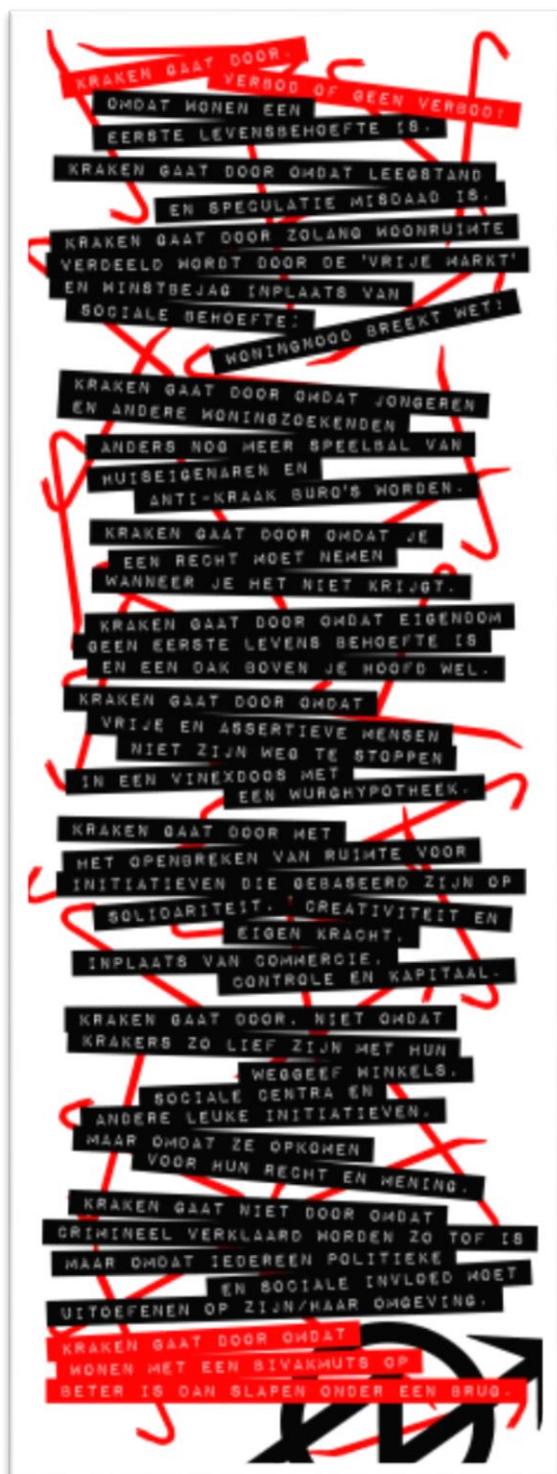
During the court case the public prosecutor displayed much emotion, as if the case had a personal and political dimension, rather than a technical one. She often referred to the accused by pointing fingers and made comments that went beyond the case itself. She asked me what I was doing at the demonstration. I decided not to reply to any question, because I refused to defend myself in front of this court. The police have beaten me up several times and I have been imprisoned for fighting against the very system that is acting upon me here, today. Here, police violence and preventive arrests are not questioned, they are taken for granted as proportionate reactions to the threatening behaviour of the protesters.

I am not going to be part of this theatre. I am not going to answer any of their questions. To my 'no comment' the Public Prosecutor replies: "You see? You are not even able to explain why you were there. You have no clue of what you are doing". I feel that she is treating me as a fool, but I don't care. The PM asked for two weeks of prison. We waited for the verdict with anxiety. Eventually, the judge ruled that the terms of the mayor were unlawful: police actions were declared illegal and the prosecution had no right to prosecute<sup>16</sup>.

They are not afraid of our bricks. They are afraid of our willingness to throw them.

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<sup>16</sup> Indeed, the court argued that Art 9 of the Constitution states that no restrictions can be imposed to a demonstration. Failure to follow an administrative command is not sufficient to justify the limitation to constitutional right to free demonstration. *LJN: BY6334, Rechtbank Amsterdam, 13/850943-11*  
[http://zoeken.rechtspraak.nl/resultpage.aspx?snelzoeken=true&searchtype=ljn&ljn=BY6334&vrije\\_tekst=amsterdam+demonstratie](http://zoeken.rechtspraak.nl/resultpage.aspx?snelzoeken=true&searchtype=ljn&ljn=BY6334&vrije_tekst=amsterdam+demonstratie) <https://www.indymedia.nl/node/10593>:  
<http://www.parool.nl/parool/nl/4/AMSTERDAM/article/detail/3352055/2012/1...>



## Squatting continues, with or without ban<sup>17</sup>.

Because housing is a vital need.

Squatting continues because vacancy and speculations are the crimes.

Squatting continues as long as living spaces are regulated through the free market, and profit is placed above social needs.

The housing need is what breaks the law!

Squatting continues because youth and other people in need of housing cannot be exploited by landlords nor anti-squatting agencies.

Squatting continues because you must take your rights when they are not given.

Squatting continues because property is not a vital necessity while a roof above your head is.

Squatting continues because free and assertive people do not let their way be stopped by a strangle mortgage.

Squatting continues break-opening spaces for initiatives based on solidarity, creativity and autonomy, in place of the market, control and capital.

Squatting continues not because squatters are so cute with their free shops, social centres and other nice initiatives but because they stand up for their rights and opinions.

Squatting does not continue because it is so great to be declared criminals but because everybody should exercise political and social influence in their environment.

Squatting continues because living with a balaclava is better than sleeping under a bridge

Image 1 - *Kraken Gaat Door* - 'Squatting continues' poster

<sup>17</sup> Poster published as a response to the criminalisation of squatting. 'Kraken gaat door' is a common slogan in squatting demonstrations (My translation).

## Chapter 1

### Introduction

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While walking along Amsterdam canals past monumental buildings, one can find counter-narratives and histories that differ from the ones commemorated by monuments and guidebooks. It is a history made by those who, every day, attempt to transform the way we are supposed to experience and consume the city, relate to each other and live our lives. The city is traversed by a counter-history of struggles that reveal the games of power that define our existence and our experience. It is a history circulating through the network of squatted spaces where different social, political and ethical relations are not only imagined, but also put into practice, emplaced and embodied.

From other perspectives, however, it is a history made by those who should be arrested and condemned for crimes against 'private property' and 'public order'. These are crimes against the peace and tranquillity of social life, and against the moral standards of Western societies. These are behaviours "which involve acts that interfere with the operations of society and the ability of people to function efficiently (...) outlawed simply because they conflict with social policy, prevailing moral rules, and current public opinion" (Siegel 2006, p.462). This thesis will argue that squatters, by *becoming active* and opening spaces where encounters with difference become possible, commit crimes against the democratic right to sameness, passivity, and silence. In this context, the criminalisation of these practices is not only protection of private property and public order: it also constitutes a governmental tool for achieving a moral ordering of life, disciplining and ordering 'disorderly' populations (Scott, 1998)

In Western Europe, this history can be traced back to the persecution of vagrants and heretics in the Middle Ages (Barnard 1995; Chambliss and Mankoff 1976; Cohn 1970) as much as the witch-hunting of those women whose embodied practices broke sexual and emotional norms (Federici 2004); it continues with the violent repression of resistance to the enclosures of the 17th century (Neeson 1996; Slater 2010); it

explodes with the violent repression of the Paris Commune of 1871<sup>18</sup> (Gould 1995) and, with the massive incarceration of anarchists, anti-racist and feminist activists in the 19th and 20th Century, including members of the Wobblies (Conlin 1969; Lynd and Grubačić 2008), the Black Panthers (Aptheker 1999; Davis 1971) and the suffragettes (Buechler 1990; Raeburn 1973).

The criminalisation of these practices continues today with the policing of alter-global movements (Fernandez 2008; Scholl 2012), the outlawing of indigenous protests (Mella Seguel 2007) and forms of environmental activism (Alonso, Barcena and Gorostidi 2014); it occurs through the use of public order regulations for preventing alternative uses of public space such as graffiti writing and guerrilla gardening (Ferrell 2002) and the extension of private property laws to new forms of ‘intellectual’ property, including criminalising contemporary forms of piracy and hacking (Wark 2004). At the time of writing, throughout Europe anarchist movements, as much as environmental and *no-border* networks, are being criminalised by the use of anti-terrorism measures and organised crime laws giving special power to the police for investigations, surveillance, identification and preventive arrests of potential ‘dangerous communities and individuals’ (Rigby and Schlembach 2013).

### 1. Squatting in the Netherlands

In the Netherlands, squatting has been legal and regulated for decades. However, in October 2010 a new law, named *Kraken en Legestaat Wet*, turned the occupation of empty properties into a criminal action punishable with up to two years’ imprisonment (Dadusc and Dee 2014; Gemert et al 2012). At the time of criminalisation of squatting, Amsterdam, in line with most of European cities, was subject to gentrification, corporatisation and so-called “urban revitalisation” (Gent 2010; Hollands and Chatterton 2003) with technologies for security and public order (Downes and Van Swaaningen 2007; Hallsworth and Lea 2011) increasingly turning urban spaces and services into commodities, leading to higher rents, the demolition of

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<sup>18</sup> The Paris commune of 1871 emerged in response to Haussmann’s urban transformation, and that proposed alternative models of social and political organization. However these forms of resistance are not merely a reaction, or opposition, but come first: according to David Harvey (2012) himself indeed, Haussmann’s project was aimed at creating an urban landscape enabling surveillance and military control over revolutionary movements. The emergence of the revolutionary movement of the Paris Commune, not only resisted this project, but also revealed its failure.

social housing and its replacement with unaffordable apartments (Merrifield 2014). The consequence has been the continuous displacement of the poorer classes from their residence in the city centre and their relocation to the suburbs and peripheries (Boterman and Gent 2014; Gent 2013; Sakizlioglu and Uitermark 2014).

The waiting list for social housing of between 10 and 14 years, and the distribution of free market houses, is managed by housing associations that have selective rules as to who can rent, as the minimum income has to be four times the price of the rent. A large slice of the population is still on the waiting list for social housing, with no access to free market rents. The only alternative, for many, is one of buying a property (Huisman 2013). However, working class families, precarious workers, students and non-Dutch inhabitants are generally not able to obtain a mortgage.

However, Amsterdam has a large number of vacant apartments and offices: they are generally owned by large companies that invest their capital in the real estate sector, and that have no interest in renovating them and in renting them out. Indeed, when a building is not occupied the market value is higher, and the properties can be easily bought and sold in a speculative loop that let prices increase. Therefore, there is a situation whereby low wage families, households, students, precarious workers and foreigners are homeless or displaced, and surrounded by empty properties.

In a context of housing shortage and abundance of abandoned properties, in the Netherlands many still find in squatting a viable alternative for housing, as well as a practice of resistance to processes of gentrification and the state-led social engineering accompanying this. Before occupying a specific house, groups of squatters conduct detailed research about the long-term plans of local governments and housing corporations in different neighbourhoods, and keep track of speculators (for this task there is a specific group, the Speculation Research Collective: <http://www.speculanten.nl/>). Therefore, squatting is an alternative housing strategy occupying spaces that are left empty by real estate speculators or that are about to be transformed from social housing into luxury apartments.

Squatters operate not through demands and campaigns, but by direct action, namely by occupying properties that are owned and left in disuse by real estate speculators and housing corporations. When occupying a space, squatters conduct direct re-

possession, and make visible how the housing market and speculation works. Yet, squatters also take care to renovate vacant spaces and turn them into social, cultural and political centres, thereby providing open and affordable spaces for encounter and expression, alternative to the logic of the market. By turning empty private properties and unused public spaces into collective homes and common political projects, squatters take direct action to solve their housing need, and create urban networks of solidarity, political contestation and ethical experimentation. This includes creating platforms for free and open access to basic needs otherwise available for profit, such as housing and food, as much as the constitution of autonomous learning environments, Do It Yourself spaces for sociality, and so on. As it will be argued throughout this thesis, in squatted spaces people can build *milieu* where it becomes possible to un-learn the codes and norms that define conducts, affects and desires, and constitute spaces and modes of life that operate differently from the logics of neo-liberal capitalism. Different modalities of organising everyday activities and the creation of different spaces, produce the conditions for different forms of conduct, experiencing different affects than the ones leading to subjection and domination. These have the capacity to transform the very relations of power in which we constitute ourselves as subjects, and where life is disciplined, domesticated, and confined within specific modalities of experience.

## 2. 2010: The criminalisation of squatting

In the Netherlands there is a strong collective memory around squatting as a social and political movement (Pruijt 2012). Squatters have been considered an important aspect of the urban landscape, and their role in the struggle for social housing has long been acknowledged (Uitermark 2011). In line with the Dutch model of ‘regulated tolerance’ (Brants 1998), squatting used to be allowed under certain conditions. Squatters had the right to use it a vacant property as a ‘home’ if it was empty and unused for longer than a year. High levels of housing shortage and large amounts of empty properties affected Dutch urban landscapes and squatting was considered as a cheap, DIY solution to a problem that the government did not want to take care of. If squatters moved into a year-long vacant property with a table, a mattress and a chair, and showed they were using the space as a ‘home’, their housing rights prevailed over

property rights. To evict squatters, property owners had to initiate a civil proceeding and bring evidence of concrete plans to use the property otherwise.

Starting from early 2000s, the broad sympathy and support for squatters was undermined by a political campaign aimed at depoliticising the practice of squatting and turning it into a *problem* to be solved (Dadusc and Dee, 2014). The main discourses used by political parties and media to promote criminalisation are summarised in the so-called Black Book of squatting (*Zwartboek Kraken*) published by the liberal party VVD. Here, squatting is framed as an immoral action against private property rights, and squatters are addressed as violent criminals and foreigners who pose a threat to public order and to the Dutch democratic values (Gemert et al 2012)<sup>19</sup>. These discourses concern squatting not just as a practice, but squatters as immoral subjects.

In this context, the criminalisation of squatting has been a political campaign, informed by a populist and nationalist rhetoric not only addressing the right of migrants to access property, but also reinforcing moral values around concepts of good citizenship and proper conduct. Moreover, there has been a discourse creating a differentiation between the past and the present, arguing that in the past squatting could be tolerated because it was ‘useful’, ‘political’ and ‘Dutch’, but now it has to be criminalised because these elements have faded away to be replaced by ‘useless’ foreigners and apolitical squatters, where the political is defined as a mode of engagement and negotiation with the authorities around specific policies.

This has arguably diverted the attention from the social and political importance of a movement making use of empty property, and addressed 'squatters conduct' as 'the problem', rather than reflecting on the social and political problems that squatting

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<sup>19</sup> Indeed the very proposal for criminalization begins with the following statement: “Recent incidents, such as the eviction in Amsterdam in May 2008, which was accompanied by violence and where 51 squatters were arrested and all kinds of weapons were found, were the immediate reason for this bill. There has been a hardening in the squatting world. Moreover, we see squatting as a form of vigilantism as squatters feel obliged to fight the vacancy in their own way, while, it is unacceptable that the right to property is affected. This justifies our view about criminalization of squatting as an offense” (my translation from Tweede Kamer, vergaderjaar 2007–2008, 31 560, nr. 3 page 1 Online: <https://zoek.officielebekendmakingen.nl/dossier/31560/kst-31560-3?resultIndex=63&sorttype=1&sortorder=4>)

challenges (Dadusc and Dee, 2014). The de-politicisation of the practice, and the focus on the allegedly criminal character of squatters legitimised state and police intervention against squatting as the control of criminal acts, rather than repression of political resistance (ibid).

Before the creation of the new law in 2010, all over The Netherlands groups of squatters actively resisted the criminalising discourses and the law proposals by mobilising campaigns, demonstrations, and direct actions. Banners stating '*Mede mogelijk gemaakt door de Kraakbeweging*' ('Made possible by the squatting movement'<sup>20</sup>) were hung at every squatted building and legalised project that used to be a squat<sup>21</sup>. Demonstrations and direct actions were organised in Den Hague, Utrecht and Amsterdam, and they were often violently repressed (see Prologue).



**Image 1: Legalised autonomous social centre and house group 'Vrankrijk', on the Spuistraat, displaying the banner 'Made Possible by the Squatting Movement'.**

<sup>20</sup> <http://www.krakengaatdoor.nl/node/21.html>

<sup>21</sup> Find pictures of all the buildings hanging the banner here:  
<https://www.indymedia.nl/nl/2006/06/36908.shtml>

Moreover, when the criminalisation of squatting became a serious threat, a group of squatters started a petition<sup>22</sup>. Drawing on Pruijt's five typologies of squatting (Pruijt 2013), the petition argued that squatting is necessary for: (1) providing housing for people with acute housing shortage; (2) functioning as an alternative housing strategy; (3) serving as a political tool; (4) creating social meeting places that stimulate new cultural and social initiatives; and (5) protecting monumental buildings from demolition. A multiplicity of collectives active in the squatting movement joined a common project and published a collective book entitled *Witboek Kraken* ('White Book of Squatting') (Kraakbeweging, 2009)<sup>23</sup>. The *Witboek Kraken*, was a response to the *Zwartboek Kraken*, and intended to 'break open the debate' around squatting<sup>24</sup>. The overall aim of the book was to resist the criminalisation of squatting and to show how squatting works in practice, documenting a multiplicity of projects and social centres, their political struggle and their contribution to the urban landscape. The book follows a path similar to the petition, but it opens the space for more in-depth discussion of squatting as a tool for resistance, as an act of protest and as a social movement. Particular attention is given to the struggle for social housing, next to the misbehaviour of speculators and housing associations. Moreover, the stereotypes contained in the ZBK, the xenophobic discourses and the allusions to increasing levels of violence, are analysed and challenged (Dadusc and Dee, 2014).

### 3. Research aim and outline

This research aims to understand the criminalisation of the Amsterdam squatting movement, analysing what kind of techniques of government are mobilised in the context of criminalisation, and how these are resisted. Existing literature on the criminalisation of social movements is focused mainly on the policing of protest (Fernandez 2008; Lovell 2009; Shantz 2012). As the Prologue shows, protest events and their policing are crucial aspects of social movements' resistance and their criminalisation. Yet, this perspective is not sufficient for understanding the complex

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<sup>22</sup> [http://www.kraakpetitie.nl/lees\\_de\\_petitie\\_tekst.htm](http://www.kraakpetitie.nl/lees_de_petitie_tekst.htm)

<sup>23</sup> <http://witboekkraken.nl/Inleiding.html>

<sup>24</sup> <http://kraakverbod.squat.net/?p=117>

relation between criminalisation and social and political struggles. Indeed the actions and the potentialities of social movements go far beyond protest, and entail experimentation with different politics, ethics and affects: moreover, the concept of a social movement is often reductive to a unitary body, and restricted to consideration of its oppositional and reactive force, overlooking the active and creative power of heterogeneous struggles.

In order to understand the relations between squatting, its criminalisation and resistances to criminalisation, I will argue that the conventional analytical frameworks examining the policing of protest need to be reconsidered and re-conceptualised to grasp both the movement's potential and the way criminalisation addresses and affects these practices. Drawing on Foucault's understanding of power relations as both productive and constitutive forces (Foucault 1982), rather than simply repressive and oppositional ones, this research will aim at understanding what kind of practices and subjectivities are constituted through squatting and its criminalisation as much as their power of contestation. The key research question will address how criminalisation works as a technology of government, what kind of relations of power are constituted and how these are experienced and resisted.

Although the 'legal formations' turning squatting into a crime will be analysed, it will be argued that the power exercised by law goes beyond what it states, prescribes or represses (Tadros 1998). Legal formations are strictly embedded within political, social, economic, and ethical relations (Valverde 2006): namely, they work alongside techniques of discipline and governmentality. Therefore, it is necessary to understand how a law works, how it operates, and how the people and the practices that are addressed by the law relate to it, how different social and political actors subject themselves to the law both when obeying and disobeying it (Silbey 2005): in order to understand the power exercised by a law, it is necessary to understand how a law is embodied, how it works through everyday practices, and how it affects the ways of experiencing events and encounters, both when complying and resisting it (Ewick and Silbey 1991). Therefore, it is not appropriate to make a distinction between 'good laws' and 'bad laws'. Some laws might facilitate, while others might hinder, but what matters is how they operate, how they circulate through the social body, how we subject ourselves to a law, how we embody it and how we let it work through our

everyday practices. From this perspective, the question is not how to resist the law to create a better law for regulating squatting, but to understand how to resist criminalisation by understanding what criminalisation and its resistances are capable of in terms of not subjecting oneself to the law.

From this perspective, *Chapter 2* will firstly introduce the history of squatting in the Netherlands and it will outline how it has been regulated and made governable over the years. This chapter will consider how the politics of regulated tolerance went hand-in-hand with a specific political management not only of the squatting movement but also urban spaces and housing politics, and how the co-optation of squatting was related to the promotion of Amsterdam as a ‘creative city’. In third place, this chapter will reflect on the decline of the Dutch model of ‘tolerance’, contextualising the criminalisation of squatting in 2010. This background chapter, drawing on the existing literature on the Dutch squatting movement, urban politics and gentrification, will introduce some theoretical insight on the politics of both regulated tolerance and criminalisation as a modes of power.

In *Chapter 3* a theoretical framework for understanding the relation between squatting as a practice of resistance and contemporary technologies of government will be set out: here, the importance of studying the micropolitics of power and resistance will be explored in terms of its capacity for bridging politics and ethics, for going beyond macro and micro levels of analysis, and for outlining the relations between active and reactive modes of power. Affect and conduct will be proposed as key concepts in the analysis of micropolitics. Therefore, it will be argued that this research will not evaluate the effects of criminalisation in quantitative and measurable terms (e.g. how many squats have been evicted, how many places have been squatted and how many squatters have been arrested), nor in terms of interpretations (what does squatting mean in a time of criminalisation, how is criminalisation socially constructed?). Instead, the underlying question informing the research is “how do the micropolitics of the criminalisation of the squatting movement work”? This calls for an analysis of the multiple modes of power through which the criminalisation of squatting have operated: not only the legalistic mechanisms, but more specifically through the re-organisation of time and space, as much as through the intervention on ethics, affect and conduct.

*Chapter 4* will discuss the epistemological perspectives and research methods used to answer these questions. This chapter will critically discuss the relations of power circulating through social research. Drawing on radical epistemological perspectives elaborated by queer and post-colonial scholars and activist-research, this research is conducted *alongside* social movements, rather than producing knowledge about, or on behalf of, social movements. I will argue that in order to understand and analyse the micropolitics of the criminalisation of squatting it is necessary to engage in practices of resistance, and to engage with methods allowing an embodied and affective understanding of these.

*Chapter 5* will present empirical materials: in first place the relation between squatting and protest against gentrification, urban planning and the erosion of housing rights will be outlined. In second place, the chapter will present and analyse practices leading to the creation of squatted social centres as autonomous urban spaces that counter the politics and morality of the neoliberal city. The chapter will discuss the micropolitics of squatting in Amsterdam entailing both offensive and creative practices, combining oppositional modes of resistance with political and ethical experimentation: squatted social centres and homes constitute radical urban hubs leading to the creation of different social and political relations, conducts and affects, addressing the micropolitics that govern (urban) life. Moreover, it will be argued that instead of forming a unitary, homogeneous body, the Amsterdam squatting movement contains a complexity and multiplicity of heterogeneous modes of resistance enacted by people with different backgrounds, politics and agendas and where tensions, contradictions and paradoxes more often than not remain unresolved and exacerbated by criminalisation.

*Chapter 6* will introduce the *Wet Kraken en Leegstand* (Squatting and Vacancy Bill). The chapter will discuss the politics of the law, and how squatting and vacancy are addressed by both public and private institutions. It will also outline and pay attention to so-called ‘anti-squatting’ or property guardianship, as an increasing practice related to the private management of vacancy. This chapter will also discuss how some segments of the squatting movement have mobilised legalistic modes of resistances to the criminal law, how these have been successful in subverting and challenging the

legal grounds of criminalisation, as much as the limitations of these forms of the resistance.

*Chapter 7* will present empirical materials related to the practices enacted toward squatting as means of criminalisation and how these have been countered through heterogeneous strategies of resistance. The politics, ethics and aesthetics of evictions will be analysed. It will be argued that these practices did not lead to the punishment of squatters for the crimes they commit via fines or imprisonment (as stated by the law), but that evictions have been waging a war against squatted spaces, eliminating most of the existing squats. So called speed-evictions, or ‘emergency evictions’ will be discussed for their power to ‘suspend’ the law that regulates criminalisation, and for keeping squatters under continuous threat. Therefore, this chapter, will discuss the tactical uses of the law, discussing how it operates through spatial and temporal relations, paying attention to elements of spectacle, and the to strategies of visibility and invisibility pursued both by the authorities and by squatters who aimed at resisting evictions through heterogeneous, and often conflicting, tactics.

*Chapter 8* will present empirical materials related to the policing, identification and monitoring techniques entailed with criminalisation. While the state waged a war against squatting and drastically reduced the numbers of existing spaces, squatters kept on squatting and initiating new projects. Yet these resisting forces have been brought under strict control and surveillance, with the police identifying and isolating those spaces and individuals considered as dangerous or difficult to manage and control. Therefore, this chapter will focus on the use of arrests and imprisonment, as well as practices that go beyond the law itself, such as violence, stop and search techniques, and forced identification of individuals and groups. Beside the effects on the quantity of squatted houses and on the capacity to survey and control the remaining ones, these practices of criminalisation affected the modes of experiencing squatting. It will be argued that in this way criminalisation intervened on the conditions of possibility to express creative, multiple and active modes of resistance, and operated on the counter-conducts and affects of squatting, namely on the possibility of squats establish and create a counter powers.

To summarise, this research will aim at understanding the micropolitics of criminalisation of squatting, operating as modes of government of resistant practices through legal techniques, modes of subjection and affective relations. It will question how criminalisation operates not only as a tool for repression, but also as a productive force, where specific modes of thinking, acting and experiencing are constituted. Moreover, attention will be paid to how the criminalisation of collective practices of resistance such as squatting can be reworked and what kind of relations of power and resistance emerge in this context. As explained in Chapter 4, in order to understand the micropolitics of the criminalisation of squatting in the Netherlands, this project aims to go beyond critical ethnography. To do so, the research consists of Activist-Research, where both collaborative and embodied methods are applied. The focus is placed on lived experiences, affect and on events as *haecceities*, understood as assemblages of singularities involving affects and power. These empirical materials are presented in the text in the form of *Intermezzi* (between chapters) and *Boxes* (within chapters) in which the first persons ‘I’ and ‘we’ denote a collective and collaborative process of narration by heterogeneous voices. The events narrated include everyday lived experiences within squatted spaces, demonstrations and protests, but also experiences with the criminal justice system, such as court cases, everyday interactions with the police, evictions and time in police custody.

## Chapter 2

### Regulated Tolerance and Squatting: legal, political and economic background

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The recent history of squatting in Amsterdam is a history of conflicts and struggle between the squatters' movement, the police, property owners and urban authorities. Next to this there has been a parallel history of negotiation, formal contracts and informal agreements that emerged in the context of regulated tolerance of squatting. In this chapter these histories will be outlined, and through this historical perspective it will explain how the legal background that regulated squatting went hand in hand with the Dutch political climate and particular modes of state-led socio-spatial engineering: the formulation of social housing policies and high levels of political tolerance in the 1980s, the liberalisation of the housing market and the promotion of Amsterdam as a 'creative city' in the 1990s, the process of gentrification and decline of tolerance starting from the new millennium.

In contrast to most European countries where squatting is a crime, in The Netherlands this practice was tolerated for many decades. Dutch legal culture has been characterized by a pragmatic attitude based on compromise. For many centuries The Netherlands has been a dominant actor in terms of commerce, trade, and colonialism. Religious tolerance was one of the foundations of the Dutch Republic, as it attracted people and investors seeking refuge from the religious prosecutions that spread throughout Europe during the Middle Ages (Nederman 2000). Tolerance served as a tool to control and curtail social conflict, and to let the economy grow undisturbed. In the 20<sup>th</sup> century, this mode of government entailed that those actions and behaviours that were considered as deviant or as social problems, such as prostitution, drug use, euthanasia and squatting, would not be treated by means of criminal proceedings (Brants 1998) The political priority, instead of law enforcement, was to keep these phenomena under control, to keep them 'close' to the government gaze, rather than in open conflict (Brown 2009).

Starting from 2000 there has been a radical shift in Dutch politics and a decline of tolerance in favour of strict security measures. In relation to the criminalisation of squatting in 2010, many have claimed that while before this there was 'freedom of

squatting’, the practice is now banned and repressed. If this is partially true, it also has to be acknowledged that subtle forms of control accompanied the previous modes of “regulated tolerance” of squatting serving the political agendas and the modes of government of that time. In this chapter, drawing on Foucault (2009b), tolerance of squatting will be analysed as a mode of governing and management of the squatting movement, as a pragmatic liberal technology by a state that would ‘let things happen’ within certain limits of acceptability, with the aim not only of keeping potential conflict under government control, but also of normalising resistant practices and making them profitable.

Along with the analyses of different modes of regulated tolerance as a technique of governing the squatting movement, this chapter will also explore how these dynamics corresponded with state-led control of the urban space, through housing policies and neighbourhood planning. Indeed, in the Netherlands the organisation of urban space is used as a tool for a state-led social engineering that squatters, through their struggles, have been trying to resist. After setting this background, this chapter will introduce research questions for analysing how the shift between tolerance and criminalisation of squatting has worked. In particular, it will argue that instead of celebrating what the previous model was allowing and condemning what is now being repressed, it is important to understand what is the nature of both tolerance and criminalisation as technologies of power, namely how different modes of governing squatting have been developed, which discourses and techniques have been deployed, and what they produced both in terms of government of squatting and of capacity to squat.

### 1. Right to housing *versus* the right to property

The practice of urban squatting in the Netherlands dates back to the economic depression of the 1930s, which led to high levels of unemployment among the Dutch working class. Many of the workers who lost their jobs and could not afford the rent, got evicted from their homes. As their houses continued to stand empty, families started to break open the doors and to go back to their own apartments (Duivenvoorden 2000; Owens 2009). At the time the rights to housing were protected by a decision of the Supreme Court of 1914 allowing the occupation of unused spaces for satisfying housing needs (Duivenvoorden 2000). Art. 138 of the Penal Code defined illegal

trespassing access to the dwelling without consent of the resident, not of the owner. The law and jurisprudence shows that regardless of whether an occupant of a house is a tenant or squatter, they all have the inalienable right to domestic peace, which states that every person is entitled to respect of privacy in their own dwelling, and of not being removed from the space they use as a habitation. Thus, the right to domestic peace makes no distinction as to the resident is a squatter or a legal tenant. Although the action of breaking the door would be illegal, once inside the premises those able to prove to use the space for living purposes had more legal rights than those owning it. Hence, when premises were empty and there are no immediate plans to use them, then other subjects had the right to live there even without the permission of the owner.

Squatting in The Netherlands started becoming a widespread practice in the 1960s. World War II left the Dutch urban landscape dilapidated, mainly because at the time building had stopped all together, creating great scarcity in the housing market. A policy to keep rents low was meant to benefit many, but at the same time this did not encourage investment in the maintenance of housing (Gemert et al, 2012). As a consequence, the quality of the existing housing went down, and in Amsterdam in the early 1960s, a large number of houses were considered unsuitable for habitation. Moreover, a law prohibiting the construction of new premises increased the housing shortage, already exacerbated by the sudden rapid growth of the urban population (Dijst 1986).

At the time, the municipality's strategy was aimed at urban expansion toward the suburbs, rather than the regeneration of the inner city. Following the Northern American model, in Amsterdam the middle classes were placed in new residential areas on the outskirts of the city, such as Purmerend and Almere, while the central areas were inhabited mainly by the working class (Gent, 2010). However, the proposed reorganization of the eastern part of Amsterdam entailed the relocation of local residents, whose homes were considered uninhabitable, but it would take several years for their demolition to begin and most of the premises were simply boarded up and left empty. At the time, housing shortage among young people was hitting its highest levels ever recorded (Dijst 1986).

In 1964 the Amsterdam student magazine *Propria Cures* raised the issue and called for the occupation of vacant houses that were declared uninhabitable (Duivenvoorden 2000: 14). In this context squatting became a more organised form of political action, as the Provos, an anarchic movement aiming at provoking the authorities and the norms of Dutch society through performative direct action, and inspired by the situationists (Kempton 2007), started to squat empty houses. The Provos also established *Koöperatief Woningburo de Kraker*, a place where homeless students could find support for occupying empty properties (Dijst 1986: 56). Furthermore, the group also started the so-called 'White house plan', that aimed at locating empty buildings in the city and revealing the speculation of real estate owners. Pamphlets with names from real estate speculators were circulated and the doors of empty houses painted white (Kempton 2007). In 1969 the first squatting handbook was published, a Do It Yourself guide for successful squatting actions. In 1970 the 'national day of squatting' was organised (Dijst 1986: 59).

In this context squatting was both an individual solution to the housing problem, and a collective, political action. The new meaning of occupation, the necessity and the importance of its visibility also required a new language: what before was referred to as *clandestien bezetten* (clandestine occupation) turned into *kraken*, 'to break open', derived from the Amsterdam street language, and squatters (*bezettters*) became *de krakers*, hence political activists, rather than 'clandestine occupants', groups of squatters started being referred to as the *kraakbeweging*, namely the squatters movement.

Initially, the police evicted the squatters, but then allowed them to remain, as the Municipality had to admit that there were no plans for the refurbishment of those buildings (Duivenvoorden 2000: 26). In this context of housing shortage, the legal system granted people the right to self-help: occupying empty spaces as living spaces was deemed a making productive use of unused spaces. As a consequence it was politically and economically advantageous to let people taking care for their own needs on the one hand, and maximising the use of unproductive spaces on the other. At the time the rights to housing were still protected by the above-mentioned decision of the Supreme Court of 1914, which placed the right to housing above the right to

property<sup>25</sup>. Squatters, immediately after trespassing, would place a table, bed and a chair to demonstrate that the space was used for living, and to establish their right to domestic peace. As this right, which protects homes from being entered against the will of the inhabitant, also applies to squatters, the only way for the owners to evict the occupants from the space was to start a civil proceeding (Pruijt 2004).

As mentioned above, the decision of the Supreme Court of 1914 protected the “use of a house” rather than the “house itself”, therefore not making distinction whether the house was used by a regular tenant or a squatter. However, the term *use* was not further specified. In 1971 a landlord in Nijmegen claimed that, although empty, his house was on offer in the housing market, and hence could be considered “in use” (Owens 2009: 50). The consequent decision of the Supreme Court<sup>26</sup> established that the term “use of the house” referred to its use “as a house”, namely as a habitation. This sentence allowed squatters to live in the building they occupied if no further use of the property 'as a house' was made by the owner (ibid). Since this decision indeed property owners seeking to evict squatters have been dependent on the initiation of civil proceedings against the squatters and to bringing to court evidence of concrete plans to put the property into use as a house. This meant that it was responsibility of the owner, and not the state, to take legal action against the squatters. However, as soon as owners had concrete plans to renovate and make use of the property, the mayor and the police would intervene to evict the space.

## 2. Squatters' movements and housing struggles

During the 1970s the Netherlands suffered an economic crises that led to high levels of unemployment, and housing shortage was a large problem, especially among the youth. At the same time, urban planning started assuming more continental dynamics: the city started being considered as a hub for capital investments, and urban planners undertook modernistic renewal projects (Uitermark 2009). The local government

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<sup>25</sup> Moreover, the housing right and the right to domestic peace were recognised as human rights in the Dutch Constitution (Article 12), in the European Convention for the Protection of Human Rights and Fundamental Freedoms (Art. 8) and in the Universal Declaration of Human Rights (Art 12).

<sup>26</sup> Supreme Court Case about the Amsterdam squatters on November 16, 1971.

planned the demolition of many affordable houses and the renovation of damaged neighbourhoods, which entailed the displacement of tenants. In the process, many houses stood empty in anticipation of demolition, and squatters took them over creating living spaces for young people, and lively community centres. Moreover, in this context, squatters allied with local residents against the demolition of affordable housing (ibid).

A famous episode occurred in 1975 when a large group of squatters, together with residents, resisted and eventually prevented, the construction of a highway that was supposed to cross the city centre (Nieuwemarkt neighbourhood). As a result of one of the first violent confrontations between the police and squatters, the works in progress got stopped, the project withdrawn, and instead of an highway, social houses were built (Duivenvoorden 2000). Nowadays, on the walls of the subway station at Nieuwemarkt there are large pictures of the confrontations, with activists resisting the riot police; on the floor there is a 20m long slogan '*Wonen is geen gunst maar een recht*' – "housing is a right, not a luxury". This shows the recognition of the importance of the movement by authorities to the point of making a monument to their struggles. At this time the squatters and local residents resisted relocations and demanded affordable housing, managed to have an important role in urban planning and in the formulation of housing policies (Mamadouh 1992; Uitermark 2004a).

In May 1976, the Parliament proposed a law to criminalise squatting for the first time. At the time, however, due to the political climate and the economic depression of the late 1970s and early 1980s, the squatters' movement easily acquired sympathy by large parts of society, including politicians and the media (Dijst 1986). The proposed law immediately led the movement to organise a series of protests all over the Netherlands, which once again placed vacancy and housing shortage in the headlines (Dijst 1986: 81). In February 1978 the Senate decided not to pass the bill, arguing that an anti-squatting law should be accompanied by a bill regulating vacancy (Eerste Kamer 78/79 Handelingen 3 October, 1978). Clearly, at that time the focus was not on the violation of private property rights, but on the distribution of available housing, housing shortage and vacancy (Duivenvoorden 2000: 132): there was a strong will to address the substance of the problem. In 1979 the Labour Party proposed a draft for the vacancy bill that focused on the inequitable distribution of available housing and

suggested the establishment of a vacancy register. Even though both chambers had accepted the proposal in 1981, it only became fully established by 1986, and the ban of squatting was not enacted (Duivenvoorden 2000: 132).

The battle of the Nieuwemarkt marked a new phase of the squatting movements' history, characterised by conflicts between squatters and the police. During the beginning of the eighties when the number of squatters rose from around 5000 in to 8000-10,000 (Gemert et al, 2012), the tension exploded on several occasions. Evictions were enacted by the "mobile eenheid" (ME, riot police), a special squad unit, which, under the pressure of national politicians in The Hague had to work toward a 'strict performance of authority' (Duivenvoorden 2000: 165). The double eviction of the *Groote Keyzer* first in 1979, and after it was re-squatted in 1980, where the squatters set up heavy barricades and fierce resistance, started resembling a situation of urban war. In 1980, in occasion of the eviction of *Vondelstraat 72*, the squatters proclaimed the street as the and the consequent proclamation of the *Vondelvrijstaat* ('Vondel Free State'), a huge segment of the street was blocked for days, and it was eventually cleared by the police after heavy confrontations: flyers were dropping from helicopters warning "that the police might shoot live ammunition". Heavy clashes, confrontations, and barricades were evident also during the evictions of *Prins Hendrikkade*, *Grote Wetering*, *Saffierstraat* and *Vogelstruys*. In these occasions, the police attacked demonstrators and by-standers randomly, hunted small groups throughout the city, and used teargas, cranes, and Dutch soldiers ('De stad was van ons' 1998).

The confrontations culminated in April 1980 (Duivenvoorden 2000), when thousands of squatters and supporters provoked riots in opposition the coronation of Princess Beatrix under the claim: "*Geen woning, geen kroning*" - no housing, no coronation - and "*70 million for Beatrix and nothing for the 35.000 without homes and flats*" (Hofland, Hoeben and Raviez 1981) . In 1981, a large group of squatters mobilized in order to resist to the high modern design of the Stopera in Waterlooplain, the largest re-development project in the city (Uitermark 2004a). In 1982 following the eviction of the *Lucky Luijk* the mayor of Amsterdam, Wim Polak, declared a state of emergency for three days, the first since World War II (Gemert et al, 2014). This widespread support and general strength of the movement had a strong influence in

the governmental decisions of the time. Just before Beatrix's coronation, the government declared that the proposals for an anti-squatting law had to be immediately withdrawn (Duivenvoorden 2000: 169).

According to Owens (2009), these riots, and in particular the ones around the eviction of the squat in Vondelstraat<sup>27</sup> on the 3 March 1980, constituted a 'moment of creation' that "transformed squatters into the squatters' movement, by pulling everyone into an increasingly radical stance linking the pleasures of living in a squat with forceful resistance against the authorities" (Owens, 2009: 37). According to Uitermark, towards the end of the 1980s, "squatters had established themselves as an autonomous, radical and militant movement that seriously challenged the authority of the local government" (Uitermark 2004b, p.690): not only by means of opposition to renewal plans, but also through successful demands for proper housing for a reasonable price and by propagating an alternative view of the city (Uitermark, 2004a p. 351). For many, squatting was not simply a tool to satisfy a housing need. Instead, many used squatting as a form of direct action toward housing policies and urban planning, to the point that squatting became a general struggle for urban spaces, what later would be defined as 'the right to the city' (Lefebvre 2003; Mitchell 2003).

According to Justus Uitermark's analyses, at the beginning of the 1980s the so called squatters' movement was active in at least four major struggles. The first was the 'save the city' struggle that focussed on resistance to urban renewal plans. The second was the 'uncompromising housing shortage' struggle, focussed mainly on the issue of housing shortage, which provoked the most radical and violent confrontation with the authorities. Third was the 'free place' struggle, oriented toward self-management and alternative lifestyles. The fourth was the so-called '*broedplaats*' frame, focussed on opening alternative spaces for social and cultural contestation (Uitermark, 2004b p. 236). In this context, while most of the squats were regularly evicted, many squatted projects were legalised: when the owner would have found it difficult to put the occupied buildings into a different use, the squatters received cheap rental contracts,

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<sup>27</sup> See a video of a riots here: [https://www.youtube.com/watch?v=P\\_m3DsvlewM](https://www.youtube.com/watch?v=P_m3DsvlewM)

or managed to buy the building they occupied (i.e.: Vrankrijk, Binnenpret, De Molli, WG terrain, Politburo).

As a result of grassroots mobilizations by radical resident movement and squatters, at the time the government initiated massive investments in social housing, strengthened tenants' rights, and started providing subsidies for tenants' organisations (Uitermarkt, 2004a). In the 1980s Amsterdam was still mainly a working class city, while the wealthier parts of the population were commuting from the surrounding residential areas. For this reason, more than half of the living spaces consisted of social housing, namely rental housing subsidised by the government available for both lower and middle income group: what Harloe defined a "mass housing model" (Harloe 1995).

At this time squats constituted spaces that provided fertile ground a multiplicity of social movements to emerge and to converge (Adilkno 1994). Not only anarchist, but also feminist, queer, migrants, anti-racists and environmental movements are just some issues that ran next to the housing struggles, and that were growing together in the spaces created through squatting (Mamadouh 1992; Pruijt 2003; Uitermarkt and Nicholls 2013). According to Uitermarkt and Nicholls at that time Amsterdam "(did) not simply form the backdrop of social movements but offer crucial socio- spatial conditions for the formation of activist networks. As activists move out of their daily and individual practices and into entangled relations with other activists, they construct counter-public spaces incrementally through repeated interrogations with one another over what brings them together and over what is to be done. Such a networked counter public helped to broaden and deepen activist ties and set into motion a process of collective politicization" (Uitermarkt and Nicholls 2013, p.988).

In this context squats worked as platform for mobilisation against the main institutions of society (Adilkno 1994), but also for experimentation with different social, political and cultural practices. After the occupation some places were used as living spaces, while others were turned into common spaces of sociality, cultural activities and political reflection (Owens, 2009): collective, autonomous and *Do It Yourself* projects taking place in social centres, such as give away shops, vegan kitchens (*Volks keuken – VOKU*), DIY bike repair shops, concert halls, cinemas and

squatters' cafes, constituted a grass-root alternative to the normative ways of experiencing and producing urban spaces (see Chapter 5).

Much has been said and written about these times, and especially about the internal conflicts of the squatting movement. In particular, Duivenvoorden (2000) argued that the apex of the movement coincided with its decline, as the so called *Staatsliedenbuurt* group, led by the informal leader Theo van der Giessen, used violence and intimidation against other squatters to impose their political agenda on the rest of the movement. These events, according to Duivenvoorden, created a clear-cut between those who were squatting for conducting an a-political alternative lifestyle, and those that were squatting as part of a broader political struggle. Many claim that after these years, characterised by protests, violent confrontations as much as by political achievements, the squatters' movement declined, mainly due to these internal struggles and contradictions (Owens, 2009).

Yet, although many took distance from the movement due to the violence and intimidation imposed by the *Staatsliedenbuurt* group (Uitermark, 2004). , and the numbers of squats and squatters was drastically reduced, this analysis is reductive of the complexities and heterogeneities taking place at that time, going far beyond the categories of political violent activists and a-political life-style squatters. Indeed, with the decline of the *Staatsliedenbuurt* group, squatting as a radical autonomous movement kept on flourishing beyond and besides its demands to the state and achievements into the institutional politics. In Amsterdam, throughout the decades new squats, projects and groups kept on emerging: until today, empty spaces keep on being squatted for satisfying housing needs and creating collective modes of living, as modes of direct action against urban politics, and for the creation of autonomous and DIY projects.

### 3. The liberal turn and regulated tolerance

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The following years, as to avoid apex of violence, both squatters and the police gradually replaced confrontation with negotiation, and modes of violent intervention aimed at imposing “law and order” was replaced by “peace keeping” practices, to the point that their encounters and their actions became institutionalised rituals with few

unexpected conflicts (Gemert et al, 2014). Dutch policies toward squatters, as much as toward drugs and sex work, aimed at a pragmatic, non-moralistic, and rational modes of governing (Huisman and Nelen 2014). *Gedogen*, the Dutch word for the regulated tolerance of that considered immoral (but not legal), refers to the mode of negotiation between the government and other social actors, aimed at reaching agreements rather than conflict (Buruma 2007). The political priority was to manage social problems and potential conflictual situations, rather than using repressive tools.

Indeed, the 'Dutch' model of regulated tolerance and compromise aimed at reducing the possibilities for unexpected events, conditioning the circumstances and the conditions under which things happen: hence normalising, rather than simply suppressing. Control was exercised through negotiations and constant dialogue, by keeping potential 'dangers' close to the government, rather than in opposition to it. Criminal law and the social and economic costs of its implementation were considered a non-effective tool to solve social problems and so-called *administrative prevention* has been preferred (Brants 1998). Civil, rather than penal, authorities have been generally used to deal with activities that in other countries are considered as criminal, such as soft drugs, sex work, euthanasia, and squatting. However, although these are *regulated* by specific laws, they are not always considered legal: rather, their regulation leaves them on a grey area between legality and illegality, whose boundaries can be extended or reduced at any time (Bruinsma and Blankenburg 2003). Therefore, the Dutch model of *gedogen*, this regulation placed squatting in a grey area between legality and illegality.

Since 1980, The Netherlands was governed by Christian-Democracy, organized in the CDA (*Christen-Democratisch Appel*, Christian Democratic Appeal), together with the social-democratic PvdA (*Partij van de Arbeid*, Labour Party). This led to one of the highest levels of welfare states in Europe. However the 1990s saw one of the most intense dismantling of the social welfare state, and the turn towards neo-liberal politics. In 1994 the PvdA formed a government coalition with the right-wing liberal party VVD (*Volkspartij voor Vrijheid en Democratie*, People's Party for Freedom and Democracy) that lasted until 2002. At the same time, the labour and housing-markets were liberalised, the railways split up, and important parts of social security, health

care, and pension privatised (see the neoliberal General Agreement on Trade and Service treaty, 1995, that aimed at the liberalization of public services).

Starting from the urban policies of the 1990s, urban space has been used as a powerful tool to attract global investment. Local and national governments felt that the city had to be drastically renewed and restructured according to the European model that saw the city as a hub for investors and for the economic life of the country (van Gent, 2012). In this context, starting from the 1990s the city of Amsterdam had been object of mass projects that led to the privatisation of existing social housing and formation of new neighbourhoods at the edge of the city for new social and free-market housing units (Aalbers 2004).

The Dutch social-democratic housing policy used to hand the distribution of social houses to housing cooperatives. Since their establishment in 1901 housing cooperatives were subsidised by the government: although officially they were private institutions, they were publicly financed and regulated. In other words, they worked as agencies of the government (Huisman 2013). At the beginning of the 1990s the previously government-owned housing cooperatives such as Ymere, Rochdale and De Key had been privatised. Firstly in 1989, and later in 1997, new policy paper placed in the political agenda the deregulation of housing policies, through the liberalization of housing corporations (Aalbers 2004). The ‘National Policy Document on Housing in the Nineties’ issued in 1989 (In Dutch: ‘Nota Volkshuisvesting 90’) was the first step toward the liberalization of the housing market through the withdrawal of the state from the social housing sector. Its main objectives were to make the housing association independent from state subsidies, and to encourage homeownership versus social rent<sup>28</sup> (Gent, 2013).

In 1995, the government halted its subsidy and the corporations became independent of the state in regards of policies, prices and finances (Priemus and Kemp 2004). Thus they started compensating for the loss of state subsidies by selling social housing stock; the former social houses were demolished and redeveloped as apartments that

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<sup>28</sup> The state start actively promoting home ownership with the creation of a National Mortgage Guarantee (NMG) in 1995

could be sold on the free market for high prices (Priemus, 1995; Priemus et al., 1999). This privatization process inevitably led to the reduction of social and affordable housing supply. The social houses left were allocated to those forced out of their former houses. Moreover, social housing has been displaced from the city centre to suburbs: starting from the 1990s the city of Amsterdam had been subject to mass projects that led to the formation of new neighbourhoods at the edge of the city for new social and free-market housing units. This process, although aimed at providing more housing opportunities, had the effect of creating “urban ghettos”, spaces of segregation and marginalisation of low income groups and ethnic minorities (Boterman and Gent 2014).

The privatisation of social housing went hand-in-hand with a strategic ‘revitalisation’ of the urban environment. So-called ‘urban revitalisation’ involved an intervention on what were identified as ‘problematic neighbourhoods’ and led to the socio-economic cleansing of urban spaces. In this context housing corporations began getting increasingly involved in urban projects and started partnerships with project developers (Huisman 2013). In order to sell or rent the houses for higher prices, the neighbourhoods had to be redeveloped according to a middle class ideal. Many projects were set up to change the image of these areas: from the dislocation of migrants and lower classes and stricter patrolling of the streets, to the promotion of culturally-interesting spaces to make these areas more attractive to ‘the creative classes’ (Musterd and Gritsai 2013).

In other words, Amsterdam became object of a process of gentrification, which implied displacement of low-income residents by high-income residents, the replacement of the original population by a population with a different social class, culture, income level, and lifestyle. This contributed to the spatial segregation of income groups and increased homelessness among those groups displaced and not relocated (van Kempen and van Weesep 1998, p.15). Thus, since the beginning of the 1990s, together with the changes in the housing market, both the urban demography and geography of Amsterdam have been subject to one of the most intensive restructurings in Dutch history. In this context, the housing problem, resistance against ‘urban revitalization’, and the demolition of social housing became major issues for squatters’ struggles. Moreover, squatters’ presence in the city, although still

tolerated, started being regulated differently, and new conditions of acceptability were set.

### 3.1 Art 429

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In this political context squatting became partially criminalised: a new law for the regulation of squatting (429/1993 - Article 429 *sexties*, Criminal Code)<sup>29</sup> prohibited squatting in properties vacant for less than 12 months, but squatted buildings that had been empty for longer than one year was still considered a civil offence, rather than a criminal one<sup>30</sup>. This means that in the majority of the cases the owner was still responsible for initiating a civil proceeding against the squatters, but the government and the police set new conditions for their intervention, and expanded their possibilities of using the criminal law to deal with forms of squatting that did not fall within their field of acceptability. Indeed, squatting was still allowed, but the threat of the criminal law was kept in the background.

This regulation of squatting became a technique to maintain squatting in a state of equilibrium that would be economically useful and politically advantageous. Moreover, this regulation of squatting had much influence on the internal organisation and dynamics of the movement, on the selection of the places to occupy, and making internal differentiation between those who squatted within the boundaries of the law, and those that did not, often excluded and stigmatised by the movement itself. Under the new legal framework, in order to squat within the boundaries of the law, squatters had to conduct detailed research and bring evidence that the property had been not in use for at least one year, for what reason it stood empty, and what plans and permits they had to put the property into use. This detailed research was aimed at

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<sup>29</sup> Article 429sexies: (1) Hij die een door hem wederrechtelijk in gebruik genomen woning of gebouw, waarvan het gebruik door de rechthebbende niet meer dan twaalf maanden voorafgaande aan die wederrechtelijke ingebruikname is beëindigd, op vordering van of vanwege de rechthebbende niet aanstonds ontruimt, wordt gestraft met hechtenis van ten hoogste vier maanden of geldboete van de derde categorie. (2) Met dezelfde straf wordt gestraft hij die, vertoevende in een wederrechtelijk in gebruik genomen woning of gebouw, waarvan het gebruik door de rechthebbende niet meer dan twaalf maanden voorafgaande aan die wederrechtelijke ingebruikname is beëindigd, zich op de vordering van of vanwege de rechthebbende niet aanstonds verwijdert. <http://www.wetboek-online.nl/wet/Sr/429sexies.html>

<sup>30</sup> Art 138, Criminal Code, Book 2, Title 5

demonstrating to the police that the occupation was not illegal, and at winning the civil proceeding that the owner would have initiated against the squatters (Dadusc, 2009, Gemert et al, 2014).

On the one hand this regulation provided a strong legal basis for occupying properties abandoned for more than one year. On the other hand however, as Uitermark put it, “squatters rather than formulating their own agenda, argued that evicting them would contradict official municipal policies or would imply a violation of the law” (Uitermark 2004b: 691). While in the 1980s the movement was characterised by anti-parliamentary struggles, starting from the 1990s the squatters' movement had been constantly wrapped up in a legal battles: starting from the 1990s, the court, together with the streets, have become the major battlefield of squatters struggles: despite anarchist politics, often the law seemed to be one of the strongest tools in the hands of the movement.

Squatters used the relation with the law and with the police strategically. Although the police was seen an arm of state power, evictions were mainly a decision of a judge, and not of the police. In these times, although there was an overall struggle between the police and squatters, which sometimes took the form of the ritual or of the game, seldom it exploded in open conflict (Gemert et al, 2009). Banners and slogans against the police were a common trait of squatted social centres. However, when squatting was tolerated, after breaking into a new space the occupants were immediately calling the police and inviting them in the new squat in order to show them that the place was in disused at the time of the occupation, and, by putting a table, a bed and a chair in the property, that the squatters were going to use it as a residence claim the right to house peace (ibid). This practice indicates another tactical use of the relationship with the authority, with rights and with the law.

Hence, the law that regulated squatting had also been used strategically as a tactic to squat successfully and to establish a sort of “right of squatting” under certain conditions, with the advantages, limits and burdens carried by all juridical claimed rights. The court case was often seen as an opportunity to bring real estate owners and their speculative practices in front of a judge, but always keeping a critical attitude toward the “justice system” as such. Therefore, although the appeal to rights and to

justice might have become a double-edge sword, these were generally regarded critically by squatters as important tools to win specific and localised battles, and to steer politics in certain directions.

Moreover, under this legal framework, the police was not an enemy *in toto*, but became an enemy in specific circumstances. One of these circumstances was that of the evictions: in these cases the Riot Police had the power to evict squatters from their homes, and intervenes with the anti-riot unit, with tracks, water cannons, helmets, shields and batons. In these circumstances squatters knew that the battle was lost, and often gave up the space without engaging in confrontations. However often they also employed a variety of strategies such as barricades, paint bombs and other forms of active or passive resistance to make the eviction more difficult, more time costing, and more expensive. Hence, the regulation of squatting did not necessarily mean that squatting had lost its radical momentum (Pruijt 2003).

#### 4. The creative city and the co-optation of squatting

At the end of the 1990s there has been an important shift in the relation between squatters and authorities, mainly on the level of urban policy. Urban planners started a marketing campaign aimed at branding Amsterdam as a “Creative Knowledge City”, the city of cultural diversity and creativity, together with tolerance of different lifestyles and social diversity to attract new economic activities related to the growing ‘creative industry’ (Musterd and Gritsai 2013). According to Merijn Oudenampsen, the new policy turned from ‘fighting problems’, into ‘the creation of opportunities’ (Oudenampsen 2007). By this time also the level of political struggle in Amsterdam had changed. As Uitermark and Nicholls state: “many of the intellectuals who participated in the new social movements had shifted alliances as they were advising on how to promote the integration, cohesion or prosperity of society rather than questioning its foundations” (Uitermark and Nicholls 2013: 971)

In this context local government policies addressing squatters as 'creative entrepreneurs' started recognizing the importance of some squats for the cultural and artistic life of the city (Uitermark 2004b). Eviction plans for some squats were withdrawn, and some legalised and turned into cultural associations (*broedplaats* –

Breeding Places). In particular, in 1999 the so called Breeding Places policies (BPA) was implemented, with 41 million euros allocated for subsidising between 1,400 and 2,000 art spaces and living/working spaces for artists and cultural entrepreneurs (Pruijt 2004). The Municipality of Amsterdam bought many buildings occupied by squatters, and many squatters compromised with the owners and the City Councils by signing renting contracts for the spaces they occupied (Duivenvoorden, 2000: 323). As one inhabitant of the Breeding Place Wyers noted: “In the 1990s, during the economic boom, everything that was alternative was killed, witness the many evictions. I was extremely surprised that in 1998 the council suddenly responded to our call. We had written such manifestos and council addresses in 1994 and 1996 but only at this point in time did they see that squats are important for the cultural and economic climate” (cited in Uitermark, 2004b: 237).

The discourses and the policies aiming at promoting and subsidising squatters as 'creative entrepreneurs,' captured and redirected practices of resistance into a productive frame for the new image and economic model aimed at branding Amsterdam as a “Creative Knowledge City” (Oudenampsen, 2006<sup>31</sup>). This policy led to the absorption of parts of the movement into providers of cultural services (Uitermark 2004b), so that instead of resisting gentrification they have actually contributed to the image of Amsterdam as a creative city (Uitermarkt, 2004a: 689) and “helped to co-opt and to prevent resistance against policies that seek to promote gentrification” (Uitermark, 2009:351)

These policies have been enforcing a distinction between acceptable practices and those that should be repressed, therefore setting boundaries regarding the legitimation of squatted projects. Squatted spaces that oriented toward art projects such as the OT301 on Overtoom 301<sup>32</sup>, Zaal 100 on De Wittenstraat 100<sup>33</sup>, were not only tolerated, but actually received subsidies from the government (Uitermarkt, 2004b). However others, mainly politically-oriented, such as the Kalenderpanded on the

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<sup>31</sup> Oudenampsen, 'Extreme Makeover' in Mute magazine (2006)  
<http://www.metamute.org/editorial/articles/extreme-makeover>

<sup>32</sup> <http://www.ot301.nl/page=site.home#page-index%282%29>

<sup>33</sup> <http://zaal100.nl/>

Entrepotdok<sup>34</sup>, were threatened by means of other subtle legal techniques (such as fire regulations, health and safety, public order), and eventually evicted.

This trend led to the emergence of a ‘movement meritocracy’ (Uitermark 2004b), at the level of government's discourses and attitudes, allowing only those forms of squatting considered useful and profitable for the city image: while this was tactically used by certain collectivises to establish the right to squat under certain conditions, it also channelled the struggle into specific directions and allowed a high degree of control to be exercised on the movement. Therefore, this model of regulated tolerance, combined with projects for “urban revitalisation” and urban ‘marketing’ turned many radical urban spaces into commodities.

## 5. Regulated tolerance: critical reflections

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The Dutch model of regulation of squatting was in line with the politics applied also to drug policies, prostitution and immigration. *Gedogen*, namely 'regulated tolerance' does not just mean “turning a blind eye”. Rather, on the one hand it aims at regulating and therefore controlling what could become a source of social conflict; on the other hand it channels problematic issues into a direction that would be economically and politically useful. It is a strategy that entails to let things happen, but in a controlled manner. As Chris Brants (1998) put it “regulating through tolerance is a gentle way of coercing people to do things as the governments want them done, but at the same time to go about their business without too much hassle” (Brants 1998, p 623).

According to Margi Brown (2009) tolerance is a mechanism that leaves power relations undisturbed since it operates as a tool of governmentality and for de-politicisation of the struggles. Indeed tolerance is a liberal mode of power that shapes people's conduct not by prohibiting and repressing, but by letting things happen. Yet, this is done by setting the boundaries, the limits and the norms of what should be done (and how) in order to comply with specific conditions of acceptability, while always leaving a threat of repression on the background. While Marcuse has defined this model as ‘repressive tolerance’ (Marcuse, Wolff and Berkeley Commune 1968), following Foucault we can term this mode of government not a *repressive* but a

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<sup>34</sup> An anarchist social centre evicted in 2000, after 4 years of occupation  
<https://entrepotdok.squat.net/engels.htm>

*productive* mode of power (Foucault, 1995; 2009b). Indeed, in the Dutch context, there is an overall organisation of deviance, which does not simply repress but manages, normalises and integrate what would deviate from the norm.

The political rationality of tolerance does not aim at eliminating illegalities but at exercising control over them, maintaining them in a state of equilibrium that would be economically useful and politically advantageous. This is what Foucault defines a 'political economy' of illegalities, a technique of subjection that does not suppress illegalities, but differentiates them, "to order them in a hierarchy, so that one can decide which ones to tolerate, and which ones merit punishment" (Foucault 2009a: 24), in order to serve different ends, and to derive social, political and economic profits from them. According to Foucault, this process is intertwined with the development of more sophisticated strategies of control of territories and of their populations, through techniques of governmentality and security (Foucault 2009b).

Here, the concept of security is not intended as the 'security states' of contemporary societies (Hallsworth and Lea 2011). Instead, Foucault's understanding of security entails a liberal mode of government that emerged due to the perceived failure of those fixed apparatuses that were based on the strict enforcement of laws discipline: indeed, in a fixed and strict system, any act of deviance would lead to a crises of the apparatus. Instead, a mode of government based on security entails a *centrifugal*, rather than centripetal, management of difference and deviancy, based on a multiplicity of rationalities ensuring that people and events would move and happen within certain limits, rather than simply repression and exclusion (Foucault 2009b).

In this context the planning of the urban space entails techniques of regulation and anticipation, so that the deviant event happens in an acceptable manner. Urban space, therefore is planned according a logic of flexibility and openness rather than enclosure and exclusion, so that the deviant event does not constitute a rupture in in the functioning, but can be integrated into it: what is at stake is the establishment of the conditions for the production of certainty: namely, security. However this does not mean that one sort of technology of power replaces other forms of sovereignty and discipline: rather, these modes of government coexist, although at this specific time one is more prevalent than the others.

In this way Dutch way of regulating squatting worked as a tool to let its differences multiply within clear boundaries, as to capture the creative and economically productive aspects and to minimise the subversive potential of the movement. Different parties, in one way or the other, managed to achieve a balance that could fulfil both economic and political interests, and strategically used the regulation of squatting as a technique of security. Thus, 'tolerating' squatting often had the effect of pacifying the squatters' movement, and of turning a mode of resistance into a useful informal 'service' from the perspective of local governments. The Dutch way of regulating squatting also entailed that anarchist groups often found themselves using 'the law' as a practical tool to keep a space. This, however, did not mean abandoning anarchist politics, but tactically playing with some laws in order to achieve specific goals. Urban battles, both on the street and in the courtroom, were often won by the squatters themselves, and led to important achievements in terms of squatters' power and rights.

Therefore, it is arguable that the tolerance and regulation of squatting was a double-edged sword, as it provided both a tool for squatters to occupy spaces, and a strict form of control that eventually co-opted squatters' struggles into a profitable informal services, contained possibilities for action, and channelled the movement towards more institutionalised directions. Yet, this was not a smooth process, as the state was always ready to intervene against those modes of squatting that did not let themselves be captured, co-opted and tamed. Hence, the relation between squatters' struggles and the government's attempt to de-escalate and make use of the conflict, have been in a continuous process of reciprocal transformation, with the state having to re-consider governmental strategies according to the actions and reactions of squatters who aimed at subverting the negotiated agreements. Moreover, squatting projects kept on emerging and spreading in unexpected directions, and not all the aspects of the struggle have been co-opted, institutionalised nor normalised. There has always been something that escaped these mechanisms, lines of flight that played within these technologies of power, and kept on opening collective spaces for autonomous action and radical politics.

## 6. The decline of tolerance

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Starting from 2001, the privatisation of the housing market, in association with urban regeneration projects, was pushed further. The Housing Memorandum of 2001 set the conditions to reach a 65% owner-occupancy rate by 2010 (van Gent 2013). According to van Gent, this Memorandum contains liberal discourses around the new modes of 'liveability' of urban spaces, and how home-ownership and urban regeneration would work in a mutual relation: as he argues, while critically commenting of these new housing policies:

“Ownership supposedly breeds responsibility, income and autonomy among individuals (asset effects), which helps to regenerate deprived neighbourhoods (neighbourhood effects). Conversely, regenerating neighbourhoods advances the spread of owner-occupied housing and the commodification of rental dwellings in urban areas. In addition, the regeneration of neighbourhoods is also a means for local state and housing associations to manage both social and housing market risks” (van Gent 2013: 510)

Hence, the new governmental strategy for engineering the social composition of urban neighbourhoods entailed the promotion of an urban space inhabited by neo-liberal individuals characterised by high income, and shaped by values such as responsibility and individual autonomy, rather than precarious workers or marginalised classes dependent on state subsidies. This model of state-led gentrification went hand in hand with neo-conservative attitudes.

Indeed around year 2000 the tolerant Dutch model began its decline, and Dutch politics took a strong right-wing populist turn. Pim Fortuyn's nationalist, anti-Muslim and free-market ideology reached its apex in 2001, but the parliamentarian was murdered in 2002. After his death, the ex-VVD parliamentarian Geert Wilders radicalized Fortuyn's idea, by bringing forward law-and-order politics and describing them in terms of a civil war (Buruma 2007). A rising populist discourse began addressing the tolerant past as the cause of social disorders (Downes and Van Swaaningen 2007). In this context, according to Van Swaaningen (2005), the previous “administrative regulation” of diversity has increasingly been replaced by a zero tolerance approach, entailing policing of the streets, stigmatisation of ethnic minorities and criminalisation as dominant political practice and rhetoric. New laws

started emerging, giving more power to enforce public order (i.e. prohibition to drink alcohol in some parts of the city), prohibiting to use the space in specific ways, and targeting ethnic minorities and social disadvantaged parts of the population.

Under the discourse “safety first”, regulations have been promoted to clear the streets from people and behaviours that were considered as a challenge to the general feeling of safety: policing plans promoted by the municipalities aimed at fighting not only crime, but also those behaviours that might produce nuisance (Van Swaaningen 2005). Minor 'disorders' such as begging have been outlawed, and policing ethnic minorities and youth became a priority. Among others, Moroccan and Antillean youths became the subject of an increasingly punitive attitude, the liberal coffee shop policies and the attitude towards asylum seekers were being jeopardized (ibid). Criminalisation of minor nuisances and offences began to be promoted as a preventive strategy, as in that discourse, and justified by the arguments that ‘tolerating such misconduct would worsen the problem’ (Van Swaaningen 2005). Hence, the previous Dutch way of dealing with diversity, that entailed the double edged regulated tolerance, have been overturn by new forms of nationalism, and into a fear and rejection of those behaviours and people that could constitute a threat to the safety and security of Dutch society and values.

## 7. The criminalisation of squatting

Throughout the decades, starting from the 1970s, changes in urban politics led to a different power balance between squatters and authorities, but squatters had a strong impact in influencing the directions of political agendas, and they were considered (and sometimes feared) as a social and political movement. For decades there has been equilibrium between squatters and other actors, where boundaries have been constantly re-negotiated through a variety of tactics, that went from rioting and violent repression, to negotiations and sponsoring by the authorities. Yet, negotiations and legalisation of squats often led to a co-optation and de-politicisation of the movement, and worked as subtle tools to govern the conflict.

The decline of tolerance and increasing securisation of Dutch society had a strong effect on the attitudes toward the squatting movement. While in the 1980 and 1990s

squatting was considered, not only by the urban authorities but also by Dutch society as a viable solution to the housing shortage and as a tool to control real estate speculation and vacancy, from the beginning of the new millennium squatters became a target of right wing politicians, and the debate on the criminalization of squatting flared up again. In 2003, after years without discussion on the possibility of banning squatting, Christian Democrats started questioning the effectiveness of the existing legal rules regulating squatting, and raising concern on the necessity to counteract the occupation of commercial properties (Tweede Kamer 03/04 29200 XIII). The secretary of state replied there was no reason for changing the law, but the question was repeated in November.

The proposal for a law to ban squatting was passed in 2006 (Tweede Kamer 05/06, 30 300 XI, No. 86). The process to pass the law was long and contested in Parliament, as many were supporting the existing status quo, considered useful and peaceful. In 2008 right wing parties CDA (Ten Hoopen), ChristenUnie (Slob) and VVD (Van der Burg) submitted the final draft of the law '*Kraken en Leegstand Wet*' (Law on squatting and Vacancy). On October 15<sup>th</sup>, 2009 the Dutch Parliament (*Tweede Kamer*) voted in favour of the new law with the support of 5 parties (VVD, ChristenUnie, SGP, CDA, PVV) and the independent member of the parliament Rita Verdonk<sup>35</sup>. From October 1<sup>st</sup>, 2010, squatting has been turned into a criminal action.

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<sup>35</sup> In the same year Article 429, which restricted the prohibition of squatting to buildings empty for less than one year, was removed following a resolution of the high court established that eviction was not the right tool to deal with so-called '429 squats', and that squatters could not be evicted: the people found inside a squat could be arrested and prosecuted, but the house could not be cleared. After being released, the inhabitants could go back to their squat. Squatters could be evicted only when the building was actually used by the owner. In other words, this allowed the occupation of properties that were empty for less than one year, thereby going back to the conditions exercised before 1993. Although for many activists this was a 'victory' in the legal battle, this new regulation was a double-edged sword: from now on, if the government wants to evict, then it needs a new, explicit, law. As public prosecutor Otto van der Bijl stated in an interview: "this ruling was a victory for a very short moment, as in fact it created the ground for the new law to pass". Therefore, this sentence has in fact accelerated the process of criminalization.

See: [http://www.om.nl/algemene\\_onderdelen/uitgebreid\\_zoeken/@152303/amsterdam\\_gaat\\_door/](http://www.om.nl/algemene_onderdelen/uitgebreid_zoeken/@152303/amsterdam_gaat_door/):  
<http://www.nrc.nl/rechtenbestuur/2009/04/15/huisrecht-van-krakers-verdeelt-gerechtshoven/>:  
<http://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:GHAMS:2009:BH9173>:  
[http://vorige.nrc.nl/binnenland/article2211798.ece/Cohen\\_ontruiming\\_toont\\_aan\\_dat\\_verbod\\_op\\_kraken\\_onnodig\\_is](http://vorige.nrc.nl/binnenland/article2211798.ece/Cohen_ontruiming_toont_aan_dat_verbod_op_kraken_onnodig_is)

Both tolerance and criminalisation of squatting can be defined as specific technologies of power, namely “formations and relations between heterogeneous elements, with an historical function, and as specific-defined strategies at a given historical moment” (Foucault 1988, p.195). Therefore, it is necessary to reflect not only on what the previous model was allowing and what is now being repressed, nor to claim that one technology of government is better than another, nor to attempt to restore the previous modes of government. Rather, it is necessary to trace the lines of transformations of these technologies, to understand how both the regulation and the criminalisation of squatting have worked, what practices have been used, what effects they produced, but also how they have been, and still can be, resisted and shaped by the movement's counter-practices. Therefore, the aim of this research is to question how the criminalisation of squatting has worked as a technology of government.

As squatting has been addressed, defined and criminalised as a social movement (*kraken*), the next chapter will review and critically reflect on the existing literature and theoretical frameworks concerned both with squatting in The Netherlands and the criminalisation of social movements. This will establish to what extent the analytical and theoretical tools that have been developed so far are useful for understanding the criminalisation of squatting in the Netherlands. I will argue that in order to engage with this research problem it is necessary to understand how squatting works as a social movement and which practices of resistance take place through squatting. I will also argue that criminalisation does not simply entail repression, but attention has to be given to its productive aspects, which create and produce specific relations of power, conducts and subjectivities. Last but not least, it will be argued that criminalisation is not a smooth process, but as a contest dynamic, constantly shaped and redefined by the resistances enacted by those who are criminalised. These resistances do not constitute a unitary force. Instead they are enacted from heterogeneous and often opposing perspectives, according to the politics and the agendas of different groups. In this way, criminalisation has affected different segments of the movement differently.

### Chapter 3

## The Criminalisation of Social Movements and the Micropolitics of Power and Resistance

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The previous chapter discussed how different tools for governing squatting were established in the context of regulated tolerance, and their relations to housing policies and the process of gentrification. Moreover, the previous chapter outlined how the criminalisation of squatting in the Netherlands emerged in the context of political, economic and moral re-organisation of the city. Following this analysis, the research problem was set, namely: ‘what kind of techniques of governing the squatting movement have been implemented in the context of criminalisation?’ Or, in other words: ‘how does the criminalisation of the squatting movement work?’

The aim of this chapter is to set a theoretical and conceptual framework for approaching the research problem articulated in the previous chapter, and for formulating appropriate research questions. To identify appropriate analytical tools for understanding the criminalisation of squatting as a social movement, this chapter will critically engage with conceptualisations of power and resistance, and will reflect on how these are played out in social movements’ studies and in theories of criminalization. Indeed it will be argued that the criminalisation of social movements is mainly studied from the perspective of the repression and policing of protest episodes. As the analytical focus of these studies is centered on the concept of protest, it will be argued that the existing literature presents strong limits for understanding the criminalisation of squatting.

While the so called Political Opportunity Structure (POS), which defines social movements in relation to their oppositional character and on their demands to the state, the power of social movements, and of squatting in particular, goes far beyond protest, opposition and demands, and lies in multiple practices of resistance that do not necessarily refer to state, and do not only express themselves through oppositional episodes, but that operate as sites both for political contestation and ethical experimentation, creating different modes of thinking, of acting and of relating to and within social and political institutions.

These perspectives are also problematic not only for understanding the power exercised through these practices and how their criminalisation has worked, but for the very understanding of complex relations of power and resistance. Indeed the modes of resistance entailed in squatting address power not as a central locus to achieve or to disrupt, but as modes of government exercised in the microphysics of our everyday life, on our bodies, on the way we relate to each other. Hence, while arguing that both protest and repression are problematic perspectives, different concepts and theoretical perspectives will be considered as alternative tools to embrace the complexity of the modes of power and resistance in the context of contemporary modes of government.

More specifically, a key question will inform this analysis: ‘what is the relationship between ethics and politics in a context of contemporary forms of government?’ To overcome traditional understandings of social movements, and the binary divisions between macro and micro, between political and ethical, between inside and outside movements’ life-world, a perspective on the micro-politics of social movements will be proposed. Indeed, the analytical tools of micro-politics are capable of highlighting the complexity of contemporary modes of government, and the strict interrelation between how modes of power and resistance work. Moreover, the concepts of conduct and affect will be considered as specific tools for the understanding of micropolitics.

Following this approach, Foucault's understanding of counter conduct (Foucault, 2009a) will be proposed as an alternative to the concept of social movement, as it provides an understanding of practices of resistance beyond the framework of protest and opposition and beyond their operation against the state. A perspective on micropolitics and counter-conducts will also enable to go beyond the understanding of social movements as forces operating on the symbolic field and based on collective identities. Framing these practices as counter-conduct will allow looking beyond what has been traditionally defined as the space of social movements, namely the macro-political or the cultural field. The attention can shift toward the micro-politics of power and resistance, and their operation in the ethical and affective sphere, where relations of power have their most pervasive effects, and where specific political and moral subjects are constituted.

Consequently, understanding the power exercised by the criminalisation of squatting means not only exploring the legal formations or the power of repression of this law. Attention will be given not only to what the law prescribes and what is repressed, but also how it produces a new field of relations of power. The major theories of criminalization will be outlined to argue that criminalisation is a complex process, entailing not only the production and reproduction of economic and political interests, but also an intervention in the ethical, moral, and affective field. In order to argue for a micro-politics of criminalization, another key question will address ‘how those who are criminalised might resist and subvert the modes of power exercised by criminalisation’.

This conceptual framework will lead to the following research question: “How do the micropolitics of criminalisation of squatting work?”

1. To what extent the practices of resistance enacted by squatting movements address modes of power that operate not only at the level of politics but also at the level of ethics, governing conducts, affects and modes of life?
2. How are techniques of government of conduct and of counter-conduct articulated in the context of criminalisation of squatting, and what do they produce?
3. How are the techniques of power circulating through criminalisation resisted?

The formulation of this theoretical and conceptual framework has not taken place in a static nor structural mode, setting a-priori understanding of social reality. Instead it works as an ongoing process, a shifting body of conceptual approaches in constant re-evaluation. There has been a circular relation between the formulation of this theoretical framework, the collection and the analyses of the data, and neither started nor ended with the formulation of research question and results. Many of the concepts outlined here are the result of empirical engagement with the subject, and became relevant not only in relation to the existing literature, but mainly as a result of lived experiences alongside the practices of the resistance of the squatting movement, and their criminalisation. Moreover, while this chapter sets a general theoretical

framework, each following chapter will engage with the relevant literature on specific subjects.

## 1. The criminalisation of social movements

The literature concerned with the criminalisation of social movements is focused on the use of public order regulations for repressing specific forms of protest (Sibley 1995), and on the policing of protest during mass demonstrations in Western Europe (Fernandez, 2008; Lovell, 2009; Della Porta and Reiter, 1998; Scholl, 2012; Shantz, 2012). As the police are one of the main agents for the enforcement of criminalisation, the policing of protest events provides a fundamental focus for understanding how the criminalisation of social movements works. Moreover, these studies analysed how political parties, media discourses and public opinion influence the police response to mass demonstrations. Hence, studies analysing the policing of mass demonstrations are important for outlining the relationship between police and protesters, the impact of repression and negotiation tactics on social movements' strategies, and how policing techniques have been changing across time and space and across different configurations of power relations (Fernandez 2008).

Yet, as argued in the first place by Melucci (1989), social movements' activities go far beyond protest and these analytical tools seem unable to express the complexities of contemporary struggles, and present strong limits for our understanding both the power expressed through social movements practices and the pervasive effects of criminalisation. According to Melucci, confining the scope of movements to protest events or their relation to the state means looking only at an iceberg tip of movements' activity, thereby dismissing many practices that, on the one hand, enable protest to emerge and that, on the other hand, might be less visible but more effective in terms of social and political change. This implies overlooking the complexity of power relations that govern contemporary societies, and the possible range of fields in which resistance can take place (Day 2005; Scott 1985).

### 1.1 Squatting, protest, and Political Opportunity Structures

Squatting is often referred to as a social and political movement, (Adilkno 1994; Duivenvoorden 2000; Pruijt 2003; Uitermark 2004a; Owens 2009) and many refer to

these resistant practices as 'urban social movements'<sup>36</sup> (Castells 1979) as they imply collective action opposing gentrification, and claiming a 'right to the city' (Cattaneo 2014; de Souza 2006; Sqek 2012). A social movement is indeed generally defined as a form of collective action, based on collective identities, and opposing actors and institutions through a variety of tactics that go from politics of demand to direct action (Della Porta and Diani 1999). Defining squatting as a social movement highlights its political implications, and it is a useful tool to frame many of the practices that are entailed in squatting. Indeed, all over Europe squatting works as a Do It Yourself solution to housing shortage and a practice that allowed the emergence of autonomous and self-organised social and political spaces (Sqek 2012). Empty buildings are squatted not only for housing needs, but also to create autonomous urban spaces that operate differently from the logic of capital, where the relations of power that govern social, political and economic relations are actively contested (see Chapter 5)

Scholars studying squatting in the Netherlands agree on the clear emergence of a (urban) social movement between 1975<sup>37</sup> and 1981, when demonstrations against modern urban renewal plans and threats of evictions led to urban guerrilla actions and violent confrontations with the police (see Chapter 2). From an external point of view, the squatters looked as a homogenous organisation of militant groups who used violence to influence the government and to obtain power (Duivenvoorden, 2000). Overall, the Dutch history of squatting as a *social movement* has been written mainly in relation to the protests, the riots and the movement success in influencing governmental policies. Protests have indeed been an important aspect of the squatting movement, of its history, of its tactics, and of its collective memory.

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<sup>36</sup> The 'term urban social movement' was coined by Manuel Castells in "The Urban Question" (1979), and redefined in his later work "The Urban and the Grassroots" (Castells 1983). Here, he framed these modes of struggle as pursuing the following goals: promoting the city in terms of its use value; opposing commodification by means of demands (such as those related to social housing); establishing and strengthening autonomous cultural identities; and promoting top-down participation and self-management instead of programmed top-down urban policies (Castells 1983; Pruijt 2013).

<sup>37</sup> In 1975 squatters and residents protested against, and prevented, the massive renovation of the Nieuwemarkt neighborhood and the consequent threat to the social and urban fabric. The riots of 1980 against the coronation of the queen under the slogan *geen woning-geen koning* - no housing no coronation (Uitermark 2004; Owens 2009) are still deeply sculpted in the history of Amsterdam.

However, those who analysed squatting only in relation to this specific history, claimed that after both the violent confrontations and the successful negotiations that characterised the momentum of the movement in the 1980s, squatting has been in decline, and that it is actually fading (Owens 2009; Gemert et al. 2012). Here, the main assumption has been that squatters do not have the capacity to mobilise a common political agenda, nor a considerable impact on housing policies, as they did in the 1980s (Gemert et al, 2009). Therefore, those claiming that the squatting movement in the Netherlands has lost its power, evaluated the power of these practices specifically in relation to the movement's power to protest as much as its capacity to influence state policy.

The above studies of squatting in the Netherlands aided understanding the contextual factors in which the Dutch squatters' movement emerged, and for highlighting the interactions between squatting and the political context. In particular, these studies shed much light on the legal and political transformations in which squatting took place. However, presenting a history, and an evaluation of squatting as a movement under this perspective, introduces a number of constraints for understanding the power expressed by the squatters' movement, as it does not highlight those aspects of resistance that go beyond conflictual episodes or demands on the state.

The most of the studies mentioned above follow the Political Opportunity Structure (POS) definition of 'social movement' (Koopmans 1999; Kriesi *et al.* 1992; Tilly and Tarrow 2007), which places the focus on how societal and political dynamics condition opportunities for social movements to effectively challenge the existing order, by encouraging, channelling, and/or repressing collective mobilisation for social change (Smith and Fetner 2009). Using *conflictual episodes*, protest, and demands on the state as main units of analysis means understanding social movements as "a collective political struggle that is episodic rather than continuous, occurs in public, involves interaction between makers of claims and others, is recognized by those others as bearing on their interests, and brings in government as mediator, target, or claimant" (Mcadam, Tarrow and Tilly 2001: 5). By looking at the organisation, the strategies and resource of collective mobilisation, these studies assumed that broader forces that affect the distribution of economic resources and political power shape social movements. The emphasis is both on the role of political

structures in allowing and shaping social movements' actions, responses and repertoires, and on the importance of the organisation and management of the available resources for the formation of social movements.

Despite the multiplicity of social and political struggles both on the local and global scale, this type of research is still rooted in the analysis of movements' demands and their impact on nation-state policies, therefore tending to refer to the state and its institutions as main loci of politics. Moreover, this perspective reduces practices of resistance to an oppositional, reactive and subjected force defining social movements not in relation to what they create, but in relations to what they oppose and negate. In this view power relations are often interpreted as a binary opposition between movements and the state, the powerful and the powerless, the dominant and dominated, the oppressor and the oppressed.

Therefore, the 'Political Opportunity Structure' approach presents a number of limitations for understanding relations of power and resistance, starting with the deterministic relation between social structure and social action (Klandermans and Roggeband 2007), to the fact that the focus on political contexts and mobilizing structures neglects processes of meaning construction and the role of culture in mobilizations (Earl 2004). As Della Porta and Diani (2006) have argued, opportunities and threats are not objective categories, but depend on the kind of collective attribution and on the political subjectivities of the actors involved. Moreover, the method and the empirical unit of analysis remains confined to the protest event and policy outcomes (McDonald 2006), and does not shed too much light on the complexity of wider social movement activity (Melucci, 1989) and on those forms of resistance that go beyond opposition to state authority (Day 2005; Gill 2003; Katsiaficas 2006).

Here the aim is not one of re-writing or restoring a history of squatting in the Netherlands. Instead, the aim is to point out that, due to the multiplicity of social and political struggles happening, it is reductive to analyse and to evaluate a movement's power according to cycles of protest, their demands and their success in influencing governmental policies. Instead, different tools are needed for analysing how relations

of power and resistance work, as much as for evaluating movements' power, and, consequently for understanding how their criminalisation work.

## 1.2 Beyond protest

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As it will be argued in the coming chapters, the so-called “squatting movement” is more a network of singularities than a homogeneous group. Once a space is open a variety of projects can emerge. Each squatted place engages with different struggles, and uses different tactics. Rather than forming unitary (either compact or networked) modes of action, these practices often entail multiple modes of struggles moving in a variety of directions. Thus, an important question is how to go beyond the language of 'social movements' literature, and find new languages for understanding and acknowledging the complexity, multiplicity and intensity of many contemporary practices of resistance.

Since its emergence the squatters' movement not only engaged in protest and demands: rather, squatting was a widespread practice, growing in different directions, and developing a wide network of infrastructures (Adilkno 1994). Although the relations with the authorities varied throughout the decades, empty spaces were squatted on a regular basis to satisfy housing needs and create collective modes of living, both as modes of direct action against urban politics, and for the opening of DIY autonomous spaces for both political and cultural contestation (Uitermark, 2004a). Hence, although protest events and political achievement had a strong role in forging what has been defined as ‘the squatters movement’, the power of this movement entailed not only in the elaboration of visible oppositional struggles, but practices of resistance involving experimentation with different social, political and ethical relations (see chapter # on the micropolitics of squatting).

Hence, in order to understand the power and the modes of resistance expressed by the squatters movement, it is important to place attention to the everyday practices that give life to a movement, including the networks of action and inter-action that constitute the lived experience of the movements before, during and after protest events, and beyond their relations to the state (Melucci 1989). These struggles led to the creation of different modes of social and political organisation, to the contestation of norms and values, and to social and cultural experimentation. While, in the case of

squatting in The Netherlands, these aspects have been often dismissed as simply the ‘counter-cultural’ section of the movement, and opposed to the ‘political’ and militant fractions (Duivenvoorden 2000), their political power is often underestimated.

Therefore, in line with the 'New Social Movements' theories, it is necessary to shift the focus from the lenses of protest and to consider the submerged and everyday practices of movements as a powerful form of resistance. New Social Movements theories place the focus on the everyday lived experiences of social mobilization, and on the modes of resistance to capillary, pervasive and multiple dimensions of power. Through these approaches, much subjective transformations are valued as inseparable from structural struggles for social justice. However, the NSM theoretical framework provides few tools for understanding the process of criminalisation of social movements. While the limitations of the POS lied in considering only the macro-political dynamics between movements and the state, the NSM approach, by focusing on collective identities and emotions, tends to refer only to the micro and cultural aspects of social movements, failing to acknowledge the diagonal relations between macro and micro levels of action. This framework tends to reduce contemporary struggles to the symbolic sphere and ‘identity politics’ (McDonald 2002), and does not provide tools for understanding the complex relations of power and resistance taking place in these forms of struggle.

Overall, social movements’ studies tend to make a differentiation between micro and macro aspects of power and resistance, as if the cultural and the emotional were independent from the political, as if there was a radical division between what happens inside the movements’ life-world and what happens outside of it<sup>38</sup>. As these elements intersect in complex ways, it is problematic to make a distinction between micro and the macro sites of struggle, where the first challenges the state and the

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<sup>38</sup> Feminist scholars (Goodwin, Jasper and Polletta 2009; Hochschild 1975) introduced the focus on emotions as an essential perspective for understanding modes of action and resistance, here emotions are often considered as strictly intertwined with collective identities, and often analysed in association to protest events. As Jasper (2012) notes: “Emotions can be means, they can be ends, and sometimes they can fuse the two. They can help or hinder mobilization efforts, ongoing strategies, and the success of social movements” (Jasper 2012, p.286). Hence, here emotions such as solidarity, anger and joy, are understood as internal processes of movements, and analysed in terms of how they shape both individual and collective behaviour. Hence, are not considered as strictly intertwined to the politics of social movements and as inscribed within the relations of power and resistance in which social movements operate.

seconds constitute alternative 'ways of life'. As much as squatting, many other social movements have been able to produce resistant practices, knowledges and modes of life that counter the ordinary running of political, economic and social institutions (Kiouпкиolis and Katsambekis 2014; Lazzarato 2004; Revel 2009).

Indeed, many social movements have a strong focus on ethical and discursive fields as much as on economic, political relations and resources, as the two cannot be separated. For instance, all over Europe labour movements not only had a focus and an impact on labour policies, they also had a strong influence in the constitution of a working class consciousness, on the subversion of the working classes' relationship to labour itself, on the production of the meanings and discourses circulating within the factories, on the possibility of refusal of given hierarchies and of imagining different modes of organisation (Hardt and Negri 2004). Similarly, feminist and anti-racist struggles are not simply focussed on reshaping the meanings of society, but are also grounded in contesting and revealing the social, economic and political modes of oppression, denouncing forms of violence and brutality carried both by the general population and by the authorities (Böhm, Dinerstein and Spicer 2010; Federici 2012). Hence the social movements that emerged in post-fordist societies have not been acting simply on the *symbolic* field. Rather, they have been, and continue to be struggles around basic needs and resources.

Following Foucault and post-structuralist understandings of social movements (Day 2005; Hardt and Negri 2004; Kiouпкиolis and Katsambekis 2014; Routledge and Simons 1995) 24/02/2017 18:42:00 I propose to go beyond the analyses of structures or identities, as to understand how movements, through the creation of multiple, singular ethical and political practices resist and subvert the relations of power in which they are embedded. What characterised contemporary modes of power is the governmental power to manage populations not only through economic and macro-political activities, but through the production of specific norms, values, subjectivities and modes of lives (Cadman 2010; Foucault 2011; Lazzarato 2004; Read 2003) thereby operating on the level of micro-politics.

In this context, many other contemporary subversive practices such as those enacted by squatters, as much as by queer communities (Brown 2007) or hacktivists (Levy

2001; Wark 2004), embody a multiplicity of struggles that cannot be reduced to their *macro* or *micro* dynamics. These modes of resistance go far beyond than the visible episodes of protest, as much as than the symbolic contestation of meanings. As Max Haiven and Alex Khasnabish (2014b) argue, these practices experiment with, and create different modes of thinking, of acting and of relating to the norms and rules that govern our lives, and they are often not reducible to the lines of 'social movements'.

Experimenting both conflictual resistance and modes of self-governance, these practices pose a direct critique to a multiplicity of modes of government and relations of power, and actively experiment different possibilities of constituting social, political and ethical relations (Day 2005). Hence, these struggles cannot be confined either to the political or symbolic field, and cannot be understood by separating the micro and macro levels of action. Instead, they are embedded in, and challenge, assemblages of institutions, practices and norms that shape society in the broad sense of the term, extending to all those social, political and economic relations that shape the field of possibility for individual and collective conduct (Foucault 2009a). In this context, opposition to economic oppression and exploitation and the emergence of revolutionary modes of life are not mutually exclusive and must be integrated so to resist the pervasive effects of power (Lazzarato, 2004)

Consequently, traditional dialectic understandings of modes of power and of resistance implied by social movement theory are too restrictive for addressing the modes of resistance that happen through squatting, and for understanding how criminalisation affects these practices. Instead, both in academic theory and political praxis, it becomes necessary to depolarise the dialectic understanding of power implied by social movements' literature, and to look at the multiple relations and micro-politics of power and resistance. When analysing the criminalisation of social movements, and specifically of squatting, it becomes important to understand the relations between power and resistance in different terms than the ones that present a binary division between opposition/protest and ethical experimentation, between political and cultural, between macro and micro, and to develop analytical frameworks that allow to bridge these dynamics and to address their complex relations.

## 2. Micro-politics, affects and counter-conduct

In “A Thousand Plateaus”, Deleuze and Guattari (2004) present the concept of *micro-politics*, as a tool to bridge micro and macro spheres. According to them what is at stake is not “the political” as a macro or transcendental essence, but a micro-politics or assemblages of relations of forces, which defines how existence should be lived and experienced, and where one is constituted as a subject (Foucault 1982). This is close to Foucault’s understanding of micro-physics of power, namely technologies of government, those devices, tools, techniques, and apparatuses that enable the shaping and acting upon individual and collective conduct (Foucault and Davidson 2006).

When aiming to understand the experience of the May 1968 uprisings, Deleuze and Guattari have argued:

“Those who evaluated things in macro-political terms understood nothing of the event because something unaccountable was escaping. (...) A molecular flow was escaping, minuscule at first, then swelling, without, however, ceasing to be unassignable. The reverse, however, is also true: molecular escapes and movements would be nothing if they did not return to the molar organizations to reshuffle their segments, their binary distributions of sexes, classes, and parties” (Deleuze & Guattari 2004b: 216).

Thus, according to Deleuze and Guattari the binary opposition between politics and ethics, presents a strong limitation: as much as 'micro' struggles are ultimately meaningless without transforming the larger economic and political forces that shape them, struggles against the state and against various institutions of control can occur only when addressing the spheres of affect, culture and everyday life - as these are the very spaces where the production and control of subjectivities takes place. This perspective acknowledges the mutual, rather than dialectical relation between macro and micro, and overcomes binary divisions between the political and ethical dimension of modes of power and resistance: indeed the spheres of the everyday life, of meaning formations, of social and ethical relations, cannot be separated from politics as these are in themselves objects of government (Revel 2009).

In this view, power is neither an object that can be held or claimed, nor a centripetal force with the state as its nodal point. Instead, there are centrifugal assemblages of relations, pervasive networks that govern each aspect of social and political life (Rose and Miller 1992). According to Foucault, power relations circulate through any social body, in a transversal rather than vertical manner: power cannot be situated in a central locus 'above' the social, and it is not an object that can be possessed, given, taken nor destroyed; rather, relations of power circulate, are organised and reproduced through each social, political and cultural interaction, including the everyday lived experiences, and the discursive formations shaping and governing society at a given moment. Power relations are understood as exercised upon and through the microphysics of our everyday life, our bodies, the way we relate to each other, and ourselves and through the spatial and temporal relations that frame our experiences.

As much as there is no central and universal locus of power, it is also problematic to identify resistance as a universal and unitary mode of action that is situated outside, and against, power. A micro-political perspective implies that, instead of looking for an universal subject that embodies resistance, or searching for a general model, it becomes possible to individuate resistant practices that operate within complex relations of power, and that counter their capillary effects through tactical use and reversal of the relations in which they are embedded. As Deleuze and Guattari explain in the second volume of 'Capitalism and Schizophrenia' (2004b), molar aggregates "are perpetually being undermined by a molecular segmentation causing a zigzag crack, making it difficult for them to keep their own segments in line. It is as if a line of flight, perhaps only a tiny trickle to begin with, leaked between the segments, escaping their centralization, eluding their totalisation" (Deleuze & Guattari 2004b:216). Here the question is not simply about how to obtain or disrupt power, but how a multiplicity of practices transform the codes that define the subject as such, and that define its fields of thought, of action and of experience.

To overcome the limitations endemic to the traditional understanding of social movements, it is necessary to find a conceptual framework and an epistemological gaze able to highlight the micro-politics of practices of resistance: namely not only what they oppose and negate, but also the active and creative forces of those resistant practices that aim at subverting and transforming relations of power by traversing all

those fields in which they operate. In the following sections, the concepts of ‘conduct’ and ‘affect’ will be outlined, as these are important tools for accurate analyses of micro-politics. In second place, the concept of counter-conducts and potential will be proposed as possible alternatives to current social movements’ language, enabling to address the micro-politics of power and resistance.

## 2.1 Conduct

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From the perspective of micropolitics, *government* is not to be intended only as the state; rather, it is the assemblage of institutions, practices and norms that shape society in the broad sense of the term, extending to all those relationships that through all kinds of diagonals define the field of possibility for individual and collective conduct (Foucault 2009b). Here, the concept of *conduct* addresses a *moral* and *affective* action, a mode of subjectification that leads to the constitution of oneself as moral subject. Foucault mentions the concept of conduct for the first time in 1978, during his lectures at the Collège de France about pastoral power of the 10th-17th century, a very peculiar form of government of souls and of individuals that gave rise to the art of government, the governmentality of the 18th century. As Foucault understands from the reading of Guillaume de La Perrière (1555), pastoral powers that gave rise to contemporary governmentality can be defined as modes of governing that function not only through techniques of law and policing, but also through the constitution of subjectivities and modes of conduct.

In particular, the concept of conduct is proposed as translation of the Greek *oikonomia psuchon* and the Latin *regimen animarum* (Foucault 2009b: 192), namely the management of souls, the way in which modes of government operate through individual souls insofar as this direction (*conduite*) of souls also involves a permanent intervention in everyday conduct (*conduite*), in the management of lives. In this context ‘conduct’ is a technique to lead others, but also as way one conducts oneself, a reflexive power on the self. Here the self is constituted by norms, codes of conducts, moral values and modes of experience that designate the politics of truth of our times. Clearly inspired by Nietzsche, this concept allows an exploration of the constitution of political and moral subjects: a genealogy of power relations and of their effects on the ethical sphere.

Hence there is not simply a sovereign power that acts through domination, through economic exploitation or legal apparatuses, but modes of government entailing the creation of *milieus* where specific modes of *conduct* emerge. The result is a political and moral ordering of life through the constitution of specific subjectivities, extending to the crystallisation of specific modes of existence (Foucault 1990: 123). As Arnold Davidson (2011) argues the concept of conduct is a key element for understanding the link between politics and ethics. If one's life and individuality constitute one of the most effective products of power (Foucault 1982), then ethics has to be taken seriously also in relations to social, political and economic struggles. Moreover, placing the focus on conduct, and consequently on ethics, implies understanding the productive aspects of the techniques of power that does not simply repress and oppress, but that creates moral and political subjectivities, and define the fields of possibility for specific modes of life.

To understand modes of governing and consequently of resisting that operate not only through rationalities, discourses and conducts, the role of affects as key sites in the exercise of power has to be acknowledged. An underlying aspect, not made explicit by Foucault, is that these modes of resistance entail ethical practices strictly connected to modes of experiencing, namely affects and affective modes of power. In order to develop analytical tools for understanding micro-politics of resistance and of its criminalisation, it is necessary to integrate the concept of governmentality and conducts with a perspective on affective politics and affective relations. Resistant ethics, in this context, would configure as a modes of transformation of the moral codes<sup>39</sup> that define the subject as such, and that define its fields of experience, of conduct and of action. This entails an intervention in the affective and ethical field.

## 2.2 Affect and *potentia*

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In the 'Ethics' (III 3), Spinoza (2001) conceptualises *affect* as the body capacity to affect and to be affected, namely, the modification produced in a body by the encounter with another body which increases or diminishes the body's power of action

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<sup>39</sup> Deleuze's conceptualization of 'transcendental empiricism' differentiates between 'ethics' and 'morality', rejecting the latter as a transcendent system generating universal norms, values and judgement. By contrast, his conceptualization of immanent ethics refer to singular and multiple practices which evaluate, rather than judging, and which are

(*potentia*)<sup>40</sup>. Spinoza makes a distinction between affects that increase a body's capacity, a body's power to act (and will correspond to a sensation of joy /*laetitia*, and those affects that decrease a body's power to act (sadness/ *tristitia*). While *potestas* is understood as a power *over* something, as a mode of power entailing domination and oppression, acting upon the possibilities of action, *potentia* is the power to, namely not a repressive but a creative power, the power of action.. Moreover, according to Spinoza, there is no such distinction between cognitive and affective knowledge, as knowing proceeds in parallel with the body's physical encounters, (*Ethics* III def. 3).

Drawing on Spinoza's understanding of affect and on Deleuze and Guattari's *Anti-Oedipus* so called "affective turn" emerged (Clough and Halley 2007; Gregg and Seigworth 2010) . Since the early 1990s, feminist, queer and postcolonial scholars have attempted to move beyond identitarian, dichotomous understandings of political action, developing concepts that would allow highlighting complex inter-relations between ethics and politics, body and mind (Bargetz 2015). These approaches aim at understating the political dynamics and potential of affects, not as individual or collective psychological states<sup>41</sup> but as political and cultural practices, implying not normative but affective modes of power and of government (Bargetz 2015; Boler 1999; Clough 2010; Koivunen 2010; Pedwell 2012). As Anne-Marie D'Aoust put it, "(subjectification processes) operate at the level of affect, through the material production of specific modes of experience" (D'Aoust 2014: 269).

By situating affect within relations of power, these perspectives aim at breaking through the dialectic of the mind's power to think and the body's power to feel, or between rational and emotional/irrational (Massumi 2015) and bring them together as mutually constitutive aspects of the political composition of subjectivities as much as

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<sup>40</sup> This mode of power, *potentia*, is defined by a continuous movement between one experiential state to another, defined by the *encounters* between forces and between different bodies. Drawing on Spinoza, Deleuze defines affects as "passages, becomings, rises and falls, continuous variations of power (*potentia*) that pass from one state to another" (Deleuze 1997, p.22).

<sup>41</sup> Indeed, from this perspective affects are not considered as personal emotions, but as pre-personal, cultural and political practices (Massumi 2015, p 53) that go beyond the clear-cut between body and mind, between thinking and feeling. As Massumi argues in the introduction to Deleuze and Guattari's *A Thousand Plateaus*, affect "is a pre-personal intensity corresponding to the passage from one experiential state of the body to another and implying an augmentation or diminution in that body's capacity to act" (Deleuze and Guattari, 2004, page xvii).

modes of governing (Bargetz 2015). Concepts such as “affective governmentality” (Sauer 2012), “political economy of affects” (Hizi 2015) and “affect dispositive” (Angerer 2014) aim at exploring and highlighting how social and political relations circulate through affect, constituting “embodied circuit through which power is felt, imagined, mediated, negotiated and/or contested” (Pedwell 2012: 165). These approaches explore how affects, by shaping modes of experiencing, have a role in producing and reproducing social and political relations of power, thereby framing the conditions of subjection and subordination (Ahmed 2008; Butler 1997).

Thus, both the embodiment of power relations, and their operation through the affective field cannot be overlooked when analysing relations of power and resistance, as these also take place on the affective level. From this perspective, affects are considered both in terms of how they shape social action, but also for the possibilities they offer for thinking and experiencing beyond what is already known and assumed (Pedwell and Whitehead 2012). Indeed, if affects are tools of power, they are also important sites of resistance (Boler, 1999), and they have to be fully acknowledged when aiming at understanding both how relations of power work and how these very relations can be resisted (Hynes, 2013)<sup>42</sup>.

As Braidotti explained in her book about nomadic ethics (Braidotti 2006) “the issue is how we can cultivate the political desire for change or transformation, for actively willing and yearning for positive and creative changes”. Resistant ethics, would figure as a mode of transformation of the moral codes that define the subject as such, and that define its fields of experience, of affect and of action (Evans and Reid 2014). This entails an intervention in the affective and ethical field, a different mode of

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<sup>42</sup> Yet, while it is important to use affect as a radical analytical tool, the aim is not the one of placing affects above other forms of political action, nor claiming that affects should replace other forms of radical praxis. As Bargetz (2015) argued, some understanding of affects led to the tendency of politically romanticizing affects as a solution to social problems or as necessary tools for social change. Indeed, the production of different affects as such is necessary, but not enough for the production of radical praxis. Indeed, if there is no affect without politics, it is important to keep the focus on affect as to as a critical perspective for understanding how power operates, and how it can be resisted through affective practices. As these modalities of power operate on the desiring field, and make us desire our own subjection by separating us from our power of action, the political task is the one of transforming the way we are affected by these forces, and from here exploring the circumstances under which difference can become possible.

constituting social and political relations, through the production of resistant practices and modes of life that avoid the reproduction of norms, affects and morality that lead to one's subjection (Cadman 2010).

Deleuze differentiates between 'ethics' and 'morality', rejecting the latter as a transcendent system generating universal norms, values and judgement. By contrast, his conceptualization of immanent ethics refers to singular and multiple practices which evaluate, rather than judging. The question of immanent ethics is not "What must I do?", but "What am I capable of doing?" The search of immanent ethics aims toward what one is capable of, what a body can do and become. What is at stake is not what one is supposed to do according to transcendental and trans-historical values, but learning how a body can use its potentials and capacities, as to arrive to the limit of what it is capable of doing *here and now*. The matter of evaluation is not 'what a body 'is', but what it is capable of, and in "what ways its relations with other bodies diminish or enhance those capacities" (Hickey-Moody and Malins 2007: 3). Thus, an immanent ethic implies a micropolitics of resistance that goes beyond 'Moral Judgment' and ideology. This, by un-learning normative practices and modes of existence that separate bodies and lives from what they can do, and by experimenting new forms of life and different subjectivities.

In the *Anti-Oedipus*, Deleuze and Guattari question how is it possible that the people want fascism, namely that they want to be constrained in their power of acting, that they want repression not only of others but also of themselves? Fascism indeed is not only to be intended as the product of totalitarian regimes, such as the historical fascisms of the nation states: as Foucault explains in his introduction to *Anti-Oedipus* fascism is exactly that force "in us all, in our heads and in our everyday behaviour, the fascism that causes us to love power, to desire the very thing that dominates and exploits us" (Introduction to Deleuze & Guattari 2004a). In other words the question is how does the desire for subjection, and for being separated from one's power to act work?' The answer for them lies in micro-fascism, those fascism that are produced in and through affects and subjectivities. This means not only to oppose oppression from capitalist modes of production, but is in first place to struggle at the level of subjectivities, in order to resist the formation or the reproduction of so called *fascist subjectivities*, or *micro fascisms* ((Deleuze and Guattari 2004b). The political task,

according to Deleuze and Guattari, becomes transforming the way we are affected by the forces that make us desire our own subjection and that separate us from our power of action. The most threatening resistance for capitalism is the unexpected encounter with the emergence of new subjectivities, with their ambiguities and potentials (Deleuze 1988). Thus, struggles related conducts, affects and subjectivities are not to be considered on a different level than those related to changes in the configuration of the world (Lazzarato 2004).

From a perspective of micropolitics, the key question in relation to social movements' power is 'how would resistance work when the objective is not the seizure of power but the seizure of society and subjectivity?' (Revel 2008). How can resistance erode and subvert not only the molar apparatuses, but in first place in transforming the molecular forces of subjugation, affects and conduct? The question that Foucault, Deleuze and Guattari raise, and picked up by Lazzarato (2004) and Evans (2010) is: how can resistant practices work in relation to modes of power that do not merely exercise sovereignty, and do not only exploit, but govern through 'conduct' (Foucault 2009b). Or put another way, how can one resist a power through which one is constituted as a moral subject? Resistance, in the context of relations of power that reach every point of one's mode of existence cannot be limited to criticizing or denouncing policies or institution, but has to challenge the very rationality at stake (Foucault, 2009).

The etymology of resistance is *re-sistere*, where '*sistere*' means 'to stand firm', and '*re*' against: 'to stand against', in opposition to a ruling power, to protest by means of negation, saying no, disobeying, refusing, hindering a power represented by an enemy to fight against (Hollander and Einwohner 2004). To use Spinoza's vocabulary, this understanding of resistance implies *potestas*, namely, power over something, a force aimed at reducing the power of action of other forces. In this context the nature of resistance is negation and antagonism, often mobilising affects of the kind of hatred and rage. In these terms, resistance is conceptualised as negation, as a reactive force. In Nietzsche's thought the mobilisation of these sad, reactive affects is what constitute the mentality and the morality of the slave, which reacts, instead of acting, which negates, instead of affirming, and which is moved by resentment, fear and hatred, rather than joy. These are the very affects that make of the slave the one who refuses,

who wills nothing, and as such, who can be subjected (Deleuze 2006; Nietzsche 2006)

Here a problem emerges: namely, to what extent one, when resisting, is actually reproducing the logic and mechanisms of power one is trying to subvert, by creating an 'other', an enemy to oppose and destroy, and by mobilising those affects that lead to subjection and enslavement? Deleuze and Guattari's work points out that one of the major risk for social movements is to perform and to mobilise reactive affects, entailing to the reproduction of modes of experiencing that lead to our own subjection. As reactive forces that mobilise resentment and sad affects, such as enmity, hatred and fear separate us from one's power of action, and are the very tools that lead to one's subjection and subjectivation, how to resist these affective dynamics and relations? How to mobilise active and joyful passions in spite of bad encounters, and multiply our power of action?

The question that arises, then, is how to enable *potentia* over *potestas*? How not to focus the struggle on an external other to fight against, but understanding the dynamic of specific relations of power and to play with these forces in order to transform them? This means not reproducing the relations of power one is trying to resist, and questioning the effects of power relations on our practices, conducts and affects. Here resistance does not entail creating an 'other to fight against', but becoming different, acting, thinking and feeling differently, and turning reactive forces into active ones. In the next section Foucault's concept of counter-conduct will be proposed as a theoretical and methodological tool for highlighting the micro-political, affective and active dimension of social movements' power.

### 2.3 Counter conduct and counter power

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In 'Security, Territory and Population' (2009a) Foucault coined the concept of counter-conduct, addressing modes of resistance in the context of modes of government operating through the conduct of conduct. Indeed, the perspective of counter-conducts places the focus on a micro-politics of power and resistance and on those spheres where political and moral subjects are constituted. This perspective can embrace those fields where relations of power have their most pervasive effects, and

where practices of resistance aim at creating spaces for experiencing, thinking and conducting oneself differently.

Hence, the concept of counter-conduct highlights forms of resistance that extend to the way in which someone actually acts in the very field of micro-politics, as expressed modes and webs of resistance to those forms of power do not only exercise sovereignty and do not only exploit, but *conduct*. Foucault offers the concept of counter-conduct as a mode of resistance that addresses relations not only to the institutions and to notions of authority, but also to the self as a product of power. Indeed, the aim is to promote new forms of subjectivities that open new fields and possibilities of action in the world. Similarly to the Greek cynics Counter-conducts express modes of (individual and collective) resistance that address the domains of relation to the self, to obedience and to truth, in other words, a form of resistance to one's own subjectivity as product of specific relations of power, institutions and 'truths'

The peculiarity of the counter conducts analysed by Foucault, including the practice of *parrhesia* among the Greek Cynics, who were eroding relations of power by scandalising and 'telling the truth to power', and aiming at an independent and free life by contesting what signified as a dignified life (Foucault 2011), as much as the heretic movements of the Middle Ages<sup>43</sup>, is that although they are intertwined with economic struggles these take place on the very field of one's conduct. Indeed the target of these movements is the subject itself as a product of power, and the aim is production of different forms of conduct, of different modes of governing oneself, and different subjectivities. Foucault retraces the genealogy of modes of life that are 'scandalously other', attempting to produce a different society, challenging the 'normal ordering of things' unmasking and questioning those effects of power that shape lives and that constitute moral and political subjects (Davidson 2011).

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<sup>43</sup> Foucault places the focus on the religious heresies of the free spirit, the Anabaptists, the beggars, but also the ascetics. For a complete overview of the micro-politics of these religious movements see the study by Norman Cohn (1970).

The struggle of counter-conducts entails understanding oneself as a product of power, understanding how our actions are produced and constrained by the action of others and of ourselves upon ourselves, and those forms of power that separate the subject from his power of action, that constrain the subject in in-action by falling back on transcendental norms and fixed identities. This does not mean to ‘discover’ a true self that has been repressed by the effect of power nor to seek for recognition, but to refuse who we are as a product of power, and to promote new forms of subjectivities that open new fields and potentialities of action. This entails an intervention in the ethical and affective field, a different mode of constituting social and political relations, through the production of resistant practices and modes of life that avoid the reproduction of norms, affects and values that lead to one's subjection (Cadman 2010), transforming the relations of power in which we constitute ourselves as subjects (Foucault 1982).

The concept purchases on the active and affective aspects of social movements’ power. Foucault's concept of counter conduct provides an understanding of practices of resistance beyond, but not outside of, the framework of protest and opposition. The force of these modes of resistance is broader than opposition and refusal. The counter conducts analysed by Foucault, have productivity and an organisation that might be re-conducted to a counter-society, elaborating different values and different social and political relations (Foucault 2009b: 204). Counter-conducts, therefore, by elaborating struggles that go beyond politics of negation, and instead creating resistant modes of life constitute active, rather than simply reactive, modes of resistance.

From this perspective the power of social and political struggles is not evaluated simply by the effects that it has on the macro-political sphere and on their capacity to address state power, but on what they are capable of creating in terms of de-subjection, unlearning moral codes and challenging the norms that lead to enslavement and subjection. The force of counter-conduct is the one of addressing the subject itself as a product of power, but also the production of different forms of conduct, experimenting with different modes of social and ethical relations, as much as of political organisation (Foucault 2009b). Therefore, the concept of conduct and of counter-conduct can be used for bridging politics and ethics and for an analysis of

relations of power and resistance that would not be separated from a reflection on ethics, conducts and modes of life (Lazzarato 2009).

The concept of counter-conduct allows the subtle passage from 'resistance' to *potentia*, as power of action, as counter-power that affirms difference, which gives priority to action and affirmation rather than reaction and negation (Hardt & Negri 2004; Deleuze 2006). 'Counter' addresses a practice of critique, and the complexity of the relation between action and reaction, where resistance becomes not simply negation but active refusal (Deleuze 2006). While 'social movements' are traditionally conceptualised as forces engaged in a battle against something, and are defined according to the 'other' they are fighting against', needing an enemy in order to exist, the perspective of counter-conducts allows an understanding of these practices not simply posing an 'anti-power', but as expressing 'counter-power': therefore, the prefix 'counter' substitutes for the traditional 'anti', which refers to mainly reactive modes.

Counter-powers differ from anti-powers in the way that they are not trapped in a war against existing powers, in pure opposition and negation. Counter-powers do not position themselves alongside them, they are not simply an alternative (as alter-powers), which would tend toward utopian practices and ignoring existing relations. Counter-powers engage in a struggle, and erode, revert, and reorganise existing relations of power by creating difference (Hardt & Negri 2004). Counter-power threatens the relations of power that sustains capitalism, but does not define itself simply in opposition to the state and capitalism.

Thus, the concept of conduct and of counter-conduct can be used for bridging politics and ethics and for showing how an analysis of relations of power and resistance cannot be separated from a reflection on affects, conducts and modes of life. Contrary to the unity and to the binary oppositions that designate 'social movements', counter-conducts refer to a multiplicity of resistant practices, situated within specific power relationships. For this reason they are always singular, specific, and tactical<sup>44</sup>. In this

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<sup>44</sup> Since power is decentred and plural, so in turn are practices of resistance. In Foucault's ' words: '[T]here is no locus of great Refusal, no soul of revolt, source of all rebellions, or pure law of the revolutionary. Instead there is a plurality of resistances, each of them a special case' (Foucault 1982: 95a).

view, there is no general law of resistance, but a continuous invention and transformation. This resonates with Deleuze and Guattari's *nomadic ethics*, with their movement toward becoming minoritarian, as a permanent practice of deterritorialisation and reterritorialization. Counter-conducts refuse, yet, in order to make something different possible: these practices are about un-learning existing norms and opening a space for learning and creating different modes of life. In this sense, it is not a purely active mode, freed from the relations in which they are embedded: both the active and the reactive are present. An important point is how the relation between active and reactive is distributed, and how this distribution affects their relative degrees of power, and their capacity for affirmative action.

### 3. The Micropolitics of Criminalisation

The framework of micro-politics is not only necessary for the addressing the power of social movements. Indeed it provides conceptual tools also for analysing how their criminalization works. Indeed, from the perspective outlined above, criminalisation can be understood as a mode of power that does not simply entail repression: rather, as a technique of government for the production and the political management of specific conducts, affects and subjectivities. Indeed the analysis of the criminalisation of social movements cannot be confined to the police response to protest events. The criminalisation of practices of resistance that express themselves in the forms of counter-conduct and not simply of protest, create a complex assemblage of governmental techniques, and affective dynamics that have more subtle and invisible effects than the ones generally addressed as 'repression' and policing.

This means not only exploring the legal formations or the power of repression of the law criminalizing squatting, confining the analysis to what a law prescribes or prohibits. Rather, it is necessary to understand what a law does, how it operates, and how the people and the practices that are subjected to the law relate to it. In other words it is necessary to understand how different social and political actors subject themselves to the law, both when obeying and disobeying it: it is necessary to understand how a law is embodied, how it works through everyday practices, and how it affects the ways of experiencing and giving meaning to actions and behaviours, both when complying and resisting it. For these reasons it is not appropriate to make a

distinction between 'good laws' and 'bad laws'. Some laws might facilitate, while other might hinder, but what is relevant is how they operate, how they circulate through the social body, and how we subject ourselves to a law, how we embody it and how we let it work through our everyday practices.

Attention has to be given not only at what is repressed, but also at how the process of criminalisation produces a new field of relations of power, new modes of government and different modes of resistance. Hence, it is necessary to understand how criminalisation works as a technique of government operating on multiple levels, through rationalities, practices and affective politics aimed not simply at obtaining public order, but more subtly a moral ordering of society: its micro politics. Therefore the political question is not how to create a better law for squatting, but trying to understand how laws produce modes of governance of practices of resistance, and how it is possible to resist their power, how not to become subjects to the law, how not to subject oneself to the law

### 3.1 Private property, conduct and criminalisation

Drawing on critical criminology, it can be argued that the criminalisation of squatting is intertwined with economic and political interests (Box 1983; Chambliss and Mankoff 1976; Scraton 1987) reinforcing processes of gentrification and the promotion and support of private property rights. Critical criminology, drawing on Marxist theory of capital accumulation, shows that with changing modes of production, practices that were previously tolerated become stigmatised and eventually labelled as criminal (Lea 2002). Therefore what is defined as criminal depends on the power to define specific action as such, and by who has the political capacity to bring these definitions into practice.

Taylor (1975) defines criminalisation as the process by which certain people and groups become subject to laws and discourses that define their activities as criminal, rather than political, so that what is defined as a crime is not necessarily an action that cause harm to a specific victim, but actions challenging or subverting the relations of power at stake. More specifically, referring to the criminalisation of social and political struggles, Scraton (2007) argues that the process of criminalisation aims at

depoliticising movement's actions and motives by framing them as criminal threats. According to Scraton, the de-politicisation of their actions, and the focus on their criminal character, leads to a legitimisation of state intervention, which, in terms of the public opinion, comes to be signified as repression of collective enemies, rather than of political activists. As a consequence, the intervention of the police and the juridical system is perceived as a means of protecting of the public good and public order (Muncie 2008).

This perspective gives much insight on the political economy of criminalisation, crime control and law enforcement as tools of the powerful. Moreover, it is helpful for understanding the relations between criminalisation and private property rights. Yet, critical criminology understands criminalisation as a deterministic and top-down relation, where power is sovereign and the criminalised are simply oppressed by the law, passive subjects, with no power of action. Moreover, this view does not give enough account to the micropolitics of criminalisation, whereby legal formations do not simply imply prohibits, rules and sanctions, but constitute a relay between a multiplicity of modalities of government of the population (Tadros 1998).

The criminalisation of practices of resistance such as squatting has a long history (Hobsbawm 1960; Thompson 1966), and that it has served not only the affirmation of private property and capitalist modes of production, but also a more subtle creation of domesticated subjectivities and communities (Federici 2004; Read 2009) as to turn them into easy subject to manage, to control and to govern. In this way, the criminal law was strictly intertwined with governmental modes of power (Foucault 2009b). Throughout the history of Western Europe, the practice of squatting has been related to the establishment of ownership and of private property rights, should it housing stocks or land, and can be dated back to the first forms of privatization of land throughout Western Europe (Ward 2002). The history of squatting as a practice of resistance to private ownership of land, to land dispossession and to the modes of government of the population that these entailed, went hand in hand with practices of criminalisation, not only supporting the establishment of private property rights, and punishing its transgression, but intervening in 'assemblages of capture' (Deleuze and Guattari, 2004) to order and govern nomadic populations.

With the establishment of private property, enclosure acts were enforced in association with enforced 'bloody legislations', addressing all those customary practices that challenged ongoing the processes of capital accumulation (De Angelis 2004; Marx 1973; Read 2003). These laws prohibited those customary practices, such as the use of former common lands, pilfering, hunting and collecting fallen wood, that were tolerated before the establishment of private property rights (Linebaugh 1981): "landed property became absolute property; all the tolerated 'rights' that the peasantry had acquired or preserved were now rejected by the new owners who regarded it simply as theft" (Foucault 1995: 85).

In this historical and political context, the target of government becomes not only the administration of territories, but also of the subjects who inhabits these territories (Foucault 2009b). The process of transition from feudalism to capitalism, indeed, entailed large movements of populations dispossessed by their territories, a multitude of free workers, *vogel-vreij*, free from the servitude of feudalism, but also free from any property and territory, possessing only their labour power. Yet, as Marx argued in the *Grundrisse*, rather than selling their labour power, the property-less were to become a nomadic population vagabonds, robbers and beggars (Marx, 1973: 736).

Silvia Federici (2004) traces a genealogy of the feudal social relations after the Black Death of 1348, and places her focus on the revolts of the English peasantry and on the practices of resistance to feudalism that emerged in that context: according to her, indeed, the decimation of labour transformed feudal power relations. Before the Black Death labourers were bounded to one manor, due to the scarcity of arable land, while the Black Death led to a scarcity of labourers. In this context peasant's power to negotiate the conditions of labour increased, and many refused not only forms of exploitations, but also to pay rents and services, which were the main instruments of feudal power (Federici, 2004). Moreover peasants, due to the abundance of arable land, could migrate from their traditional locations to others were they could meet more favourable working conditions. This led on the one hand to the increasing of the cost of labour, on the other to the collapse of feudal rent and the establishment of property-less communities on the on common lands.

The constitution of new laws, and the enforcement of older ones, addressed not only those not respecting the enclosure of private property and engaging in visible forms of protest, but also those that, once dispossessed, were not selling their labour power to the landed aristocracy. 'Bloody legislations' criminalised and disciplined nomadic behaviours of those who refused labour and rent, specifically addressing vagabondage and begging, as much as longstanding relations of traditional use of land, such as free pasture, wood collecting, hunting, pilfering (Hill 1991). In this context, the expropriation of people from their lands<sup>45</sup> was associated with laws and regimes of penalisation were to force people into the system of production, to discipline and control the new class of potential 'criminals'.

As customary practices became illegal, acts such as such as the occupation of private land or the theft of goods started assuming a political and collective dimension (Foucault 1995). Anti-enclosure struggles of all kinds, became widespread all over Western Europe, and often took violent forms<sup>46</sup>. When forms of opposition such as petitions failed, commoners turned to forms of opposition such as riot, theft, arson and damage to fences, gates and walls to disrupt the enclosure (Neeson 1996). While, according to Tawney (1912), technically the lawbreakers were not "the peasants who pulled down enclosures, but the landlords who made them in defiance of repeated statutes forbidding them" (Tawney 1912: 320), the criminal law did not necessarily

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<sup>45</sup> Free pasture, wood collecting, hunting, pilfering were the conditions that made possible life on the common lands. Life on the commons preceded feudal economic and social relations *and* only afterward it became a form of resistance to the feudal asset" (Hill 1991). For instance the British commons were based on self-organised modes of governance (ibid). These communities were self-sufficient, based on communal modes of living and cooperative modes of production: during feudalism these settlements did not engage with explicit forms of opposition, protest, or disobedience to feudalism, but conducted their societies differently. Within these communities of voluntary property-less there were numerous 'rebels' belonging to the religious/political heresies such the Beggards, who refused labor and properties, or the Anabaptists, seeking for a society based on commonality, and the Ranters, who revived the Brethren of the Free Spirit, and who were living in communities based on shared resources, as they believed that everything should be held in common (Cohn 1970, pag.182) and refused life based on moralism and salvation. Therefore, these were also places for political practice and revolutionary thinking, often linked to broader economic and political struggles related to the privatization of resources and means of subsistence.

<sup>46</sup> Neeson (1996) shows a variety of other evidences of resistance to enclosures: "Grumbling, in the form of rumours, local petitions, newspaper advertisements, letters and the like, was more significant in its function of organizing opinion and expressing opposition than has been acknowledged. In particular, lend-less commoners -who contrary to those who owned or rented a piece of land, "were not eligible for compensation for loss of common right" (ibid. 65) - complained that "they would lose their 'small but comfortable subsistence' because they could neither do without their common rights nor afford to pay for an enclosure" (Neeson 1996:266).

reflect this . Indeed during the late sixteenth and early seventeenth centuries between 500 to 1,000 executions per year were taking place, mostly related to property crimes (Wrightson 2003).

The action of the Diggers resisting the enclosures, according to anarchist professor Colin Ward (2002), is one of the first instances of squatting as a political movement mobilised against the privatisation of land, that, according to them should be a common resource and accessible to anybody (Hill 2001). On April 1<sup>st</sup>, 1649 the Diggers settled on enclosed land at St. George's Hill in Surrey, and established a commune aimed at reclaiming the freedom from what they called the slavery of property, and at using the land in modalities based on co-operative forms of subsistence and production<sup>47</sup> (Bernstein 1963) .

As Lea (1999), drawing on Marx, argues, the extension and consolidation of private property involved not only the increasing refusal to tolerate certain popular illegalities, but also on the systematic criminalisation of all those modes of thinking and of living that have resisted or have posed a limit the development of capital, and which have therefore been defined as theft, delinquency or deviance. Vagrancy, brigandage, religious heresies have been framed as collective forms of social resistance (Hobsbawm 1960) or 'social crimes' (Lea, 1999), namely: “a conscious, almost a political, challenge to the prevailing social and political order and its values (which) occurs when there is a conflict of laws, e.g. between an official and an unofficial system, or when acts of law-breaking have a distinct element of social protest in them, or when they are closely linked with the development of social and political unrest” (Hobsbawm 1960: 5).

Chambliss (1964) analysed the changes of law on vagrancy between 1349 and 1743 and concluded that while the first emphasis, after the Black Death, was upon the

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<sup>47</sup> Moreover, the diggers manifesto 'The Law of Freedom in a Platform' (1652) written by Gerard Winstanley (1609-1676), shows that the diggers were moved by a complexity of struggles that extended to multiple aspect of life: indeed it presents not only a broad critique of private property, of economical relations and exploitation, but is also addresses the way of living together, of producing a different social relations and a different relation toward nature, religion and authority. After a few days of occupation, the diggers' movement had been evicted from their communities, the houses they built were destroyed, and their participants got prosecuted as 'Ranters', an anarchistic heresy that, at that time, was accused of threatening the social order throughout Western Europe (Bernstein 1963).

refusal to labour or begging <sup>48</sup>, the later ones show the emergence of the “criminalistics” aspect of the vagrant and vagabond: indeed later editions of the act include harsher punishments and the term 'rogue', a term that seems to imply a more disorderly and potentially dangerous person, to the point that from 1535 the *crime* of vagrancy became punishable with death. The 1714 Vagrancy Act extended the definition of a vagrant to: “settled paupers who were thought in danger of deserting their wives and children, those who refused to work for the usual wages, those wandering abroad and begging, a wider set of travelling mendicants and traders, and all those who were unable (for whatever reason) to give a good account of themselves” (Rogers 2008: 104).

The laws that criminalised vagrancies and popular illegalities were part of a broader technology of social, political and economic re-organisation that included the establishment of residential and identification certificates (Scott 2009). They were part of a wider aim of making tying the population tied to a territory, to a fixed residency and to a regular wage (George 1964) <sup>49</sup>: namely, making them responsible individuals (Lazzarato 2010). According to Foucault, in a social context where all social and political relations, as much as moral norms were being re-organised, the problem was not much those that lacked work and a fixed habitation: the problem that had to be solved through bloody legislations and forced labour was the very *unwillingness* to work. In this context the vagrants were considered and treated as

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<sup>48</sup> According to Chambliss (1964), since their emergence, the formulation of laws entailed the restriction the mobility of labour: in his interpretations, the vagrancy acts of 14<sup>th</sup> century, were a direct consequence of the Black Death of 1348, and they were designed to force labourers to accept employment at a low wage in order to insure the landowner an adequate supply of labor at a price he could afford to pay. The attempts by the feudalists to increase the exploitation of work, led to the labourer uprising throughout Western Europe, from the Peasants Uprising of 1381 in England, to the textile workers in Florence, the *Ciompi*, in 1382. These collective mobilisations were not claiming better working conditions, but were aiming at putting an end to the very power relations that sustained feudal society. Although these revolts encountered violent repression, they led to systematic transformations in feudal society (Cohn 1970). Indeed, by the end of the 14<sup>th</sup> century in England serfdom and villeinage almost completely disappeared (Marx 1990: 877).

<sup>49</sup>In 1607 the Elizabethan Settlement Act established a new system of settlement and removal by obliging the carrying of a certificate of belonging to a specific parish and of possession of a dwelling house or place in which he or they inhabit and hath left Wife and Children or some of them there and is declared an Inhabitant or Inhabitants there.”11. A later act of 1659 prohibited the practice of construction of cottages (George 1964). Just a few years later, an act of 1692 establish also the conditions for the parish to remove/evict someone, either because they were unable to produce a certificate, or were deemed to be undesirable, or were not able to pay a rent. .This law, and its subsequent amendments have been valid until 1948).

enemies of the common wealth and morality, and the concept of vagrancy started being used not only to address vagabonds, but more in general for “the prevention of crime, the preservation of good order, and the promotion of social economy” (Chambliss 1964: 20)<sup>50</sup>.

Similarly, the widespread criminalisation and persecution of heresies and witchcraft, addressing individuals and groups that resisted the dominant ways of thinking and acting, are some of the most violent pages of the history of Western Europe. Under the label of heretic or of the witch, indeed, fell a multitude of modes of existence that countered to the values, to the forms of authority, obedience and truth dominating Christian societies, but also to the existing political and economic relations (Barnard 1995; Cohn 1970) . Indeed persecution was carried not only by the Church, but also by the secular authorities and urban patricians that felt the foundations of their power under threat (Federici 2004).

Heresies, although expressing religious practices of resistance, could be considered as social and political movements, as specific social and political discourses intertwined with religious practices (Foucault 2009b). Indeed, heresies also expressed resistance also to the growing money and property economy, and were movements in search of concrete alternatives to feudal relations (Federici 2004). These movements expressed a conscious attempt to create different societies by redefining every aspect of social life and ethical relations. Indeed, the heresies, that Foucault associates with counter conducts, established different forms of government, different system of salvation, of obedience and of knowledge: “a whole new attitude, religious comportment, way of

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<sup>50</sup> Evidences of similar laws and trends can be found all over Western Europe. In France, year 1764, Le Trosne, a judge at the presidial court of Orleans, defines vagabondage as “that hot-bed of thieves and murderers who live in the midst of society without being members of it”. The penalties for these “useless and dangerous people should be the most severe, and police forces should organize collective round-ups in the woods to catch them” (Le Trosne 1764, 8, 50, 54, 61-2, in Foucault , 1995: 88). Once caught, these people should be “acquired by the state and they should belong to it as slaves to their masters” (ibid). In Italy 14 the 8th of April, 1583, the Governor of Milan declared as vagabonds all those ,who, whether foreigners or natives «with or without wages, attach themselves to any knight, gentleman, officer, or merchant, to uphold or favour him, or in any manner to molest others." Even though no criminal act shall have been proved against them, upon the sole ground of their reputation, they could be sentenced to the galleys for three years. In 1600, also it Italy death penalty began being applied for the crime of vagrancy (Manzoni 1949). In the Netherlands the statute of Charles V of 1531 renew a previous edit prohibiting begging and vagrancy, and establish imprisonment and whipping as punishment

doing things and being, and a whole new way of relating to God, obligations, morality, as well as to civil life” (Foucault 2009b: 204).

Many heretical movements were based on a collective refusal of work, and sustained themselves by way of begging and communality of resources, challenging the current forms of government of the population (Foucault 2009b). Moreover they refused the power exercised by the Church and denounced its corruption: as Federici (2004) points out, at the time, denouncing the power of the Church meant questioning the ideological and political pillars of feudal power, and for this reason they had a crucial role in the anti-feudal struggles, and in supporting the peasants’ revolts.

### 3.2 Criminalisation and moral ordering

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Thus, the establishment of private property rights and the constitution of subjects of labour required the intervention of the law, the state and new forms of policing (Read 2003; Foucault 2009b), that addressed forms of (direct and indirect) resistance to the power relations of their times (Scott 1992) The criminalisation and repression of the customary practices of the commoners, of the beggars, of the vagabonds, as much as of witches and of the heretics, was aimed not simply at facilitating the consolidation of private property but, more subtly, to a moral of reorganisation society, which has not happened simply through the imposition of new laws: these laws were inscribed into a complex web of knowledges, of discourses and of practices that lead to the definition of what is morally and politically acceptable, and what is a threat to social, moral and political values. In this political and economic context, the nomad, the witch, the heretic, the homeless, the jobless presented a threats not only to the re-organisation of modes of production, but also to the moral values that sustained it.

As Foucault (2009b: 208) understands from his the reading of LaPerriere, the target of government was not only territories and populations, but of men and their relations to costumes, habits, ways of acting and thinking, as much as their wealth and prosperity (ibid: 209): this entails a subtle interrelations between forms of power that operate through repression, exploitation and domination, and those that entail subjection: namely a form of power which has entailed not only violence, and that shaped the possibilities of acting, thinking and conducting oneself in specific ways. Here, laws

and criminal laws are intended to prohibit and sanction certain actions and behaviours, but more specifically they intervene as modes of reorganization of the lives of individuals (Tadros, 1998). In this context capitalist relations needed not only to form new economies and to write new laws, but they must institute themselves in the quotidian dimension of existence: they must become habit (Read 2010) or conduct. This entails that violence might still be used, but only occasionally: what is at stake is a form of discipline, involving values, cultural formation, quotidian practices and beliefs, that legitimise and normalise relations of subjection and exploitation.

Hence, throughout history, the criminalisation of these practices has served not only the affirmation of private property and capitalist modes of production, but also a more subtle creation of domesticated subjectivities and communities (Federici, 2004; Read, 2010) as to turn them into easy subject to manage, to control and to govern. In this context, criminalisation has to be understood as a technique of power that operates also on the moral and affective economy of social life. The following chapters will aim at understanding the complex process of criminalisation of squatting alongside and beyond the juridical apparatuses, focusing on the complex interplay between the different forces mobilized to enforce and resist the political and ethical of power, the micropolitics, that criminalisation produced and sustained.

### 3.3 Cultural Criminology and Criminalisation

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Cultural Criminology, drawing on symbolic interactionism (Goffman 1963; Mead 1962), shifts the focus from the political economy of legal formation to the meanings and discourses entailed in processes by criminal laws intervene on cultural and moral fields. The process through which persons come to be defined as deviants and criminals, are analysed as the product of responses of the Criminal Justice System, and of the meanings circulating throughout society. Hence, Cultural Criminology shows that processes of criminalisation operates not only as a repressive technique, but intervene in the production of meanings and values, as much as on the affects and emotions that build the social.

This perspective focuses on the meanings and aesthetics associated with criminal events, and how these are strictly intertwined with the enforcement and the resistance to, relations of power. As Jeff Ferrell (2002: 14) argues, criminalisation works as a form of social and legal control concerning the 'aesthetics of authority': in this context public order and the criminal laws used to enforce it do not configure simply as a tool for regulating people and spaces, but also to regulates the meanings and the perceptions attributed to people and spaces (Ferrell 2002:14). In Ferrell's words: "a system where state authorities perpetuate themselves through the construction and manipulation of understanding (...) clearing such spaces of the sort of undesirable understandings, the cultural uneasiness, that might inhibit development, consumption, and ongoing control" (Ferrell 2002: 16).

Thus, these theoretical perspectives give emphasis both to the symbolic and to the affective dimensions of power and of criminalisation, where the criminalisation of certain practices shapes the conducts and subjectivity not only of the criminalised, but of the population as a whole: fears, insecurity and resentment are tools deployed by of populist politics to legitimising strict interventions against the 'evil other', to reinforcing traditional values, and to securing the obedience of the population (Cohen 1973).

Cultural criminology gives particular attention also to the lived experiences of the criminalised populations, and unfolds the emotional dynamics through which those who are labelled as criminals give meaning to their actions(Ferrell 2004). From the Katz 'lived sensuality' and the 'adrenaline rush' entailed in breaking the law (Katz 1988), to Presdee's (2000) more performative 'carnivals of crime', cultural criminology places the focus on how collective emotions and shared experiences lead to the constitution of alternative subcultures: in this context 'the criminal event' becomes conduit of shared emotions, symbols and values around which subcultures give meaning to their actions and inter-actions. Although cultural criminological understanding of crime, such as Katz explanation of adrenaline rush, tended to focus on criminal *episodes*, without contextualising lived experiences and affects within the relations of power in which they are embedded, more recent studies show that the meanings and aesthetics associated to criminal events express, and are strictly

intertwined with relations of power and with social, economic and ethnical inequalities (Ferrell 2004; Hayward and Young 2012).

Jeff Ferrell (2002), drawing on anarchist thinkers including Emma Goldman, and on the experiences of anarchist experiences as those of the Wobblies, the Situationists, and on more recent punk and DIY urban culture, has examined what he calls “the interplay between state/legal authority, day-to-day resistance to it, and the practice of criminality” (Ferrell 1999). According to Ferrell, modes of resistance operating outside and against channels of authority and control are subject to criminalisation not only because they create and share different politics and values, but also because they oppose and subvert authority by playing with the boundaries of its 'emotional control' (Ferrell, 2002: 173). Different forms of direct actions against authority entail not only active disobedience, but also 'visceral revolts' (Guérin and Klopfer 1970: 13) to the aesthetics of authority, by disrupting “the lived experiences of mass culture and passivity of mediated consumption” (Ferrell, 2002: 176). In this context the micropolitics of the very act of breaking the criminal law, becomes an explicit and embodied mode of resistance and of subversion of dominant social and moral norms.

Yet, although these modes of action aim at subverting the laws and values that sustain and reproduce specific relations of power, in the following section it will be argued that cultural criminology gives little attention to the capacity of those who engage in these practices to resisting the very process of criminalization. While much attention is paid to the criminalisation of resistance and to the ethics of law-transgression, the possibilities of resistance to criminalisation and to the vicious spiral entailed by labelling and social reactions are often overlooked.

#### 4. Resistance and Criminalisation

The above-mentioned cultural criminological perspectives draw on labelling theory. The so called labelling perspective argues a dynamic process whereby an individual or a social group is labelled either a deviant or a criminal, internalises that behaviour by coming to view himself or herself as deviant or criminal, and then continues in behaviour that is consistent with the applied label. According to Lemert's theory of secondary deviance (Lemert 1981), and Cohen's theory of deviance amplification

(Cohen 1973), moral entrepreneurs alter the dynamics of these subcultures and have the unintended effect of amplifying the very activity they suppress: these theories assume that the deviant label applied to individuals and groups contributes to the constitution of a deviant identity and sub-culture. The societal reaction to someone labelled as deviant, they argue, entails techniques of formal and informal social control leading to stigmatization, social exclusion and marginalisation.

This process will make the deviants eventually interiorise the criminalised identity of the subculture they belong to, and to identify themselves as deviants (Young 1971). According to Matza, criminalisation “creates the strong possibility that the subject will become even more deviant” (Matza 1969: 149) . Hence, according to labelling theory, the social reaction to the criminalised leads to mechanisms of marginalisation and exclusion, whereby those criminalised will ‘become criminals’, not only in the public discourse and in relation to the law, but also in their relation to themselves: namely they will internalise the criminal identity as a sort of ‘master status’.

From this perspective the definitions of, and reactions to, crime and deviance are social processes and cultural constructions. As Becker famously stated: “social groups create deviance by making the rules whose infraction constitutes deviance, and by applying those rules to particular people and labelling them as outsiders” (Becker 1966: 9). Similarly, Lemert argued that the identification of an action as criminal, depends on the societal reaction to it, which varies across time, space, jurisdiction, and different distributions of economic and political power (Lemert 1981). The value of this approach is that crime and deviance are not given or static objects determined by external forces, but are understood as negotiated processes constituted by the interaction between different actors, and by the meanings given to these interactions.

Labelling theory argues that the social reaction to the criminalised lead to mechanisms of marginalization and exclusion, and to the consequent self-fulfilling prophecy, where those who are criminalised will ‘become criminals’ (Becker 1966), namely the criminal identity will become their ‘master status’ in their way of relating to society, to the subcultures they belong, and to themselves: a self-fulfilling prophecy (Merton 1968). Therefore this perspective argues that the criminalisation of social groups and behaviours, by labelling these as criminals, produce, promote and amplify criminal

conduct (Wilkins 1965): not only by promoting forms of policing that would lead those criminalised to enter into the Criminal Justice System, the consequent marginalisation and exclusion of the criminalised from society, but through the very meanings attributed to criminal acts and the translations of these behaviours into identity formations.

This process implies that those criminalised, although breaking the law, will somehow obey and conform to the discourses of criminalisation, by becoming what the law prescribes, embodying the criminal label and acting in accordance to it. In this context those who are criminalized are subjected to the power of the laws and discourses acted upon them, and are not understood as active forces able to act upon the law. Therefore, labelling and societal reactions theories tend to reduce people's modes of action to a single drive of continually striving for social acceptance and conformity to social norms (Broadhead 1974), thereby neglecting any possibility for resistance to criminalisation and to the processes of identification involved (Bordua 1967: 153). Therefore, this understanding of criminalisation does not enable to shed light on the contested processes and on the struggles through which criminalisation work, and on the possibility of practices of resistance by those who are criminalized.

Therefore these theories presented a critical reflection on the Criminal Justice System, its harms and its counter-effects, and understand how process of labelling and stigmatisation lead to negative social reactions toward those who are criminalized, creating a vicious circle of marginalization and exclusion. Yet, this process might work differently when criminalisation is actively contested and resisted by those labelled as criminals. Indeed both critical and cultural criminology analyse how criminalisation works, but it is important to acknowledge that in the context of criminalisation of collective practices of resistance these processes might lead to have different dynamics.

When the object of criminalisation are practices that explicitly aim at subverting the power relation that govern society, those criminalised will not passively subject themselves to the criminal label and to the social reactions it entails. Rather, it is important to acknowledge that those criminalised are likely to resist the very laws and practices enacted against them. This critique is not implied by a process of

neutralisation (Sykes and Matza 1957), nor by an appeal to subterranean values (Matza 1990) or simply by a drive toward ‘transgression’ (Ferrell 2002): rather through a variety of visible and invisible tactics, including both traditional modes of political actions and campaigns, visible and hidden interactions (Scott 1985) as much as through ethical and affective praxis, namely counter conducts.

Therefore, what is at stake, and what needs to be analysed, is not simply the criminalisation of resistance, but also the possibility of resistance to criminalisation: it is necessary to look at criminalisation not simply as sovereign and dominant top-down force, but thinking about the possibilities for a counter-conduct of criminalisation. This implies placing the focus on the contested processes, on how these relations of power are constantly resisted and subverted, and reflecting on how the techniques, rationalities and affective practices of resisting criminalisation might shape and affect the way these relations operate. Moreover, criminalisation does not simply entail a process of ‘othering’, exclusion, marginalisation and deviancy amplification: rather, it works as a more complex technique of government for the production and the political management of specific conducts and subjectivities, aiming at public ordering and moral ordering of society.

To summarise the criminalisation of social movements and practices of resistance is not reducible to the policing of protest events. Rather, it has to be understood as a complex process to be analysed from different angles, and involving multiple and manifold governmental techniques that operate both through public ordering and moral ordering of society. Indeed criminalisation has to be intended as a wide assemblage of modes of government and governance which, together, define the fields of possibilities of acting, thinking and experiencing (conducts and affects). Hence, when analysing the criminalisation of social movements, it is necessary to pay attention to a multiplicity of modes of government that go beyond repression and policing of protest events and to shed light on the multiple dynamics and relations that take place through criminalisation: namely its micropolitics.

## 5. Summary and research questions

Following these arguments, this research will aim at understanding the micropolitics of criminalisation, namely how criminalisation operates as a mode of power, both through its legal techniques and other technique of government of actions and of subjects. It will question how criminalisation operates not only as a tool for repression, but also as a productive force, where specific modes of thinking, acting and experiencing are constituted. Attention will be payed to how criminalisation of collective practices of resistance such as squatting can be resisted, and what kind of the relations of power and resistance operate in this process. Last but not least, these practices of resistance will be analysed as heterogeneous rather than unitary forces, addressing the divergencies, contradictions and conflicts inherent in the way of responding to criminalisation enacted by different segments of the movement.

A micropolitics perspective, embracing counter-conducts and affects, is helpful for going beyond traditional conceptualisations of social movements for a number of reasons:

- (a) It is helpful for depolarising the dialectic understanding of power implied by social movements' literature and fully embracing complexity and heterogeneity of modes of power and resistance. Focusing on affects and conduct, entails an understanding of power not as a 'great apparatus' but as assemblages of relations governing the social. Thus it becomes possible to overcome traditional dichotomies between '*macro* and micro', between inside and outside of the struggle, between 'ethical and political'. In relation to squatting, this perspective lets emerge the heterogeneity and complexity of modes of resistance, as much as the multiplicity of ethical and affective practices entailed in these struggles.
- (b) It allows to evaluate modes of resistance not in terms of what they negate and refuse, but in terms of what they are capable of and of what they create. In this context, understanding social movements' struggles and their criminalisation via the gaze of micropolitics, means moving beyond the dialectics of protest or opposition, and beyond the question 'what is *it* against?' or 'what does it want', as to ask a different sets of questions such as 'what can *they* do?' and 'What is *their* power to'?

- (c) It implies an understanding of power as a productive force, and an analytics focus on what it produces, instead of looking at what it represses. In this context, criminalisation can be analysed not only in terms of policing and repression of protest, but also as an intervention on the ethical relations in which one should constitute oneself as subject, leading to the production of specific modes of action, of experience and of existence: as such, it becomes a tool for the management of the population and production of subjectivities.
  
- (d) It addresses the possibilities for those criminalised to resist criminalisation and to contest and subvert the way it operates. Rather than focusing on how criminalisation creates a vicious circle of marginalization and exclusion, an approach on micropolitics acknowledges that in the context of criminalisation of collective practices of resistance these processes might lead to different dynamics. Indeed, when the criminalised is not a powerless individual, who passively deal with the criminal label, but collective of people critically engaging with the process of criminalisation through a multiplicity of diverging practices, both the effect and the possibility of resistance might work differently.

From here, a number of research questions and analytical perspectives for analysing the criminalisation of the squatting movement in The Netherlands emerge. This research does not aim to answer ‘what are the effects of criminalisation’ aiming at creating a linear cause-effect explanation. Nor it evaluates the effects of criminalisation in terms of repression and numbers (how many squats have been evicted, how many have places have been squatted and how many squatters have been arrested), nor in terms of interpretations (what does squatting means in time of criminalisation, how is criminalisation socially constructed). Instead, in order to analyse the micro-politics of criminalisation of squatting and their relation to affects and conducts, the thesis will question what kind of different techniques of governing counter conducts have been implemented, through which rationalities (ways of knowing), techniques (ways of acting upon in order to transform) and affective relations (modes of experience) and how these have been resisted.

This research on the criminalisation of the Amsterdam squatting movement will be informed by the following questions: ‘How do the micropolitics of criminalisation of the squatting movement work?’ And more specifically:

1. To what extent do the practices of resistance enacted by squatting address modes of power that operate at the level of politics and at the level of ethics, governing conducts and modes of life?
2. How are techniques of government of conduct and of counter-conducts articulated in the context of criminalisation of squatting, and what relations of power do they produce?
  - How was criminalisation enforced? What legal and policing techniques have been used? How did the court punish the crime of squatting?
  - Which affects circulate and are mobilised in the context of criminalisation?
  - How criminalisation was experienced?
3. How the techniques of criminalisation have been resisted, to what extent these modes of resistance have conflicted, and what have been the implications in terms of the movement power of action (*potentia*)?

Therefore, this research will aim at understanding the rationalities, the practices and the affective dynamics of criminalisation beyond the analyses of the policing and repression of protest events, and to understand how criminalisation is a technique of government operating on multiple levels, and aimed not simply at obtaining public order, but more subtly a moral ordering of society: namely it will address how the criminalisation of squatting operates as a dispositive for the political and moral ordering of life, shaping how individuals and collectives are supposed to constitute themselves as political and ethical subjects. On the one hand the aim of this research is to understand how the micropolitics of criminalisation works, what it produces, and how it affects modes of experiencing squatting, by paying attention to the intervention on affects and ethics, on the counter-conducts of squatting. In particular it will be questioned to what extent the counter conducts that take place through squatting are

addressed by criminalisation, how their power of action is affected, and which strategies are enacted to resist (in the context of) criminalisation. On the other hand, it will also try to understand how is it possible to resist (in the context of) criminalisation, and how squatters aim at increasing their power of action, and not simply of reaction, in the context of criminalisation.

## Chapter 4

### Epistemology and Methodology

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In the 1980s Milan, the city where I grew up, was the heart of autonomous movements and bustling with squats. I remember my parents walking the dog on Friday evenings, with the lace on one hand and myself on the other, and often stepping in a social centre in front of our house to check the weekly concerts: the *Centro Sociale Occupato e Autogestito Garibaldi* (1988-2007<sup>51</sup>). Of that time I remember enjoying the live music, as much as graffiti that broke with the uniformity of (what used to be) a polluted working class neighbourhood.

This space has been a point of reference throughout my childhood and my youth, with afternoons spent in its botanic garden, the wood scent of the lutist workshop, and the yellowish pages of old books in the anarchist library. In this space I attended my first counter information events where I learned how to think differently and how to disobey. Through this space I have met activists and undocumented migrants with whom I began to look at the world from a different gaze. In this space I have also spent hours watching underground movies, listening to alternative music as much as drinking cheap draft beer. When I grew up and I started exploring life outside of my neighbourhood I have encountered many other squatted social centres such as Bulk, Cox18, Pergola, Il Cantiere, La Stecca, il Leonkavallo. Although many of these spaces do not exist anymore, they still constitute what I call 'home'.

In August 2008 I moved to The Netherlands as an exchange student for a Research Master in Criminology at the Vrije University. Besides my backpack, I had a telephone number for a room in a shared house in Amsterdam Noord. When I first entered the house I noticed a few mattresses on the floor of the living room. My future housemates explained me that three people who had just been evicted from their squat in the neighbourhood would sleep over until they would squat a new house. I immediately felt at home again, and within a few weeks I had visited the main squatted social centres in Amsterdam, learned how they were organised, met several

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<sup>51</sup> [http://www.informa-azione.info/sgomberato\\_il\\_centro\\_sociale\\_garibaldi\\_a\\_milano](http://www.informa-azione.info/sgomberato_il_centro_sociale_garibaldi_a_milano)

activists and received their support for mobilising a small demonstration, part of an international wave against University austerity politics. A few months later, Dina Siegel and Frank van Gemert invited me to participate in a research project on the criminalisation of squatting, as at the time the Parliament was suggesting to change the law. They had already employed a Dutch student, Rutger Visser, to conduct the fieldwork, but due to the large presence of non-Dutch speaking people, they needed another person who could speak both Italian and Spanish.

That day I felt that my two passions, the one for research and the one for autonomous spaces were about to merge into one project. I immersed myself in the research, learning the immense differences between the Amsterdam squatting practices and the experiences I had in Milan: different legal regulations, the attitudes of the authorities toward squatters and different ways that squatters and activists used for dealing with conflict. I also participated in direct actions, protests and the everyday (and night) life of the movement. Through this experience I contributed to the Vrije Universiteit report *Kraken Anno 2009* (Gemert et al. 2009) and I wrote my MA thesis 'Breaking Doors to Fix Broken Windows, an ethnographic study on squatting in Amsterdam'. Both outcomes analysed the current state of the Amsterdam squatting movement, discussed the legislative framework and the relations between squatting and other urban actors, and concluded that the proposal of criminalisation was not only unnecessary but also unjust.

One year later, in October 2010, squatting became a crime. At the time I was still living and working in Amsterdam, and still considering its networks of squatted spaces 'home'. I participated in the campaigns, discussions and protests resisting criminalisation, and I began writing a research proposal to continue my previous project and to analyse the relations between the process of criminalisation and its resistances. In February 2011, while participating in a workshop on Spinoza's concept of 'affect' in the squatted social centre Schjinheileg, I met Phil Carney and Damian Zaitch, both attending the workshop. Fascinated by the space, by the event and by my possible research project, they suggested me to apply for a PhD scholarship in a *cotutelle* between the University of Kent and Utrecht University.

Turning life-long experiences in resistance movements and autonomous spaces into a

PhD research, to be combined with academic theories and perspectives, initially constituted an epistemological challenge. Since the beginning of the project I have had to reflect my positionality within the squatting movement, my background and commitment to political activism, and to question academic perspectives calling for the necessity of producing objective, scientific knowledge *about* the squatting movement or to explain it within ‘grand theories’ from an ‘outsider’ and a-political perspective. Yet, knowledge does not exist separately from relations of power, but it is constituted and constitutive of them (Foucault, 1978). Aware of the politics of truth embodied by these requirements, which confine research practices to relations of power and knowledge that reproduce the positivist assumptions on objectivity and its scientific dialectic between object and subject of knowledge, I started reflect on how to transform these power relations through the very process of doing research.

This reflection led to the search for epistemological practices for subverting modes of knowledge that place a hierarchy between theory and praxis, researchers and researched, and, in social movements studies, between academics and activists: rather than observing and interpreting squatting, the aim was to raise questions, to reflect and to analyse the current modes of government from the vantage point of resistance practices and experiences: not grabbing movements' knowledge, but learning how to know differently from these perspectives. This also entailed using theory in a way that is relevant to praxis, rather than imposing theory and creating abstractions: thereby strategically using and sometimes distorting abstract theories and concepts to make them relevant, rather than distorting praxis to make them applicable.

### 1. “To all the anthropologists: the zoo is down the road”

In autumn 2012, when I came back to Amsterdam after spending my first PhD year at Kent, I immediately visited a longstanding squatted centre in Amsterdam Oost, to inform the local activists (including academics) of the research project. Just above the table where we were discussing the details of the project, I noticed a sign on a blackboard claiming: “To all the anthropologists: the zoo is just a few hundred meters down the road”. This was explicitly addressed to the large number of students and academics, including myself, who, in the previous years have been approaching squatted spaces to conduct research, as if squatters were objects in a cage, object of

knowledge to be observed, categorised and measured according to scientific standards. Those active in squatters movements aim to subvert the multiple modes of power that govern our societies, and the a-critical production of knowledge is one these modes of power. The few words of this statement have accompanied me throughout the research project, and gave me further motivation to reflect on the politics of academic research and to engage with radical epistemologies.

The statement resonates with the issues discussed in the debate between Becker (1967) and Gouldner (1968) with Becker arguing, in 'Whose side are we on?'<sup>52</sup> that the sociology of deviance should hold the perspective and represent 'the outsiders' and the oppressed, and Gouldner claiming that this attitude entails the risk of acting as a 'zoo-keeping' researcher, who stands on the side of the oppressed and not only keep them in a cage but also makes them object of curiosity and fascination. According to Gouldner, so-called the 'zoo- keeper' attitudes provide knowledge to understand, to manage and control the oppressed rather than to address the causes of oppression. In his view, the role of the researcher is not to give meaning to and make sense of the life-world of the oppressed, but to analyse and intervene in the causes of oppression by providing tools to transform the relations of power that lead to the very oppression.

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<sup>52</sup> According to Becker (1967), objective knowledge and value free sociology does not exist. Becker argues that sociological work necessarily erodes the power of those at the top by undermining their control of knowledge, and in doing so it facilitates the emergence of organizations, communities and societies in which power differences are abolished or at least reduced. Hammersley (2000: 102) argued that Becker's reflections entail a radical sociology but not a radical epistemology: indeed for Becker does not to problematise 'objective' and scientific knowledge as goals of social research. Instead, he focusses on how sociologists can maximize their chances of producing valid conclusions *despite* bias and values.

As Becker writes: "our problem is to make sure that, whatever the point of view we take, our research meets the standards of *good scientific work*, that our unavoidable sympathies do not render our results invalid" (Becker 1967: 246); and further: "we might *distort* our findings, because of our sympathy with one of the parties in the relationship we are studying, by *misusing* the tools and techniques of our discipline (...) we are *sentimental*". He concludes this part of his argument as follows: "Whatever side we are on, we must use our techniques *impartially* enough that a belief to which we are especially sympathetic could be proved untrue (ibid: 246, my emphasis). Although Becker's recommendations seem tactical reflections on how to conceal an unavoidable standpoint as to give credibility to social research, the message conveyed is both that we cannot avoid taking sides and that we should avoid taking sides: research should aim at the production of objective knowledge and avoid bias (Hammersley 2000).

According to Gouldner, it is problematic to produce knowledge about 'the oppressed' as a tool for emancipation: academics need to create theories to locate the various perspectives and actors involved within a broader political historical and cultural context (Hammersley 2000). Despite the relevance of this perspective for avoiding the zoo-keeping of the so called 'other', 'vulnerable' or 'oppressed', Gouldner's argument assumes a clear distinction between the micro and macro levels of analyses, and argues for the maintenance of institutionalised distance between theorists and activists (Gouldner 1968), thus failing to problematize the power relation between researchers and researched and keeping the theorist at the centre of the epistemological practice.

Posing a clear-cut distinction between the powerful and the powerless, the dominator and the oppressed, silences and dismisses the capacity of non-academics to take action and challenge the power enacted upon them, to produce knowledge and to grasp them as key forces within the power relations. Therefore, many traditional and critical research methods tend to reproduce hierarchical understanding of the researcher and the researched, the academic and the activist as much as between macro and micro levels of analysis. In contrast, postcolonial and de-colonial practices and research by indigenous populations have challenged the way the colonised are labelled as powerless communities 'at the margins' and considered as 'objects', rather than 'authors' of research (Mignolo, 2012). These perspectives have developed methods that allowed to conduct research that aims not at objectifying nor at empowering, but one that is done by experiencing indigenous conditions and, from here, problematizing the relations of power that traverse these conditions (Brown and Strega 2005; Smith 1999; Uddin 2011).

If colonisation is intended as an on-going process of grabbing and governing peoples, lives and knowledge formations, both traditional and critical research methods have to be de-colonised, and it is necessary to find new languages, tools, and modes of thought that would aim for decolonising theoretical apparatuses and epistemological devices (Sandoval 2000). Thus, in order to be effectively 'de-colonised' research should not simply aim at producing tools for 'social transformation', but need to become reflective on the power relations circulating through the very production of knowledge, and at finding different ways of knowing that would attempt to change these mechanisms (Haiven and Khasnabish 2014b; Shukaitis et al. 2007). A key

question for setting an epistemological and methodological framework is: How can research practices be used as tools not only for transforming society, but for transforming the very modes of knowledge production?

Embracing feminist, queer, postcolonial and activist perspectives, the following sections will argue that the aim of this research, besides the research questions outlined in the previous chapter, consisted in unlearning traditional methods and finding different tools for resisting the relations of power enacted through academic research. Moreover, this research aimed at finding methodological tools that would take Marx and Foucault epistemology seriously, allowing the relay between theory and praxis, between knowledge and resistance.

## 2. Studying relations of power and resistance

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Following Marx's eleventh thesis on Feuerbach - "The philosophers have only interpreted the world, in various ways; the point is to change it" (Marx, 1845) - it can be argued not only that the aim of critical research, instead of interpreting and representing the worlds, is to contribute to social and political transformation, but also that in order to know how power operates it is necessary to resist its very operation. This entails learning different ways of producing knowledge, and to do so from the perspective of practices of resistance that are engaged in problematising power relations and in uncovering their points of application (Foucault, 1998). Thus, it will be argued that is necessary to use epistemological perspectives that do not attempt to conduct research about movements, but that allow to work alongside movements and to experience the often violent encounter with different modalities of power: this entails an epistemological turn that reflects on these encounters as new modes of knowing, thereby learning from practices of resistance.

Studying relations of power and resistance might entail the danger of addressing or idealising a universal mode of resistance. As much as there is no central source of power, it is also problematic to identify a general mode of resistance as an ontological essence, as a permanent state. Rather, there are singular resistance practices, capillary forces situated in multiple sites, traversing and transforming relations of power from a multitude of perspectives (Foucault, 2008). Substantiating resistance, and conceptualising it as an essence rather than as assemblages of practices and processes,

might reduce this complexity to a general subject of resistance, or an ideal field outside of power where *true resistance* can exist. Instead it is necessary to think in terms of multiple and singular resistant practices that *happen* within fields of forces that traverse and are traversed by relations of power.

In the remainder of this chapter, it will be argued that for analysing the micro-politics of power and resistance it is necessary to develop epistemological devices that give attention to the details and ruptures rather than to progress and continuities, and to points of encounter between different elements rather than teleological views (Mahon 1992; Tamboukou and Ball 2003). A focus on micro-politics does not entail choosing a macro or micro approach: micro-politics is not a matter of scale, but should be considered as a ‘gaze’ on those aspects of power relations governing experiences, bodies and affects, and circulating throughout all kind of social and political relations (Foucault, 1979).

Ethnographic approaches used in social movement studies will be reviewed. In particular participant observation and Participatory Action Research (PAR) will be critically discussed. These modes of research value both participation and action, but often the way both participation and action are conducted are problematic. In contrast to these traditions, Activist-Research epistemologies, combined with *affective* and *embodied* research methods will be proposed as different practices that would enable to *queering methodologies*.

## 2.1 Participatory observation and Participatory Action Research

Through the use of qualitative methods such as 'participant observation', many social movement scholars position themselves as theorists whose roles are still limited to using social movements as objects of observation, or as cases to test hypotheses (Haiven and Khasnabish 2014; Shukaitis et al. 2007). The researcher becomes an external observer who accesses the movement, grabs its knowledge and need to leave the scene without interfering with the reality studied, as much as without bringing any substantial contribution (Graeber 2009). Thus, often, social movements studies tend to describe social movements and to produce objective cause-effects relations and general grand theories about them. It is arguable that more effort is needed to

reflect on the multiple and controversial ethical implications of these practices (Juris 2013). Indeed, although researchers are often sympathetic or supporters of movements struggles, these modes of research produce representations, discourses and truth-formations *about* movements that more often than not play a role into confining the practices studied within categories and fixed identities imposed from above the realities of the struggles.

An important contribution that aimed at breaking the dialectic of objective/subjective research, can be found is Dorothy Smith (2006) 'institutional ethnography': namely, a method of inquiry for mapping the social relations mediated by texts that organize institutions. Dorothy Smith (2006) argues that the aim of critical sociology is not to use social groups and processes to test hypothesis or explicate theories, but to uncover how relations of power have an effect on the local sites of action, from an embodied, situated standpoint in the everyday world. This rejects the productions of objective accounts, not in favour of subjective epistemology, but of modes of knowledge not about people, but for people, where 'for' addresses a reflexive knowledge of the people by the people involved (Scholl 2012).

An alternative to participant observation, often proposed by critical researchers, instead of positioning oneself as an external observer of ongoing struggles, is to conduct research from within, to help movements elaborate their struggle. Researchers often take the role of speaking for, or in the name of, a given movement. Such research aims at representing movements to give voice to the struggle, to bring subjugated voices to the outside. The political goal is to produce knowledge for the purpose of empowering rather than controlling the oppressed and marginalized (Brown & Strega, 2005). Methods such as Action Research, or Participatory Action Research (PAR) place the focus on *action*, rather than on observation, in order to reduce power acted upon the reality studied (Selener 1997).

There are multiple paradigms and tools subsumed under the umbrella term PAR, but the common particularity lies in the shifting role and definition of the researcher, who becomes a facilitator, rather than an 'expert', and the process of research aims at giving power to the power-less. PAR differs from observational methods in that it does not attempt to reduce the complexity of reality and experience to mere

representation, nor at making truth claims from an external perspective. Rather the political task of PAR practitioners is to enable the struggle, by letting the 'researched' participate in the definition of the research focus, questions and objectives (Kindon et al, 2007). Such research practices aim at a bottom-up discovery of local, situated knowledges with methods based on inclusion rather than extraction, on participation rather than appropriation. These methods have often combined feminist criticism with knowledge production, have put into question the traditional hierarchies and divisions between theory and practice and led to the acceptance of new modes of research within diverse academic spheres.

Many of the research projects using these methods aim at including the power-less and voice-less in a participatory process of empowerment. By claiming to give power to the power-less, and at discovering the authenticity and truth of silenced voices, these approaches still use a language and a discourse that tends to position the researcher as the liberator or the emancipatory force of oppressed subjects. As discussed above, methods that call for the inclusion of the powerless, of the subjugated and of the vulnerable tend to reduce the complexity of power relations to a clear-cut distinctions between the powerful and the powerless, the power holder and the subjected, as if power was an object one can hold, rather than a complex social relation. Although participatory methods tend to distance themselves from speaking 'on behalf of', the aim remains focused on bringing expertise and tools and researching for, thereby failing to break with the hierarchy between activist and scholar, theory and praxis.

Yet, attempts to represent resistant experiences and to raise voices imply that the researcher rarely joins the struggles (Kitchin and Hubbard 1999) and, willingly or not, exercises power and acts upon their modes of knowledges and research practices. Following Cohen (1985), Kothari (2001) points out that the dynamic of participation functions as yet another form of 'tyranny' where the participants are fed the illusion of having a voice in decision-making processes that will eventually harm them or serve for their control. 'Participation' has become a tool of governance (Cooke 2001), with local authorities engaging in participatory projects to feed the population with an illusion of democracy around new policies (Huisman 2014). Participatory practices have been criticised for exercising subtle methods whose effect is to tame the

possibility of resistance, and to conceal relations of power/knowledge and outside agendas (Kendon et al. 2007).

Both participant observation and participatory research entail a form of political and epistemological representation: in the former the researcher is an external observer who analyses the inside world of the movement and, although the knowledge produced is partial, it often claims that it is universal. While the force of social movements is often expressed by their intensity and variety (Chesters and Welsh 2005) attempting at a general representation fixes and represses their multiplicity and complexity. The second approach, PAR, entails researchers electing themselves as political representative of movements, representing movements' voices, speaking on behalf of, or as an emancipatory voice of movements. Researchers that position themselves as an empowering subject of the voice-less, risk to reduce social movements to merely vulnerable and marginal populations, rather than analysing the relations of power producing vulnerability and marginality, and classify political activists as passive subjects, unable to know, to speak and act for themselves. Therefore both approaches may fall into a form of repression: the former by enabling representations that might control the struggle; the latter, by speaking 'on behalf of', and appropriating activists' voices with the presumption of giving them a voice.

In the collection of essays titled 'Rhyming Hope and History' (Croteau et al. 2003) academics conducting social movements research discuss their role as intellectuals, and their relation to activism. The questions raised relate to how academics, through the production of their knowledge, can support social movements. The authors call for closer connections and collaborations between activists and academics, and for collaborative practices where academics can learn from social movements. Indeed contemporary social movements and resistant groups articulate, produce and disseminate critical knowledges in a way that does not need, and actually does not welcome, the intervention of external observers, experts or intellectuals willing to organise their practices. Rather, academics can learn from these different modes of knowing, and their research practices can serve as an additional tool, within a multitude of already existing tools. In order to stop observing, representing or repressing, researchers need to learn from movements experiences, and research need

to be inscribed within the multiplicity of practices, of methods and epistemologies of the movement itself.

## 2.2 Activist Research: Research *alongside* Movements

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Aware of these problems, social movements research is increasingly becoming 'Activist-Research' (AvR) —or 'Militant Research' (Chatterton, 2008; Cox and Flesher, 2009; Haiven and Khasnabish, 2014b; Shukaitis et al., 2007) producing knowledge in collaboration and alongside social movements, merging with movements through active engagement in practices of resistance: what Martinez and Lorenzi (2012) define as *synergic* collaboration. Similarly, to the Gramscian distinction between the traditional and organic intellectual (Gramsci 2015), Foucault adds the concept of the 'specific intellectual' (Foucault 1982), who does not make universal claims but works in specific contexts and on particular practices: "The intellectual's role is no longer to place herself somewhat ahead and to the side in order to express the stifled truth of the collectivity; theory is an activity conducted alongside those who struggle for power and not their illumination" (Foucault and Deleuze, 1977: 208). Thus, the role of the researcher is not one of the public intellectual who raises the voices of the movement to a virtual 'outside'. Instead, the 'specific intellectual' will work in collaboration with movements, and will have a specific role in singular struggles.

Here the position of researchers is immanent rather than external to the struggle, yet alongside the struggle rather than at its centre. The body and voice of the researcher relays the multiplicity of bodies and voices, and the sources of knowledge are collective research practices rather than an individualised researcher. The role of research becomes one of bridging singular practices, connecting isolated elements, understanding how the relations of power resonate in these elements. The aim of these research practices becomes one of producing tools that inscribe themselves within movement's struggles, to produce forms of knowledge that are neither extractive nor inclusive but instead collaborative (Fisher 2011; Lassiter 2005) and multiply the potential for collective political action, rather than for control and repression.

Following the feminist and queer approaches, this method can be defined as the 'embodied methods', as research here is not separated from embodied experience, and

theory is not situated on a different level from the affects and experiences involved in the process of research. Here, the body of the researcher and the one of the activist can coexist in a common space of theory and praxis, and become the starting point of epistemological practices. Only then it becomes possible to stop observing and to combine theory and praxis, where resistance becomes a gaze and a mode of knowledge. This approach, mainly used by post-colonial, queer and activist researchers engaged in autonomous and alter-global politics (Browne and Nash 2010; Denzin, Lincoln and Smith 2008; Juris 2013), experimented with modes of knowledge that embrace movements' perspectives as an epistemological gaze rather than imposing the kind of academic gaze that conducts research *about* or *on behalf* of movements. The research aim is to contribute to the struggles, by considering movements as active producers of knowledge, and, from here, learning different modes of knowing. Moreover, in this way activism "becomes not simply an object of analysis but a politically engaged mode of research, which not only generates relevant knowledges, but also potentially constitutes a form of activism itself" (Juris, 2013: 9).

Throughout her work Linda Tuhiwai Smith searches for methods and conceptual tools that would decolonise research practices, these would be projects locally conducted by members of the populations where the research process has priority over the research outcomes. The aim indeed is not to produce data clusters and categories, but to contribute to processes of collective reflection, and to create relays between already existing knowledges. In this context indigenous groups are authors and conductors of inquiries that bridge local and embodied experiences with the global flows of power (Smith 2002). While traditional research methods place the researchers on the outside, seeking 'objective' and 'scientific' analyses *about* a researched population, queer, post-colonial and activist approaches value embodied experience (Motta 2009).

These epistemological practices offer alternatives to the assumptions that theory must be derived from a process of abstraction that is detached from everyday struggles. Rather, they consider movements as capable of producing theory through praxis. From these perspectives the aim is to unlearn traditional methods and to find different tools that contribute not only to the theoretical debate, but also to experiment with different modes of thought. Rather than adhering to the binary opposition of speaking about, or for a movement, these approaches aim at researching alongside movements,

therefore substituting observations and interviews with collective research practices and reflections (Henninger and Negri 2005).

Embracing Activist-Research perspectives, this project aimed at creating a collective platform for critical reflection on the process of criminalisation and its resistances, and for analysing how resistance to criminalisation is possible. While engaging with critical ethnographic methods, this ethnography is not to be intended as an ethnography of *people*, but as an ethnography of criminalisation, of relations of power, of practices and techniques of government, where the gaze of the practices and people resisting specific techniques of government has enabled an understanding of the sites and modes of operations, mechanisms, points of application and rationalities of power (Foucault 1982).

## 2. Queering methodology

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Every qualitative and ethnographic research process develops its own methodologies, according to the singular conditions and objectives of the study, and according to the relations between the actors involved. Considering the complexity of the issues at stake, it is difficult to reduce the methodologies and approaches used for this research to one category or definition. Indeed, on the one hand this project is deeply embedded in the tradition of *critical* criminology and critical ethnography<sup>53</sup>. Yet, on the other hand, the projects and its methods aimed at going beyond critique. Following Ball (2013; 2014) this project could be situated within a ‘queering criminology’ framework, where queer is not referred only to a sexual identity, but to a *position* and a *practice* resisting normative regulations and fixed identities as to experiment different modes of existence and of knowledge (Nigianni and Storr 2009). Queering methodologies does not mean including excluded voices nor giving voice to diverse identities, but aims at critically examining society, norms and values from different perspectives (Ball, 2013 p 31).

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<sup>53</sup> I am aware that the concept of critique is at risk of becoming a judgmental and prescriptive practice (Butler 2012), a moral commandment evaluating what should be done and what should be said, as much as identifying the *lack* within a body of scholarship. This critical tendency entails a negative and oppositional move, whilst creating new norms. However in this thesis I embrace a broader notion of critique, combining an analysis of power relations with a desire to subvert them.

‘Queering’ here is intended as a process (a verb, rather than an adjective) tending to bring counter-practices, different ways of doing things, and different epistemological perspectives. It provides a frameworks to experiment with methodologies that resist and challenge the given–for-granted assumptions of social research (Haraway 1988), overcoming binaries, dismantling of body/mind hierarchies, and aiming for the encounter and experimentation with difference, in a way that goes beyond the difference of identity (Deleuze 1994). This radical epistemological perspective gives importance not only to “what we do” as researchers, but to the very practice of ‘how we know’.

In this sense, queering criminology entails what Deleuze and Guattari have defined as methods of dramatization (Deleuze & Guattari 2004a; Deleuze & Guattari 2004b), namely “a method aimed at determining the dynamic nature of political concepts by ‘bringing them to life’” (Mackenzie and Porter 2011). This entails posing questions that takes distance from the platonic search for the essence of things, formulated in the question 'what is' and instead creating a method to asks other questions that would avoid universalising abstractions, revealing particular and situated historical practices and searching for real conditions of actual experience (Deleuze and Parnet 1987). This perspective implies that, instead of looking for universal subjects, or searching for general models explaining cause-effect relations, it becomes possible to individuate singular and situated practices and events through which complex relations of power circulate, are created, and are resisted.

### 2.1. Embodied methods, affects and events

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The perspectives and epistemological practices outlined above lead to a partial erosion of the traditional hierarchies between academic and activists and, consequently, between theory and practice. Here, the entire body of the researcher becomes entangled with the struggle, not just its eye or voice: thus the researcher does not merely observe or participate in the life world of the movement, but movements experiences become epistemological perspectives. Thus, the entire body of the researcher is immanent to the struggle, not just its eye or voice. Thus, the academic’s role is not the one of representing, but one of inserting oneself into these fields, of

becoming part of resistant practices with her own body, thereby resisting the effects of power that pass through academic modes of knowledge. Within this context the traditional boundaries between academic and activist are blurred, because research becomes a practice of resistance in itself, a relay between radical theory and praxis and, as such, an additional tool for the existing struggles.

In order to understand fully the micropolitics of the criminalisation of social movements, both theoretical and methodological attention has been given to the affective and embodied relations taking place through this struggle. Indeed, if, as argued in the previous chapter, relations of power are exercised through the micro-physics of our everyday life, through our bodies and through the way we relate to each other, then a number of questions needs to be addressed: how to create methods able to grasp micropolitics? How to express the complexity and the singularity of lived experiences of collective events? How to express and reflect on the affects circulating in these situations? How to put into words the enmity toward the Criminal Justice System and the police, the anger toward all forms of government and discrimination, the violence and solitude of isolation cells, as much as how joyful practices of resistance and solidarity are able to affect these lived experiences? How to express the complex relations of passions for destruction together with passions for creation?

Law and Urry (2011) address the core of all these questions: indeed they argued that traditional methodologies are not capable of dealing with the complexity of multiple social realities. In their own words:

“(Current methods) deal, for instance, poorly with the *fleeting* – that which is here today and gone tomorrow, only to reappear the day after tomorrow. They deal poorly with the *distributed* – that is to be found here and there but not in between – or that which slips and slides between one place and another. They deal poorly with the *multiple* – that which takes different shapes in different places. They deal poorly with the non-causal, the chaotic, and the complex. And such methods have difficulty dealing with the *sensory* – that which is subject to vision, sound, taste, smell; with the *emotional* – time-space compressed outbursts of anger, pain, rage, pleasure, desire, or the spiritual;

and the *kinaesthetic* – the pleasures and pains that follow the movement and displacement of people, objects, information, and ideas.” (Law and Urry 2011: 403, my emphasis)

In an attempt to go beyond these problems, yet not intending to solve them, this research has combined critical and collaborative ethnographic approaches with embodied research methods. While taking distance from the above-mentioned critical ethnographic approaches such as participatory observation as the ethnography ‘of the eye’ and PAR as the ‘ethnography of the voice’ knowledge (see: Dadusc 2014), I have embraced a mode of critical ethnography that privileges the body as a site of knowing (Conquergood 1991). For instance, cultural criminology, drawing on feminist and queer practices, addresses "visceral passions" and sensory experiences as valuable methods for researching and understanding power and resistance (Ferrell 1997). Yet, with the exception of latest developments in so-called sensory ethnography (Pink 2009), the primary role of the body in this kind of research is rarely acknowledged.

Sensory ethnography is a mode of research that places the focus on emotions and embodied sensory experiences (Pink 2009) as lenses for a better understanding cultural dynamics. Yet, embodied experiences and emotions are rarely problematized and inscribed into the operation of power relations. Indeed, emotions are considered as inner dynamics, that the researcher needs to grasp through embodied methods, but there is little attention to the capacity of affective praxis and affective relations in either reproducing or subverting modes of power. Brennan’s (2004) concept of ‘the transmission of affect’ is relevant here: she argues that affects do not belong to the individual, they are not contained within an individualized body and happening in a vacuum (ibid: 6). Instead, she argues that “the idea that affective self-containment” is a product of relations of power and it should be resisted by understanding how these are social relations, arising “via an interaction with other people and an environment” (ibid: 3), which can be thought of as a wider social field.

Following the lines of thought of Spinoza, Nietzsche, and Deleuze and of all those scholars embracing the so called *affective turn* (see Chapter 3) the previous chapter argued that affects are an important site of government and of resistance. From this

perspective the body is considered as an epistemological device. The body is not only the locus of experiences and affects (Carney 2015; Massumi 2015) but plays a central role as ‘the inscribed surface of events’ (Foucault 1984: 83 in Carney 2015). In this context, bodies are not considered as ‘containers’ of social realities. Rather, together with space and time, they constitute the relations of power at stake (Law and Urry 2011). Therefore this research does not focus on ‘affects’ and ‘bodies’ as objects of study. In Thrift’s words: affect is understood as a form of thinking, as means of thinking and as thought in action. Affect is a different kind of intelligence about the world, but it is intelligence nonetheless, and previous attempts to either relegate affect to the irrational or raise it up to the level of the sublime are both equally mistaken” (Thrift 2008: 175) . Drawing on Spinoza, the process of knowing can be defined as an interaction proceeding in parallel with the body’s physical encounters (*Ethics* III def. 3), and affects, bodies and encounters between bodies can also be analytical perspectives, as well as epistemological tools, and as mode of thinking and of experiencing.

This allows both a theoretical and methodological effort to overcome the binary division between mind and body, where the mind is assumed as superior site of objective knowledge and reason and the body as the site of the irrational, the subjective and the passions. From a classical scientific academic perspective the 'embodied methods' can be criticised for lack of objectivity, for an exaggerated bias due to the embodiment of affects and experience, and for placing too much efforts on the micro, without relevant understanding of the macro dynamics of power. However, once more, concepts such as 'objectivity' and 'subjectivity' are directly from positivist epistemological traditions, the politics and effects of which, which needs to be challenged (Smith 2012) by going beyond the dialectics of macro and micro, particular and universal, empirical and abstract, and theory and praxis. Here the viewpoint at stake is not related to subjectivity versus objectivity, but on that which seeks to problematize what sets of conditions produce specific relations of power, which to circulate through, and resonate in, each body and event.

With squats constantly emerging and being evicted, presenting a linear account and analyses of this ongoing process is not only difficult but also problematic, due to the dangers of imposing a false continuity or unity of a dynamic and complex struggle. If

power is not something situated at a super structural level or a centralised force, but is permanently produced and practiced in every encounter between forces (Foucault 1990; Foucault 1982), then in order to analyse these relations it is necessary to create methodologies that enable us to focus on their reticular, disseminated, minute dimensions that invest the each aspect of life: the *microphysics* of power and resistance (Foucault 1995), where 'micro' signifies a de-centralised, mobile and non-localizable type of relations (Deleuze 1988).

The embodied perspectives outlined above enable researchers to go beyond linear patterns and cause effects relations, and to place the focus on *events* as starting points to understand the micropolitics of criminalisation. The events narrated and highlighted in each *Intermezzo* were selected for their capacity to express the singular and multiple experiences of these struggles. These events are not representative of the entire struggle, but can be considered as 'points of visibility' that let emerge encounters between different forces. Therefore, these events were selected for their capacity to focus on the conditions under which specific relations of power are produced (Deleuze and Parnet 2002: vii).

Deleuze and Guattari (2004) name *haecceity* as a method for the analysing an event in its multiplicity. *Haecceity* refers to the 'here and now' and assumes that the foreground and the background resonate within each other, as they are part of a multiple and complex assemblage that shapes the world. Making reference to a poem by Federico Garcia Lorca, (Llanto por Ignacio Sánchez Mejías) Deleuze and Guattari argue:

“It is the entire assemblage in its individuated aggregate that is a *haecceity*; it is this assemblage that is defined by a longitude and latitude, by speeds and affects, independently of forms and subjects, which belong to another plane. It is the wolf itself, and the horse, and the child, that cease to be subjects to become events, in assemblages that are inseparable from an hour, a season, an atmosphere, an air, a life. The street enters into composition with the horse, just as the dying rat enters into composition with the air, and the beast and the full moon enter into composition with each other [...] Climate, wind, season, hour are not of another nature than the things, animals, or people that populate them, follow them, sleep and awaken within them. [...] We are all five o'clock in the evening, or another hour, or rather two hours simultaneously” (Deleuze

& Guattari, 2004: 262).

Embodied practices of research are able to grasp this *haecceity* as relations of power are understood to circulate and to resonate in each encounter of bodies, in each event, bridging relations between macro and micro.

### 2.3 Composite narrations and heterogeneous voices

This research has been conducted from an activist's perspective, participating in the struggles, reflecting and discussing with fellow activists. This entailed collective participation in the events, squatting houses, being evicted, organising and attending events and workshops, contributing to social centres' activities, demonstrations, direct actions, and court-cases. Yet, the experiences and events discussed and analysed in this thesis are not only a product of my own experience as an individual researcher. Instead, they are part of a collective process and of a collaborative narration. Activists and squatters actively reflect, analyse and theorise the ongoing struggles. Therefore, this research had a collaborative nature, and worked as a platform where different people discussed and reflected on the lived experience and on the micro-politics of the criminalisation of squatting.

During informal workshop and discussion groups with different groups the research plan, design and questions have been discussed. Experiences of criminalisation and of resistance have been collectively documented, discussed and analysed during informal discussions as much as during ad-hoc workshops and meetings. Activists and squatters became partners and co-operators of research practices and theorisation, engaging in discussions, giving feedback, and editing the ethnographic text itself (Fisher 2011; Routledge 2003): what Lassiter has defined 'ethnographic collaboration' (Lassiter 2005; Lassiter 1998). Therefore, empirical materials, as much as the analysis presented in this thesis are the outcomes of a composite, collaborative and collective research process.

The events and empirical materials presented in the form of Boxes, Intermezzi and the Prologue, constitute composite narrations of events written and edited through this collective and collaborative process, bringing together multiple perspectives, experiences, and affective relations (see next section on the role of bodies as epistemological perspectives). In some cases I took hand notes during the discussions

and then shared the notes on a secure online *ether-pad*<sup>54</sup>, creating a platform for collaborative *story-telling* (Benjamin 1968) and for analytical discussions. Collaborative writing and research processes took place through reflexive discussions, as much as by creating anonymous press releases for independent media and websites of autonomous projects, writing information leaflets and flyers about a variety of events, actions and campaigns. This enabled collective analysis and theorisation, as much as collective writing.

Yet, writing is not always a smooth activity. While for some people writing is a joyful process, for others it is an arduous task. Due to these imbalances, while some have actively contributed to the writing process itself, other experiences and perspectives were discussed and then reformulated into a written text. The texts were circulated among different people and provided grounds for feedback, discussion and re-elaboration. Each narrative brings together both my direct experience of specific events and the way events, episodes and processes were narrated or reflected upon by a large variety of people with different experiences and perspectives.

As argued in chapter 5, the so-called squatting movement is not ‘a movement’ with a single agenda, uniform standpoints and one voice. Instead, it is composed by networks of groups and people with different backgrounds, intentions and modes of action. This engendered the challenge of connecting and converging into a cohesive written text the words resonating in a multitude of contexts, and expressed in different forms, a text which inevitably reduces the messiness of these realities. The decision to use of numerous boxes and intermezzi aimed at not reducing the complexity of this heterogeneity to a single voice, narrated from a single point of view. Indeed, each narration expresses conflicting approaches and different modes of resistance to criminalisation, unfolding divergent views and perspectives, and acknowledging these oppositions and tensions.

For instance, the first Intermezzo expresses a perspective that diverges from the Prologue, as dissimilar actors with discordant modes of action narrate them. The narration addressing how criminalisation has been resisted through legalistic channels and court cases (Intermezzo II) unfolds different modes of relating to criminalisation

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<sup>54</sup> <https://pad.riseup.net/>

than those experienced from ‘behind barricades’ (Intermezzo III). Moreover, the experience of isolation cells is narrated using the pronoun ‘I’ and voicing a non-Dutch speaking woman: yet, it brings together narrations of a multiplicity of activists who have been detained, including a Dutch speaking man. Both pronouns “I” and “we” used in these composite narrations are narrative techniques aiming at conveying the intensity and the intimacy of these experiences.

These voices have often conflicted, found themselves in disagreements, and rarely reached consensus, due to the heterogeneity of the experience of criminalisation, of the ways people and groups are affected by it, and of modes resistance enacted. Thus, the ‘we’ and ‘I’ forms do not embody a unitary and homogenous ‘collective voice’. Instead, they connect elements of heterogeneous realities, constantly shifting between different characters, actors and authors, *zig-zaging* among the embodied lived experiences and the affects that circulate across bodies, spaces and events. Thus the ‘I’ or ‘we’ of these narratives are plural, heterogeneous and mosaic pronouns. Thus the writing up process entailed beginning from molecular, singular experiences and then tracing their relations, connecting them to broader relations: creating assemblages, temporary groupings of relations and tracing the lines between common elements.

Therefore there is not the ‘I’ of the individual acting and thinking independently from the context where it is embedded. Rather, it is a shifting, fluid subject, embodied by different people and groups, resonating political, economic and social and affective relations. I have avoided using an impersonal third person to reach this collective actors, as this would have entailed an observational gaze looking from an imagined outside and detached from the lived experience of the events. This would have been problematic for grasping the immanent dimension of relations of power, and for avoiding the creation of a clear-cut between research subject and research object. Moreover, both the ‘I’ and ‘we’ forms are tools for grasping the micro-politics of these experiences, the affective dynamics and the embodied relations.

The analysis and the theorisation presented in these chapters is the outcome of a collective process. Drawing on Deleuze and Guattari concept of ‘minor literature’ (Deleuze and Guattari 1986), in these writings individual authorship becomes de-individualised as each statement constitutes a sort of collective enunciation. Yet,

whilst not taking credit for the contents of this work as an 'author' in the traditional sense of the term, I do take full responsibility for all those voices and experiences that might have been distorted, misinterpreted or, in one way or the other, conveyed into places where they do not belong.

### 3. Ethics and validity

As an activist and through collaborative research practices, during the research process I gained an insight that an external observer would have not reached. This engenders ethical concerns related to the selection of what can be revealed. Moreover, this research addresses a criminalised movement, often acting in secrecy and confidentiality. To what extent these realities can be presented in their naked form, and to what extent certain elements need to be concealed? To what extent this process of selection gives validity and credibility to the story told?

The selection of cases that have not been made public, and that refer to everyday lived experiences *within* squatted spaces, references to any name and personal details are concealed or distorted for protecting the anonymity both of those involved and of the spaces in which they happened. In these cases selection has been conducted according to agreements with squatters and activists participating in each project. Other narratives and boxes disclose the details of locations without compromising the anonymity of the people involved.

While the composite narrations were collectively written and edited, the main chapters are my own authorship. Besides lived experiences, the research has been drawing on and integrated with details from official documents, as much as media items from mainstream (including *Parool* and *AT5*) and independent media (including *Indymedia.nl* and *Squat.net*), thereby covering and making reference to the majority of the relevant events taking place between 2010 and 2015. Links to media items, pictures and links to videos have been included. Yet, in the context of the thesis media items and visual materials do not constitute 'data', and have not been analysed as such: they are used as reference to validate and discuss the unfolding of the events (for a critical analysis of media discourses circulating around the criminalisation of squatting see: Dadusc & Dee, 2013).

To expand the focus of the research and provide background to the events, I have

integrated the above-mentioned methods with interviews of actors involved in the process of criminalization of squatting, as well as with former squatters. In first place, I interviewed squatters that used to be active in the 1980s and in the 1990s, in order to reflect and discuss on the micropolitics of squatting at different times in history. These interviews took the form of open, informal discussions, and provided background knowledge that informed chapter 2, and have not been reported in the thesis.

In order to discuss the legal aspects of criminalisation, I have analysed relevant documents and grey literature, and I also conducted semi-structured interviews with Public Prosecutor Otto van Der Bijl, civil lawyer Rahul Uppal, and criminal lawyer Jeroen Soeteman. During these interviews we discussed the legal aspects of the law criminalising squatting and the timeline of criminalisation. Both lawyers gave me useful access to court case materials and insight on legal details that I would have not reached otherwise. Moreover, we discussed which legal strategies had been used for resisting the law, and what further actions could be experimented. Interactions and discussions with these and other lawyers took place in informal settings, while discussing legal strategies for defending squatted projects I have been involved in.

Moreover I have conducted interviews with fifteen police officers, including former riot policemen, operating in different neighbourhoods as well as with a member of the General Intelligence and Security Service of the Netherlands (AIVD). Police officers have been accessed through a snowball method, and the interviews are reported anonymously. When I stated my research plan and objectives to the police I presented myself as a Criminology PhD student, and I have been very welcome as such.

All the interviews with the police were semi-structured, and respondents were asked similar questions about their experiences and opinions on the criminalisation of squatting, as well as on the main techniques and objectives of criminalisation. While most of the police officers openly discussed their approach, their experiences and their opinions, the AIVD officer did not welcome my study and my interview, although they did not refuse to meet me. When I asked specific questions about techniques of monitoring and surveillance, the respondent answered that he would not share *with me* such information. After 20 minutes sharing general thoughts about the criminalisation of squatting, and realising that the respondent was not willing to share

any further details *with me*, I decided to leave the interview, guessing that the policeman had searched background information and did not appreciate my active involvement in the squatting movement.

All these interviews with the police were highly stressful and a source of anxiety. Both before and after the interviews I was unable to sleep. While I always felt able to challenge their authority during everyday interactions on the street, relating to the police in their offices made me feel under threat. All the policemen I interviewed, except for one, were men. In many cases, I believe that policemen disclosed more information than what they would be allowed to, in order to perform their power and please me as a young woman. During the interviews most of them expressed sexist and racist opinions and attitudes, regardless of my gender and my 'foreign' origins. For the sake of the interview I could not respond to any of these comments, although I felt harassed.

Besides the interviews, during everyday interactions with the police I was not approached as a researcher, but treated as an activist, squatter and a young foreign woman, with all the harassment, abuse and violence that this entailed. These situations, where I did not present myself as a researcher, were the situations where the modes of power operating through policing became visible and tangible. This often made me reflect on the complexity of relations of privilege entailed in this research: on the one hand as academic I had access to sources of information, knowledge (and funding) that were inaccessible to other activists and squatters. On the other hand, contrary to the most academics conducting research *about* social minorities, I conducted research from a minoritarian standpoint: not only as an activist, but also as a non-Dutch (South-European) young woman. These standpoints always coexisted and often conflicted.

None of the interviews were recorded. Instead, I took detailed hand-notes during the interviews themselves, and reconstructed them in detail immediately afterwards. According to Noaks & Wincup (2004): "Devoting attention to writing down what is said can detract from achieving a rapport with the interviewee and the researcher's observation of non-verbal cues" (Noaks & Wincup, 2004 p 127) . Yet I preferred not to let a recording device distract the interviewee and disrupt the confidentiality of the discussion. Often, the respondents disclosed information and later realized they did

not want this information to be public. In these cases, they asked me to ‘not write this down’, or to delete a specific note. This confidentiality and reversibility of unintended disclosure would have not been possible while recording the interviews.

This thesis does not contain all the experiences and research conducted in these years. Indeed, since 2012 the undocumented migrants’ movement ‘We Are Here’ constituted an important part of the squatting movements, and I have been actively involved in this struggles. Yet, the ‘We Are Here’ movement is affected differently by criminalisation. The issue at stake here are too broad to be integrated into this discussion, and go beyond the scope and the capacity of this thesis. These experiences and reflections have been, and will be, published elsewhere (Dadusc 2016).

#### 4. Summary

To summarise, in order to understand the micropolitics of the criminalisation of squatting in the Netherlands, this project aims to develop critical ethnography, and experiment with a practice of ‘queering methodologies’. To do so, the research consists of Activist-Research, where both collaborative and embodied methods are applied. The focus is placed on lived experiences, affect and on events as *haecceities*, understood as assemblages involving affects and power. These empirical materials are presented in the text in the form of *Intermezzi* (between chapters) and *Boxes* (within chapters) in which the first persons ‘I’ and ‘we’ denote a collaborative process in which people and at time places are anonymised. The events narrated include everyday lived experiences within squatted spaces, demonstrations and protests, but also experiences with the criminal justice system, such as court cases, everyday interactions with the police, evictions and time in police custody.

## Intermezzo I: A new social centre

After days cycling around the city, looking through each window to spot the empty houses; after nights on a cargo bike, looking through each garbage pile to collect useful materials; after hours of conversations discussing how to organize things; after cleaning up tons of dust and collecting wood, screws, pipes and paint; after destroying, reassembling, recycling, creating; after learning how to use tools never used before; after very short hours of sleep in an overcrowded room; after the cold and the barricades; after bread and hummus for breakfast, lunch and dinner; after pouring too many litres of mate and of beer; after building the electricity, the toilet, the kitchen and eventually the shower; after the joy of each step further in making this space liveable; after laughing, playing and fighting; after feeling exhausted but full of energy, a new social centre is now ready to open.



**Image 1: Freshly squatted building (My picture)**

This squat is part of a former social housing block, in Amsterdam Oost, owned by a real estate company that terminated previous tenants' contracts for renovating the property and selling it on the free-market. As the tenants moved out, the owners started demolishing the apartments, stripping away all the facilities and leaving empty shells behind: no inner walls, pipes nor cables. Due to financial problems the renovations never started, and the buildings stood empty, rotting away, for almost two

years. This is a common situation in this neighbourhood, where squatted spaces keep emerging and being evicted on a weekly basis.

When we first entered the empty building, on a rainy Sunday afternoon, the adrenaline and the excitement did not let us notice the pools of water created by the roof leaks, and we did not give much importance to the holes on the floor. We were excited about the police having left the spot, and about our banners hanging from the window of the second floor: “Better to renovate it through squatting than to let it rot through ownership”/ “Homes for people, not for profit”. Many neighbours had occurred, moved by solidarity, by anger or simply by curiosity. An elderly couple living across the street approached the police and declared that indeed the building had been empty for years. Another neighbour shouted to us something in Dutch: we could not understand it but the tone was not friendly.

As soon as we had time to calm down, and most of those who came to support left, we realised how much reparation was required for the building to become inhabitable, and that the coming weeks would have been intense. Although disheartened by the poor conditions, we also felt motivated by the potentialities of the space. The building was far too big for our 8 people living group, and while the upper floors could become living spaces, the ground floor could have been used as a social centre, a collective space for DIY activities and workshops. Within a few hours we had already unanimously decided to create a collective, political space where people could gather and organise themselves autonomously: a space that could operate differently from the logic of capital, and where activities would be not for profit.

Throughout the first days, although we would be alerted by any sound during the night, and wake up at 6AM for checking whether the police or an angry owner would try and evict us, we have been acting ‘as if’ we would have been able to keep the space for years, fantasising what both the group and the space would become in a few decades. When anyone would mention that we could be evicted within a few hours, we would laugh as if it was a joke. We were well aware of the threats as we all had experience of evictions and arrests, and much of our organization and of our time revolved around occupying and defending the house. Yet, we needed to allow our imagination and our capacity of creation to go beyond these threats. Acting ‘as if’ we

could be evicted tomorrow, we would keep on subjecting ourselves to these threats and limit our capacity of creating something here and now: we would keep on seeing the space as piles of dust and bricks, instead of envisioning a project. We would fall into the same game that the authorities want us to play.

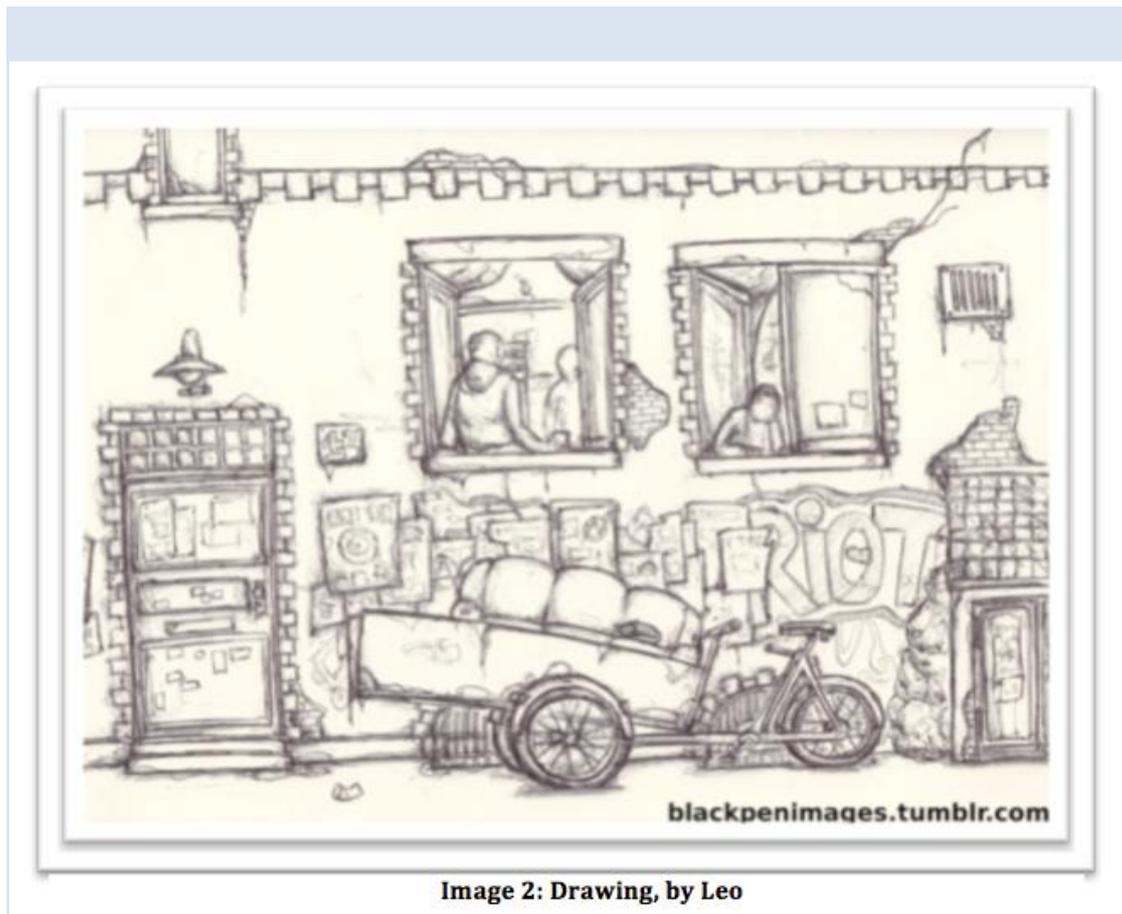
It has been two weeks since the occupation. Now that the main room is fixed and free of dust Pieter, Anna and I can finally rest on the red couch that we have found on the street last night. It feels soft and comfortable. It is still in good condition. In this city it is quite common to find perfectly functioning objects abandoned on the streets. 'Your garbage is our treasure' states a sign on the corner that we have reserved for the 'free-shop', where people can bring things that they don't use anymore, or take what they need: in these days, while dumpster diving for building materials, we found clothes, shoes, books, speakers, and all kinds of objects, and the free shop was quickly well equipped attracting the attention of friends and neighbours.

The hot cup of tea warming my hands feels like a luxury and a victory, after so many days without water and electricity. The smoke of a joint is floating in the air, traversed by the few sunrays that find their way through a barricaded window. The words of Keny Arkana resonate from the big speakers behind us<sup>55</sup>: *"Parce qu'on a la rage, on restera debout quoi qu'il arrive. La rage d'aller jusqu'au bout au delà où veut bien nous mener la vie. Parce qu'on a la rage, rien ne pourra plus nous arrêter"...*

Pieter takes a little notebook out of the little black backpack that he always carries with him. He shows us his black and white drawings telling stories about his life. He moved out of Croatia four years ago, and started working in a Dutch town as a construction worker. Two years later, tired of being a full time construction worker, fed up with earning money just to pay a rent, bored of repeating every day the same life, of following straight lines, of obeying orders, of facing xenophobia and discrimination on a daily basis, and disappointed by his loneliness in desiring to struggle for a different life, he quit his job, packed his bags again, and moved to Amsterdam. When he arrived here he stayed as a guest in a squat, and after a few weeks he squatted a house with two friends.

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<sup>55</sup> <https://www.youtube.com/watch?v=M1WmyfjDIJc>



**Image 2: Drawing, by Leo**

Through his drawings, he tells us about the DIY bike workshop where he spends most of his time fixing recycled bikes, and about other autonomous projects in which he participates. He explains that through these projects he encountered radical spaces where different ways of thinking could be pursued, and where he has learned that resisting norms and conventions can be not only possible but also joyful. The last drawing shows a squat where he lived, a little building in Amsterdam Oost: three people sitting on the roof where an anarchist flag is waving, and contemplating this unusual perspective on the urban landscape. He comments: "this is my house-group. With them I learned how to live without money, how to squat houses, how to recycle fresh food. We spend most of our time doing things together. During the eviction we were arrested together. It does not matter how often we get evicted from our houses, with them I always feel at home. They are my home. Yes, friendship...do you know Epicurus?" Someone shouting at us interrupts our conversation: "Who forgot to barricade the door? Do you want the police to get in and kick us out? Are you stupid, or what?" We look at each other, smile, and go outside to finish the joint and enjoy the last minutes of sunlight. It is so difficult to cope with the constant tension, not only with the threats from the police, but also our everyday struggles between

authority and autonomy. How to fight authority ‘out there’ when we are often not able to resist it within our own communities?

#### i. Home making: toward different ethics

Since the beginning of the project we had the specific objective of creating both living spaces and an autonomous political space. While busy with transforming a rotting empty building into a warm and liveable space, we have been faced with, and had to reflect on, both the politics and ethics of the project. This meant evaluating the political context in which the project is embedded, understanding the political and economic interests of the municipality and of the owner in relation to the space, and how to frame the action within and against these politics. Moreover, it entailed discussing what kind of project we would like to create, which activities, how to relate to the neighbourhood and to the rest of the squatting community through open events workshops and activities.

The very process of creating the space entailed much reflections, discussions and confrontations among our own group. These everyday practices entailed constant decisions on how to relate to the owner and to the police, but also, how to organise ourselves and relate each other. This, not only while conducting practical and visible tasks, but in the very way we talk and listen to each other, the attitudes and assumptions, as well as the way we are affected differently by the same situation, how we experience differently.

Our group is diverse, composed by people coming from very different experiences, with different politics, speaking different languages. Although decisions are taken by consensus, and our aim is to live together as a horizontal collective without relations of authority, there are complex relations of privilege between us. Visible and invisible, perceptible and imperceptible relations of power are at play between people of different genders and sexualities, between those documented and those undocumented, those who can speak or understand the Dutch language and those who can barely speak English, those who had years of experience squatting houses and building barricades, and those who were at their first project.

Although we all have similar views on how to interact with the police and with the neighbours as much as on how to organise ourselves, the presence of the police, the possibility of violent confrontation, the interaction with the neighbours, as much as cleaning and cooking are simple everyday activities where we might act similarly, but that we might experience differently. For instance, while everybody refuses cooperation with the police and has a confrontational attitude, for those who are undocumented this might lead to arrest and deportation. While for many of the documented not working, or having precarious jobs is a decision, many of those undocumented would like to work but cannot. While for many of the documented learning how to live without money is a political statement, for those undocumented it is a condition imposed by the borders and migration politics. With our everyday decisions and the way we organise our spaces and our lives, we constantly find ourselves confronted with each other's differences, and need to learn from these differences.

It is difficult to find new a mode of organization without fixating new norms. Guided by these questions, every day we try to establish relations and modes of organization that are not based on moral assumption and values. We engage in intensive reflective processes, where decisions are evaluated not according to values such as good or bad, but in relation to how these affect the collective, the relations between people, and the modes of living together. Moreover, each decision is open to discussion and re-evaluation. During our everyday interactions, we constantly reflect on how not to let someone's privileges dominate on others. How to engage with privileges, with the relations of power among us, without opposing each other? How to create encounters where we increase our power of action, instead of acting upon each other? To what extent does the way we relate differ from the norms that regulate society? To what extent does a specific decision exercise an unintended form of power?

This does not mean that these spaces are 'pure' autonomous spaces, where no power is exercised. Rather, relations of power, authority and oppression circulate within squatted spaces as much as in the rest of the world. These spaces are not free from authority, sexism, discrimination and of the relations that govern the rest of society. Yet, these relations are constantly made visible and contested.

## ii. Every day (and night)

A few weeks later it feels as if the space had been in use for years. Time can have so many different intensities. A banner in solidarity with the undocumented migrants struggle hangs at the window: “Nobody is illegal - Migration is not a crime”. The door is covered with stickers, calling for anti-fascist action, for animal liberation, for stopping deportations. The walls are covered with the graffiti made by friends and supporters, and with posters referring to movements and demonstrations across Europe. On a blackboard, there is a call for participation: “This is an autonomous space, run by volunteers. We always welcome new events, benefits and participants. Join us for cooking or organising an event”. The program of the social centre is on the door: ‘Criminal agenda’. Every day of the week there is an event: vegan meals, movie nights, DIY workshops, information events, or live music.

Tonight, the colourful room is filled by groups of people eating, drinking and chatting. It is rare to hear so many different languages resonating in such a small space. Two activists from Cairo, who are visiting Amsterdam, are holding an information event about the current uprisings in Egypt. They are explaining their struggle, with a specific focus both on the role of women, and on how women were affected by the revolution. It will be an intense discussion, as everybody seemed eager to learn the experiences of those who had been directly involved, and to overcome the images and stories presented by the mainstream media. The money collected with the meal will be donated to this group and to their struggle in Egypt.

Although I do not know many of the visitors, I feel at home. I find my way to the kitchen, as I have time to wash up some of dishes used for the ‘people’s kitchen’ (VOKU). There I find Anton and Javi who are cleaning up after cooking. We met a few months ago in another social centre, during ‘Queeristan’, a festival for queer autonomous politics. That day they invited me to join a week of action for undocumented migrants in Calais, and I joined them. Since then we have created a strong affinity. We still do not know much of each other, but in a way it feels as if we had been friends for years. As I enter, they enthusiastically describe me the details the 3 course vegan meal they cooked with the food we recycled yesterday at the neighbourhood market: pumpkin soup, roasted vegetables with spicy beans and rice, a creamy Guacamole, made with about 5 kilos of avocados, and a crunchy apple pie.

There is still much bread and fruit left, and we will offer to the visitors to bring some to their homes before they leave.

Anna, Javi's housemate, enters the small kitchen, and without adding any word she hands us a little hand-written flyer: it is an invitation to a noise demonstration in front of the cell complex in *Meer en Vaart*, about 30 minutes cycling toward South West. Two days ago their housemates were arrested during the eviction of their house and each day there have been actions to show support and solidarity with them, and to protest against their detention. We ask if she talked to the lawyers, and she simply nods. She is in a very bad mood since the eviction, and she has been constantly busy with the legal support of the arrested. She grabs some food and silently eats it sitting on the kitchen table. Javi and Anna have been squatting together for many years in different areas of the city. In the last weeks they were evicted twice, and now they are homeless. They both sleep as guests in other squats, while they wait for their housemates to be released and squat yet another house.

While placing the little flyers in his pocket, Anton grumbles: "Sometimes I feel that we are soldiers". "Yes" Anton replies: "we spend so much time thinking about what we have to fight against, that we have little energy for what we are fighting for. This goes much beyond arresting us". We all look at each other, with a sad nuance in our eyes. Anton kisses Anna on her forehead, and then, punching the kitchen table he exclaims: "But what can we do with all this anger? I am fucking angry!"

### iii. Urban Deserts

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It is Sunday evening. A few months passed since the social centre had been evicted, and many other houses have been squatted. It is one of those late-spring nights letting our bodies forget of the bone-breaking cold of the past winter. Amsterdam is bustling with tourists coming to the city of pleasures to buy off the apathy of their lives, at least for a weekend.

We are cycling around the city with a cargo bike to dumpster-dive furniture and materials for our new squat. While cycling, we are telling each other our stories of

love and hatred evoked by the streets we pass through. On our way to Vondelpark we cross Schoolstraat, a former ‘squatted street’ in Amsterdam West. “This building was my first squat” explains one of the previous inhabitants. "We squatted it after it had burned down and we fixed it up to made it liveable. Afterwards, so many people called this place 'home'. Here, on the ground floor, we created a little social centre, with a people's kitchen, the *kraak spreek huur* (squatting information hour) workshops and parties”. Her voice trembles in an emotional overlap of excitement and nostalgia.

Through her words our minds are transported through those walls. We are back inside those rooms, in the assemblage of bodies dancing at the rhythm of live Balkan music; vivid flashes bring us back to the multiple experiences, the people we encountered, the friendships we made and those we broke. All that we learned and un-learned, the everlasting meetings, the discussions, the conflicts, all those unsolvable questions and the search for different answers. We feel again the joy and the fear during the occupation, the dust, the cold, and the barricades. We feel the anger of the day of the eviction. We become silent. The silence of the street becomes unbearably loud when one knows how to listen.



**Image 4** Occupation of Schoolstraat 14-16 (Source: Indymedia.nl)

Today, two years after the eviction, the same street resembles a desert. The former social housing units have been privatized and transformed into large apartments for sale. Most of them are still empty. Expensive cars are parked in front of the few apartments that have been sold. The buildings are arid and barren. Urban and housing

politics appear to us as giant Cyclops whose only eye is turned toward profit, and gorging themselves on the life of the city. How to fool them? A few weeks later two banners will be hanging from those windows, announcing a new occupation: 'Te leeg, te duur – Schoolstraat weer sociale huur' ('Too empty, too expensive – Schoolstraat back to social rent').

## Chapter 5

### The Micropolitics of Squatting

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The urban landscape is a major site of struggle in contemporary politics, where political and social relations, modes of life- and collective values are currently forged via agendas of neo-liberalism (Lefebvre 2003). David Harvey, drawing on Marx's theorisation of primitive accumulation (Marx 1990), identifies the city as an important realm of capital accumulation. According to David Harvey (2012), urbanization has played a crucial role in the process of capital accumulation, by means of transformation of urban infrastructures, the transformation of cities into centres of consumption, tourism and speculative financial systems. The city has also been site for the construction of a new urban way of life where quality of life becomes a commodity, and consumerism is the dominant ethic (ibid). This process, according to Harvey, entails capital accumulation through dispossession and creative destruction, because while “creating” new infrastructure, services and social relations, it is based on the necessary dispossession and elimination of working classes and 'undesired' ways of life from city centre.

In 'Security Territory Population', Foucault (Foucault 2009b), analyses the techniques of government of urban space, how control is exercised and individuals, conducts and subjectivities are constituted. In particular, contemporary urban spaces constitute one of the main *milieu* for the conduct of conduct, the governmental rationality that aims at the production, the domestication and normalisation of ways of acting and living. Foucault places particular emphasis on the spatial dimension of these relations, and analyses how techniques of government and the production of urban spaces coproduce specific modes of conduct. In this context relations of power and of resistance cannot be analysed without reference to the spatial dimension of conduct and of government. It is indeed through space that power manifest itself, the control is exercised, and that individuals, conducts and subjectivities are constituted.

In this context gentrification, combined with technologies of security, defines what modes of life can circulate and multiply within these spaces (Ferrell 2002). The logic of profit and security shapes the architecture and the social production of urban space,

designed for orderly and responsible consumers (Blomley 2003; Coleman 2004). Here the aim is not to produce a subject that is prevented from acting in a certain way, but to create the conditions for the emergence of subjects that respect, desire and will a specific code of conduct (Foucault 2009b). Thus, urban spaces are increasingly becoming bio-political spaces, where the discourses of public order go hand in hand with a moral ordering of life and where different and unruly attempts to break through these mechanisms are defined as political and moral monstrosities (Harcourt, 2005).

If in urban spaces, including the streets, shops, entrainment areas, but also ‘the home’ modes of life are defined, domesticated, and exploited, and modes of thinking, feeling, and affects are governed (Cavalletti 2005; Katz 2001a), these are also important battle-fields for contemporary social and political struggles. Throughout history, this process led to revolts of the dispossessed, to the emergence of urban movements seeking to re-appropriate spaces and to re-shape their functioning (Scott 1998). More recently from the occupation of squares of the 'Occupy' and Indignados movements, to the occupation of houses and social centres, contemporary resistant networks are finding urban spaces the main locus for both political contestation and ethical experimentation (Merrifield 2014).

This chapter will discuss the politics and the ethics of several squatted spaces that have emerged in Amsterdam, and how these have been resisting the technologies of government that circulate through urban spaces: attention will be given not only to the practice of space occupation and re-appropriation, but also to the counter-conducts and the affective dynamics that take place both in autonomous social centres and squatted homes. Hence, this chapter will empirically engage with the multiplicity of practices of resistance that take place through squatting: starting from protest events, to the creative production of different spaces and practices that entails the constitution of different politics and ethics, of conducts and affects that counter, and not simply oppose, specific relations of power.

Moreover, this chapter will also seek to outline the complexity and heterogeneity of the so-called ‘squatting movement’. By outlining a variety of experiences and projects, it will discuss not only the commonalities, but also divergent and often opposite mode of acting, of organising spaces and of dealing with the government.

While these differences and conflicts have often reduced the power of action of the movement as ‘one movement’, they have also enabled the emergency of unexpected and unpredictable modes of action, therefore different to control and to tame.

## 1. Squatting: anno 2015

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After the squatting ban in October 2010, hundreds of new spaces have been squatted. Due to the new law allowing continuous evictions both by regular police and by the riot police, squats would survive for just a few weeks or months<sup>56</sup>. Within two years, by 2013, 330 squats were evicted, and the number of squats in the city was drastically reduced. Yet every week a new house was squatted, and new projects kept on emerging throughout the city (see Annex) and a few squats that survived the first few months of occupation and were evicted after more than three years. Throughout these years, spaces built to function as warehouses, schools, offices and even fire stations and harbours have provided both challenges and endless potentialities for showing how space could be turned into a different use and transformed to suit both the politics and the ethics of the squatters occupying them.

In the city centre (Amsterdam Centrum) hundreds of living spaces and several autonomous social centres have been created. The squatted social centres Schijnheileg<sup>57</sup> (2010-2011), a former school in the canals district was tuned into a free space for art, performances, conferences and workshops. On the Plantage Middenlaan 64, a spaces built as a mosque and community centre, owned by the king of Marocco, and left in disuse for years, was eventually turned in an autonomous social centre by the squatters: ‘Marocco’<sup>58</sup> (2013). A vacant section of the University of Amsterdam (UVA), situated in the heart of the historical city centre, was reclaimed by the students as an open, collective space for self-organised meetings, workshops and conferences: *Het Spinhuis* (2014). A former bank on the Prins Hendrikkade 138-139,

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<sup>56</sup> (*Politie Steeds Sneller over Tot Ontruiming; Kraak Duurt Gemiddeld Twee Weken* 2015):[http://www.at5.nl/artikelen/149955/politie\\_steeds\\_sneller\\_over\\_tot\\_ontruiming\\_kraakactie\\_duurt\\_gemiddeld\\_twee\\_weken](http://www.at5.nl/artikelen/149955/politie_steeds_sneller_over_tot_ontruiming_kraakactie_duurt_gemiddeld_twee_weken)

<sup>57</sup> On the Passerengracht 123: <http://www.schijnheilig.org> ; DIY art gallery and atelier, live music, information events, hackers space.

<sup>58</sup> On Plantage Middenlaan 64, and owned by the Kind of Marocco: <https://en.squat.net/2013/09/11/amsterdam-the-netherlands-plantage-middenlaan-64-squatted/> ; with VOKU, library space, DIY space and freeshop.

was turned in a large social centre with a punk bar in the safe room of the basement: *De Overval* <sup>59</sup> (2015), namely, ‘the bank robbery’.

In Amsterdam Oost, the former animal shelter ‘Op de Valreep’ <sup>60</sup> (2011-2014), completely destroyed at the time of the occupation, was turned in a community centre and as a space of struggle against local politics. On the Pieter Vlamingstraat, an abandoned social housing block owned by the housing corporation DeKey was turned into a liveable space, ‘The Coffeshop’<sup>61</sup>, and a DIY community garden was built on the waste of surrounding demolished buildings (2012-2015). The former garage of El Taller<sup>62</sup> (2013) and the former gym of ‘The Swamp’<sup>63</sup> (2013-2014) are just a few of the spaces occupied by squatters in Amsterdam Oost, and turned into autonomous spaces both for living and for collective projects.

In Amsterdam West, a former school was turned into a busy social centre with a variety of activities: Antarctica<sup>64</sup> (2010-2014). In a residential area of Amsterdam Zuid the housing block on Vechtstraat, besides multiple vacant apartments occupied for living proposes, hosted the anarchist social centre of ‘De Strijd’ (2014), a radical space for counter-information and DIY workshops, together with vegan pizza nights. In Amsterdam Noord a former social house was turned into an action centre against housing corporation Ymere (see below): WinterJasmijn<sup>65</sup> (2012); the former salsa club, garage and housing block were turned into party and DIY spaces of ‘Krakaoke’

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<sup>59</sup> On Prins Hendrikkade 138-139: <https://en.squat.net/tag/overval/> ; with bike and silkscreening DIY spaces, workshops and info-events, free-shop, punk bar, VOKU, party space.

<sup>60</sup> On Polderweg: <http://valreep.org/> For a video of the squat action see: <https://www.youtube.com/watch?v=Zz45bEWwvH8&feature=relmfu>

<sup>61</sup> On Pieter Vlamingstraat 98: <https://nl.squat.net/tag/pieter-vlamingstraat-98/> ; <https://roomtuintje.noblogs.org/> ; living spaces and community garden.

<sup>62</sup> On Bessemerstraat 23: <https://bsm23.squat.net/> ; with VOKUs and DIY spaces.

<sup>63</sup> On Sumatrastraat 232 <https://en.squat.net/2013/12/15/amsterdam-new-squat-on-sumatrastraat-232/> ; with workshops, freeshop and DIY spaces.

<sup>64</sup> On Amundseweg 1: <https://schoolantarctica.wordpress.com/> ; *DIY community garden, VOKU, free-shop, movie nights, live music and parties.*

<sup>65</sup> On Jasmijnstraat 1: <https://winterjasmijn.wordpress.com/>, squatted as an action centre against Ymere (see more detailed below).

and ‘Auto-control’<sup>66</sup> (2014-2015), and a warehouse with office spaces was turned into the punk bar and concert space of ‘Noord Korea’<sup>67</sup> (2015).

Next to these more recent squats, there have been other spaces, which had been squatted before the squatting ban and that were not evicted after 2010. Joe’s Garage<sup>68</sup>, an autonomous social centre and living space on Pretoriusstraat 43 in Amsterdam Oost, was squatted at the end of 2005 and is still active at the time of writing (end of 2015); Bajersdorp<sup>69</sup>, a ‘squatted village’ at the foot of the Amsterdam prison in Amsterdam Amstel where the houses were built in the 1970s for the prison workers, who eventually refused to move there: most of its buildings were squatted in 2003, and the project is now in process of negotiations concerning legalisation. There are also large squatted terrains at the edge of the city: Villa Friekens<sup>70</sup> in Amsterdam Noord and ADM<sup>71</sup> in the abandoned harbour area, which have been under constant threat of eviction, but the court cases and negotiations both with the owner and the city council are still ongoing.

Members of the Squatting in Europe Kollektive (SQEK) are producing databases and maps of squatted social centres in different cities, including Amsterdam. Specifically, Amsterdam’s interactive map, with a historical timeline that goes from the 1960s until today, can be found here: <http://maps.squat.net/en/cities/amsterdam/squats>.<sup>72</sup>

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<sup>66</sup> On Papaverweg: <https://krakaoke.wordpress.com/>; with DIY bike repair shop, free-shop, free underground party space.

<sup>67</sup> On Kropaarstraat 14: <https://radar.squat.net/en/event/amsterdam/noord-korea/2015-04-10/bar-night> with live music, punk bar and party space.

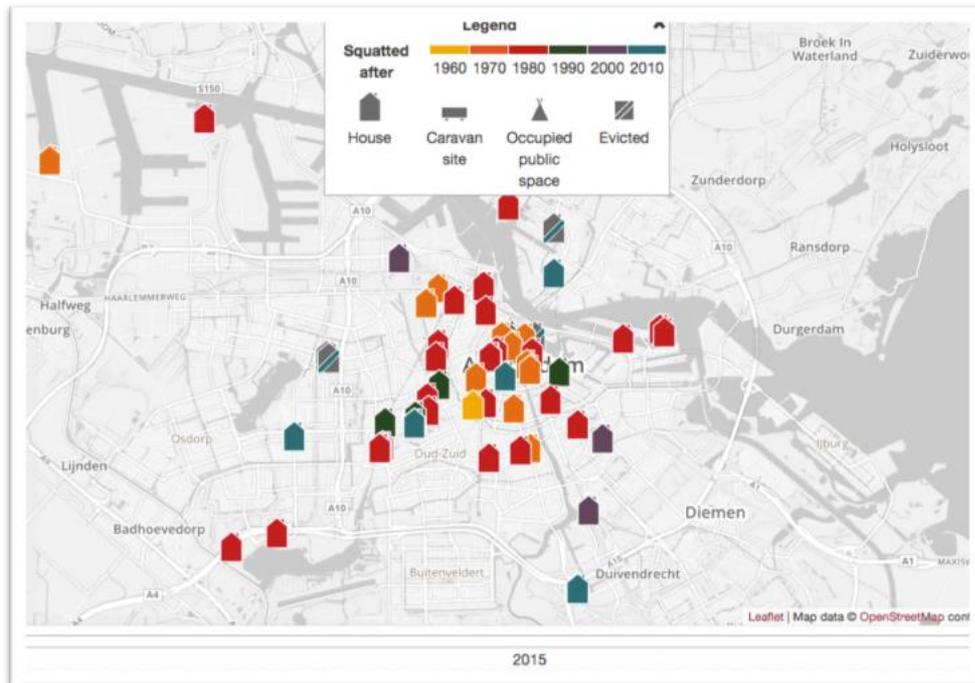
<sup>68</sup> <http://www.joesgarage.nl/>

<sup>69</sup> <http://bajersdorp.nl/>

<sup>70</sup> <http://www.villafriekens.nl/> Evicted in November 2015.

<sup>71</sup> <https://adm.amsterdam/>

<sup>72</sup> Many thanks to Edward Dee for coordinating this project, spending hours in the archives of the International Institute of Social History, and discussing with squatters who have been actively involved in each occupation.



**Image 1: screen shot of the SQEK Amsterdam’s map presenting existing legalised and squatted social centres in 2015.**

This is just a brief list of the social centres that emerged after the squatting ban in 2010; in the following sections and chapters some of these projects will be analysed more carefully. Both the projects listed above and those included in the map refer only to squatted living spaces *with* social centres. Hence, this does not include the majority of the spaces occupied since 2010 that have been used only for housing. Although spaces used only for housing are very important for the squatting scene, and a constitute significant aspect of the urban distribution of squatting as much as of its politics and ethics, the list and description of the hundreds of spaces squatted only for housing would be too long for the purposes of this chapter (see Annexes for a full list).

## 2. The politics of squatted social centers

Many aspect of squatting entail explicit forms of political protest as they involve a collective mobilisation against housing policies, urban planning, gentrification, real-estate speculation and for the right to the city (Uitermark 2004). Squatters address these issues not only through demands and campaigns, but also by direct action, namely occupying properties that are owned and left in disuse by real estate

speculators and housing corporations, or that are planned to be converted from social housing into private apartments. Before trespassing into a specific house, the collectives conduct detailed research about the long-term plans of corporations in each neighbourhood, and keep track of real estate speculators.

The local squatting information hours (*Kraak Spreek Uur*<sup>73</sup>) and the Speculation Research Collective (SPOK<sup>74</sup>), with their extensive archives, databases and insight into urban politics (also due to close relation with neighbourhood organisations) provide support in researching relevant background information regarding specific buildings and owners, as much as by with legal advice and support. Through these research practices, networks of squatters collectively produce extensive *underground* counter-knowledges and maps of these urban dynamics, vacancy and real estate speculation.



**Image 2: Eviction of the squatted building on Pieter Vlamingstraat, January 2015.**

**The Riot Police water canon is aiming at an occupant who is throwing paint bombs to the police.**

**The Banner states ‘Masters of Gentrification: De Key, XXX, ING’: respectively, the housing corporation that owns the building (De Key), the symbol of the Amsterdam municipality (XXX) and the Dutch national bank (ING) which was financing the renovation project.**

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<sup>73</sup> Websites of KSU in different neighbourhoods: Oost: <https://ksuoost.squat.net/>; De Pijp: <http://moli2.squat.net/static/index.php?id=426> ; Students KSU: <https://studentenkraakspreekuur.wordpress.com/>

<sup>74</sup> Website of the project: <http://speculanten.nl/>

In contrast to other European cities, Amsterdam houses are not squatted secretly: so-called 'squatting actions' take place during the day, a large number of people are present, flyers are spread to the neighbours explaining the politics of the action and the intentions of the group, banners are dropped out of the windows as soon as the new space is occupied: in this way squatting a house is not simply aimed at getting a roof over one's head, but is configured as political demonstrations, a direct action making visible the problems related to housing, vacancy, gentrification and real estate speculation. The same goes for the protests against evictions, which relate not only to the defence of a single squat, but entail an overall struggle against local politics. To protest against evictions several strategies can be used: from legal battles, to negotiations in the city council, campaigns, demonstrations before and during the eviction, and different modes of direct actions to boycott the eviction process, such as barricading the houses, locking oneself inside the building, or throwing objects and paint from within the building to hinder and protest against the intervention of police (see chapter 7).

Although squatted spaces engage in heterogeneous forms of protest, the practices taking place in occupied spaces go further than protest, and inscribe themselves within more complex relations of power. As argued above, the processes of gentrification and urban regeneration lead not only to a lack of affordable housing, but also to the colonisation of urban life. In this context, the activities and scope of squatting, as much as many other social movements go beyond protest, demonstrations, campaigns and oppositional practices to embrace a broader ethos and praxis of resistance. As well as providing living spaces to hundreds of people, squatted projects organise political actions, as well as events, workshops and parties. Each squat embodies its own politics and its own struggle, as each space is situated and embedded in different local dynamics, trajectories, and struggles against different owners. While maintaining their peculiarities, and often organising their spaces in ways that conflict with one another, these projects present common practices that connecting singular struggles.

The sections below will trace the trajectories and the micropolitics of some squatted projects, and will discuss the common creative and active aspects of the practices that take place in social centres. The following experiences allow discussion of how

squatting is often inscribed into collective modes of protest and opposition to gentrification, how social centres work, and the counter-conducts and affects circulating in squatted spaces in times of criminalisation *besides, beyond* and *despite* criminalisation. Yet, the experiences narrated present very heterogeneous, often diverging, ways of organising the spaces, of dealing with their surroundings and of resisting criminalisation. Decisions around how to organise the spaces as much as how to resist, or engage with criminalisation, often led to conflicts both within and across groups.

Moreover, two of the three experiences narrated below do not seek to represent ‘how squatting works’ in general. Instead, they constitute singular experiences, and rare exceptions, as they are among those few squats that lasted for longer than a few months, and were evicted after about 3 years. ‘Antarctica’ was squatted at the end of 2010 and evicted in September 2014, ‘Op de Valreep’, squatted in July 2011 and evicted in July 2014. Yet, it will be argued that both long-term and short-term squats connect in a *rhizomatic* manner as to create assemblages of resistant practices within urban spaces that exists *despite* the emergence or disappearance of each single space. Drawing on Deleuze and Guattari (2004), an assemblage can be defined as a non-hierarchical composition of different elements that, when entering in relation with one another, constitute a body that works differently from its parts, yet without eliminating the singularity of each part. Hence, it will be argued that squatting works through nomadic struggles, not as fixed organisations or movements.

## 2.1 WinterJasmijn

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WinterJasmijn<sup>75</sup>, on Jasmijnstraat 1 of the Van der Pekbuurt, Amsterdam Noord, was squatted in December 2012. The premise used to be social housing, owned by housing corporation Ymere. Since 2011 Ymere had been evicting and relocating tenants and residents of the entire neighbourhood to initiate a large ‘urban regeneration’ project<sup>76</sup>,

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<sup>75</sup> The website of the project can be found here: <https://winterjasmijn.wordpress.com/>; the video of the occupation with interviews to both squatters and local residents can be found here: <http://ourmediaindymedia.blogspot.co.uk/2012/12/adam-noord-actiecentrum-tegen-ymere.html>

<sup>76</sup> See: <http://vdpekbuur.nl/> and <https://www.ymere.nl/projecten/?p=Van%20der%20Pekbuurt&id=1203>

that entailed the demolition of the social housing units, their replacement with social houses of higher category (more expensive) and free-market housing. Local residents had organised extensive campaigns against Ymere, and set up consultation centres for those who were threatened with relocation. Residents' opposition was soon calmed down by Ymere negotiation strategies, which promoted 'neighbourhood participation' and offered monetary compensation.

Activist and researcher Carla Huisman's thesis on these practices that she calls 'Displacement Through Participation' (Huisman 2014) presents in-depth research on the Van der Pekbuurt renovation project, including a broad critique of Ymere strategies of displacement of local residents by giving them the illusion of participation in their relocation. Squatters have been active in local struggles against Ymere for years, both by squatting houses and by connecting with organisations that have protested and denounced Ymere practices in different neighbourhoods.



**Image 3: Occupation of Winterjasmijn, Amsterdam Noord**

The house was occupied both for housing needs and to create an autonomous action centre to support the neighbours against the plans of Ymere. The banner immediately hung at the window of the freshly occupied house stated: '*Ymere: verkrotten - slopen – verkopen*' (Ymere, dilapidating, demolishing, selling). During the 'squatting action' the neighbours who were attracted by the large amount of people and by the noise of breaking doors and of barricades, were approached with flyers stating the politics of the action, and explaining the squatters view on Ymere's project:

Today, 9 December 2012, an ad hoc action group made up of local residents, temporary residents, academics and supporters, occupied an apartment owned by Ymere on the Jasmijnstraat in the Van der Pek neighborhood. Here, the action center "The Winter Jasmijn" is open, with the aim of expose the destructive and illegal policy of Ymere in this neighborhood. The space will also provide a living place for young people in housing need. While corporation Ymere recently dropped all necessary renovations, it also began making plans which seriously threaten the existing character of the neighborhood. First, Ymere intends to largely demolish the neighborhood, and thereby to replace a large number of social housing with expensive yuppie apartments.

Ymere has been in collision with the Van der Pek residents for years. The housing corporation does not in any way take into account residents' wishes and ignores all legal requirements regarding their participation, misleading people with inaccurate and ambiguous information. Immediately after the departure of the social tenants, the corporation began placing largely disenfranchised temporary residents and anti-squatters in the district. Equally serious is the fact that in the meanwhile Ymere is trying to make the area attractive for affluent newcomers, by offering subsidized space for creative people and 'hip' boutiques in places where previously people could live at an affordable rent.

The intervention of the ad hoc action group today aim at preventing the demolition of the Van der Pek and to let residents wishes prevail(...). Van der Pek should no longer be owned by Ymere, but belongs to the current residents, their children and all the other inhabitants of Amsterdam. The action group demands a collective "right to the city" for all residents of the Van der Pek: the resignation of Ymere directors, and the full empowerment of residents regarding the future development of Van der Pek<sup>77</sup>.

The neighbours were enthusiastic about the occupation, and about having a different option for struggling against Ymere. After the police left, some neighbours brought coffee and cookies to welcome the squatters, and spent time inside the house sharing their stories and experiences with the new inhabitants. Both before and after the occupation, local residents and squatters discussed the multiple struggles that had been mobilised in the neighbourhood. With the occupation of the Winterjasmijn the squatting group intended to support existing struggles and to organise further actions that would respect the local way of doing things, keeping open dialogue with local

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<sup>77</sup> My translation from: <https://winterjasmijn.wordpress.com/2012/12/09/actiecentrum-tegen-ymere-geopend-in-vanderpek-buurt-in-amsterdam-noord/>

actors. For instance, the group planned to make free soup for the neighbours, as to attract people to the squat and discuss together the situation. However, local residents noticed that also Ymere made soup for the neighbourhood, as part of their ‘participation’ strategy. The question, then, became how to run an action centre, how to promote different forms of grassroots struggle to resist the top-down ‘participation politics’ of Ymere?

The occupation of Ymere offices and other demonstrations were proposed as strategies to reclaim the neighbourhood, and as direct actions common among squatters that the neighbourhood did not experience before. Despite these intentions, the squat was evicted within a few weeks, and the collective did not manage to bring forward these projects. Instead of proceeding with a regular eviction, Ymere offered the inhabitants a deal: leaving the squat and moving to another vacant house in the neighbourhood, signing a 2 years contract, and paying rent. Although these kinds of contracts often resemble as ‘anti-squatting’ contracts (see Chapter 6), and are opposed by squatters as an erosion of housing rights, two of the inhabitants decided to accept the agreement, as to secure themselves a living space. This decision provoked harsh collisions among those who squatted the house, as it was considered as counter-productive action that served the interests of Ymere and conflicted with the politics of the group. The group did not manage to reach consensus, with one part prioritising their need for a roof and others prioritising the political aspect of squatting. Deeply disappointed, those disagreeing with the negotiations left the group, and squatted another house. Once the house was vacated, and some of the squatters relocated, Ymere immediately placed anti-squatters to prevent any other radical action. Although negotiations and agreements tend to be very rare, the quick eviction of radical spaces and their of radical spaces with anti-squatters has been a widespread strategy by housing corporations toward squats with strong connection to local struggles.

## 2.2 Antarctica

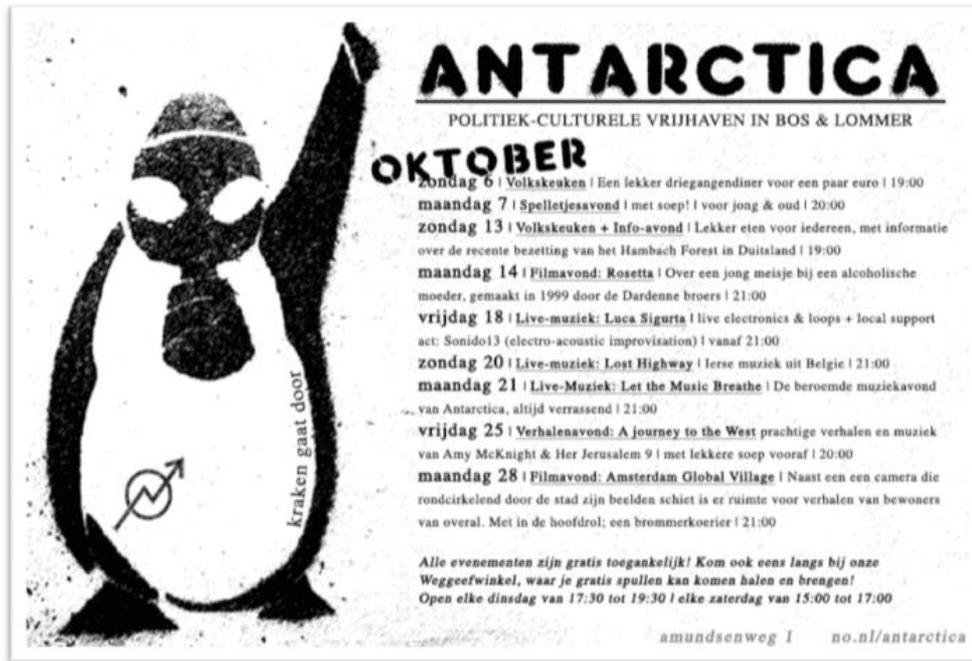
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Antarctica<sup>78</sup> was a squatted social centre on Amundseweg 1, in the working class and

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<sup>78</sup><https://schoolantarctica.wordpress.com/>

residential neighbourhood Bos and Lommer, Amsterdam West. The building used to be a school, it was owned by the municipality and it was squatted by a group of students at the end of 2010, when the squatted block of Schoolstraat got evicted. Within a few weeks, the squatters turned this abandoned school into a living space for about 16 people, installing gas, water and electricity, building showers and a kitchen. The space was named ‘Antarctica’ due to lack of heating and the extremely cold winters the squatters had to face.



**Image 4: Poster and flyer of Antarctica monthly program**

Over the years the building provided living space for students, artists and activists coming from different places and political backgrounds. People were joining the group or leaving it on a regular basis, because of diverging life trajectories and to internal conflicts among the inhabitants. Indeed, throughout three years of existence, the squatting group had to deal with problematic situation, internal violence and disagreements, as much as with temporary visitors that refused to leave. With imbalances in the care of the space or in the efforts placed in the organisation of public events, or with disagreements on the politics of the groups toward the government and the owner, the collective often found itself in need to find collective, direct ways to deal with these controversies through extensive meetings where different opinions would be evaluated, but where consensus was often not achieved. The picture below with a sign claiming ‘First (washing) the dishes, then the

revolution' clearly highlights a common internal struggles within squatted spaces, where the need to take care of living spaces needs to go hand in hand, and cannot be disconnected from, engagement in political action.

The large school rooms were divided in two parts, so that each person would have a regular room, sharing facilities and a common room on the ground floor with kitchen, a large dining table, couches and a piano. The living group would share food, cook and eat together regularly, and organise 'dumpster diving' for bread, fruit and vegetables.



**Image 5 Sign in Antarctica kitchen stating:  
*Eerst de afwas, dan de revolutie, 'First (wash) the dishes, then the revolution'***

The space was used not only for living, as the kitchen and living room were also used as a social centre with a busy schedule: on a weekly basis, the kitchen would be open for VOKUs a people's kitchen with vegan meals and drinks on donation (see section below), where not only squatters but also many neighbours would gather around the same table. Moreover, the space was used for organising *story-telling* events, where people would gather to tell each other stories, tales and poems. Workshops and

information events about a variety of political issues were organised regularly, hosting people directly involved in the struggles: from environmental activism to queer politics. Movie nights, board games events, live music, dance performances and parties took place on a regular basis, opening the space not only for politics but also for joyful and playful activities.

Among all these activities, a community garden in the courtyard of the building attracted the participation of many neighbours, who found in this self-organised activity a different way to connect to each other, to spend time with their kids and to learn together how to grow their own vegetables. Moreover, the space also hosted a free shop, where people would collect things they would not use anymore, or collect something they needed or liked (see section on 'Free Shops' below). In a few occasions the space supported both politically and logistically the undocumented migrant struggles of the 'We Are Here' group<sup>79</sup>, a movement of refugees that, in December 2012, squatted an empty Church nearby Antarctica (De Vluchtkerk<sup>80</sup>).

This and many other squatted social centres create non commercial and autonomous social and political spaces in the neighbourhood<sup>81</sup>, expressing resistance to neoliberal and capitalist urban dynamics and social relations. All the activities are organised by trying to avoid hierarchies and fixation of roles, and run on a volunteer bases. Access to any event is free, while drinks are provided on donations. These activities are not aimed at making profit: the money collected is used either to self-sustain the project, or is donated to other autonomous projects and struggles. Groups and collectives in need to raise money often use squatted social centres for cooking meals or for organising benefit parties, explaining and discussing the cause while collecting donations by the participants.

Hence, Antarctica expressed a direct solution to housing problems and involved affinity groups living collectively, in solidarity with each other and with the

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<sup>79</sup> <http://wijzijnhier.org/>

<sup>80</sup> <http://www.devluchtkerk.nl/home>

<sup>81</sup> For a short documentary about project see: <https://www.youtube.com/watch?v=UPYbxEI2G-E>

neighbours. Moreover, the space provided a site for anti-capitalist struggle, with the experimentation of counter-practices, alternatives to neo-liberal social and political relations: through the constitution of a non-commercial, DIY collective spaces in a gentrifying neighbourhood, Antarctica emplaced and expressed counter praxis toward the politics and ethics that govern urban life under neo-liberalism. As a statement released before the eviction claimed:

“We offered a direct solution to two pressing urban problems: vacancy and housing. A group of people without a roof and a roof without people elegantly flowing together like a jigsaw puzzle with two pieces. Secondly, this place breaks with the logic of commerce in urban space. The best spots in town are generally taken by the ones with the biggest wallet, from bank offices, to luxurious hotels and the money on the inner-city canals. Those who can afford it can live wherever they want to, while the position of the rest seems to get ever more marginalized.

Like in many old popular neighborhoods around the city Centre, in Bos en Lommer this process is actively pushed by government policy and a large inflow of affluent yuppies. With their purchasing power and drive for hip coffee bars and child-carrying tricycles, they influence the stock of houses and services to a point where the original inhabitants of the neighborhood cannot afford to live there anymore and as a consequence are driven further out of town. This ‘right of the strongest’ type of urban regeneration is both unfair, as well turning our city into a uniform and boring playground for the rich”

(From: <https://schoolantarctica.wordpress.com/over/>).

Exceptionally, Antarctica lasted for three years. As the building was owned by the city council, the squatters openly negotiated with the city council, until the building was put on sale and bought for one million € by ‘Urban Resort’. The plan was to turn the former school in a collective living space for a living group of young professionals. After receiving the eviction letter, the Antarctica collective set up a campaign designed to resist the eviction under the slogan: ‘Antarctica does not melt for money!’. A large festival was organised with live music, DJs and multiple activities<sup>82</sup> to celebrate the last days of the project. Eventually, the group peacefully left the building just before the eviction date, in September 2014.

After the eviction, the inhabitants squatted another empty school in Amsterdam

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<sup>82</sup> Flyer for the festival:

<https://www.facebook.com/photo.php?fbid=337844506391747&set=rpd.100004986012696&type=3&theater>

Noord, which was evicted within eight hours; afterwards a large building in Amsterdam Nieuwe West was squatted, on Confuciusplein<sup>83</sup>, where a social centre similar to Antarctica was created, with a free shop and a collective space for the neighbourhood. However, the space was evicted within two months. Due to the constant moving, the group soon fell apart, as many felt exhausted and searched for more stable housing option. Only three people kept on squatting.

### 2.3 Op de Valreep

Another long-lasting project squatted after 2010 is the squatted social centre 'Op de Valreep'<sup>84</sup>. Before the eviction of the social centre 'Blijvertje', in Amsterdam Oost, the city council promised the squatters a new space to continue their social and cultural activities. However, after the eviction it seemed to 'forget' these promises. The collective asked to use an abandoned animal shelter in the same neighbourhood, but the municipality refused. Soon after, in July 2011 the group squatted it<sup>85</sup>. As one activist stated during a workshop: "We asked to have this building as a new social centre, but they said 'it is impossible'. As a response we squatted it, showing that what for them is impossible, for us is was actually possible."

'Op de Valreep' (which means 'just in time'), on Polderweg 1, Amsterdam Oost, was The building was an abandoned animal shelter owned by the corporation OCP (which stands for *Ontwikkelingscombinatie Polderweggebied*), and it was part of a large re-development project called 'Oostport', where the owner planned to transform the neighbourhood into a new living and shopping area<sup>86</sup>. While all the surrounding area had been demolished, the corporation did not have the appropriate permit to demolish this specific building, as it was listed as an official monument. Due to the state of the building, which had no running water, gas, or electricity, the owner could not place

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<sup>83</sup> <https://www.indymedia.nl/node/25688>

<sup>84</sup> The website of the project is: <http://valreep.org/>

<sup>85</sup> Pictures of the project are available here: <https://www.flickr.com/photos/valreep/>

A video of the squatting action is available here:  
<https://www.youtube.com/watch?v=Zz45bEWwvH8&feature=relmfu>

<sup>86</sup> Holland Real Estate Yearbook, 2008 – p. 138

anti-squatters nor temporary renters. It would have taken months before OCP could start the renovation of that part of the neighbourhood, and the mayor had just declared that the new criminal law should not be used to evict buildings that would remain empty afterwards.



**Image 6: Group of squatters placing a banner outside the terrain of the squat stating: 'Here De Valreep realizes the impossible', hence playing with the blueprints advertisement of construction companies, and showing how the squatters would construct a different project.**

However, the city tried to evict the squatters through multiple strategies: by claiming that the space was not safe for inhabitation due to health and safety regulation, fire safety, and the presence of asbestos. Squatters, neighbours and supporters spent weeks fixing the space, transforming the ruin into a liveable space: starting from cleaning the floor from faeces of birds and rough sleepers, to fixing the roof, the windows and the walls. As the ground surrounding the building was contaminated, the collective created an organic urban garden with soil pools.

Despite the active involvement of the neighbourhood in the project, and the importance of this project for the area, the urban authorities threatened the collective with a fine of between €25,000 and €500,000, and possible incarceration for a period

of six months for performing illegal constructions on a monumental building. Eventually the actors involved negotiated that the space would not be used for living but only as a social and cultural centre<sup>87</sup> with public activities. As an act of resistance to the neighbourhood process of gentrification, the space was transformed into a non-commercial autonomous social and political centre with events, DIY workshops, and a neighbourhood urban garden. As one activist stated during a workshop:

"We started a number of initiatives involving the neighbourhood, showing to the neighbours that it is not only possible but also joyful to do something different than what the government wants. We create spaces where it is possible to do something against the rules, against what the market, the state, the government think is useful, profitable and possible".

Indeed the collective aimed at involving the neighbours in activities and protests against the gentrification of the area also through playful, *detournement*, tactics. A fake OCP website was created and 7000 copies of a fake official newsletter<sup>6</sup> were distributed, claiming that the city council decided to donate De Valreep to the neighbourhood. A ceremony was organised<sup>88</sup> with (fake) OCP businessmen handing over the building, which, for the occasion, was wrapped in a blue ribbon<sup>89</sup>.

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<sup>87</sup> [http://valreep.org/wp-content/uploads/2014/04/Scan-to-Me-from-prm00084.basis\\_.lan-2014-04-07-115616-1.pdf](http://valreep.org/wp-content/uploads/2014/04/Scan-to-Me-from-prm00084.basis_.lan-2014-04-07-115616-1.pdf)

<sup>88</sup> An article about the result of the negotiations can be found here: <http://www.parool.nl/parool/nl/4/AMSTERDAM/article/detail/3112509/2012/01/09/Kraakpand-waar-niemand-woont.dhtml>

<sup>89</sup> A video of the ceremony is available at: [https://www.youtube.com/watch?v=gMfhEULoT3U&feature=player\\_embedded](https://www.youtube.com/watch?v=gMfhEULoT3U&feature=player_embedded) ; Pictures are available at this website: [http://www.deenergiekestad.nl/op\\_de\\_valreep/](http://www.deenergiekestad.nl/op_de_valreep/) ; the press release is available here: <http://valreep.org/algemeen/de-buurtkrant/>; and an article about the event here: <http://www.at5.nl/artikelen/74083/verwarring-door-nepkrant-in-oost>



**Image 7: Valreep DIY community garden Before/After**

In addition to this kind of playful actions the Valreep collective made efforts to convince both the city council and the owners of the value of the cultural and social input of the project: participating in city council meetings in both formal or informal and performative modes, and holding negotiations with the housing corporation that owned the building.

“Together with 100 neighbours we went to the city council meetings: it was important to go all together because there is a big difference between saying that you have neighbourhood support, or actually showing this support by bringing everybody to the meetings; seeing so many people the city council got scared and they promised to write a letter to the developers and ask them to allow us to stay until the renovation project would actually start.”  
(Workshop at the Valreep)

Since the beginning, the *Valreep* collective has also tried a strategy common in the 1990s, namely to legalise their occupation of a building by renting or buying it, with the condition that it would remain a non-commercial social and cultural centre<sup>90</sup>. This created large conflicts within the collective: while some people desired to keep the radical politics and autonomous ethics of the project, rejecting any institutional arrangement, others prioritised the stability and continuity of the space, and understood legalisation as the only tool to create a long term alternative space in the

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<sup>90</sup> <https://en.squat.net/tag/valreep/>

neighbourhood. The discussion went far beyond the collective itself, with many segments of the movement either supporting or boycotting the space in their legalisation agenda. Although no consensus was ever reached, and many left the project in disappointment, the collective started a large campaign, launched a petition, and organised city-wide demonstrations<sup>91</sup> under the slogan ‘Valreep Legaal’, promoting their plans for legalisation, and raising awareness around the importance of free cultural and social spaces, bottom-up projects<sup>92</sup> and grassroots alternatives to gentrification. As the open letter to the city council stated<sup>93</sup>:

The Valreep fears that if profit maximization is always placed as the highest goal, Amsterdam will gradually swap away its free, open and exciting image for a dull, uniform and polished cityscape. The Valreep envisages a transition from a squatted sanctuary into a legally self-sufficient socio-cultural center. Regrettably, the municipality and developer OCP (responsible for the development of the East Gate area where Valreep is established) here think otherwise. They would rather transform the former Dierenasiel a luxury lunchroom.

Too bad, not only because Amsterdam already has many luxurious Grand-Cafés, but also because in the eyes of the Valreep financial profit maximization often does not lead to the best results. The Valreep therefore hopes that the city and the OCP will be able to see the value of neighborhood initiatives such as the Valreep, recognizing its contribution to society. Believing that Amsterdam is provided with sufficient Grand-Cafés and that the social centre Valreep, (supported by neighborhood and town residents) constituted a great added value for the city, the Collective Valreep is ready with its own business plan. The vision of The Valreep is a legal, self-sufficient socio-cultural center. Important pillars as accessibility, diversity and self-organization remain central.

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<sup>91</sup> <http://valreep.org/algemeen/legalisatie-demonstratie-19-oktober-14-00-uur/> ;  
<http://valreep.org/achtergrond/de-valreep-legaal-demonstratie-te-gek/>

<sup>92</sup> <http://theprotocity.com/the-rise-and-death-of-the-just-city-of-amsterdam/>

<sup>93</sup> <http://valreep.org/about/>

Although contesting the economic relations that lead into a dull, uniform and polished cityscapes, these statements were rejected by those who opposed the legalisation of the project. This agenda was contested as an attempt to legitimise the project toward media and politicians, by arguing that it was composed by nice squatters who should be accepted because they contribute to the image of the city, or because they create nice projects for the community: an ideal-type of conduct is presented for ‘good forms of squatting’, as practices that lead to an healthy society, that are productive, that make the city more attractive or a nicer place to live in, and thereby conforming to a morality around the use of space. Yet, those promoting legalization used these arguments strategically, to campaign against the eviction and for securing the stability of the space, aware of the fact that in order to be listened to, they had play the game and tactically engage with the languages spoken against or in support of them by any kind of actors.

Despite these unsolved controversies and contradictions, down the years, the Valreep had been one of the most prominent squatted spaces in the city of Amsterdam, not only due to the multiple events and projects taking place in the squatted space, but also because, through their campaigns, the collective managed to keep squatting in the gaze of the public, media and politicians, reminding the city of Amsterdam of the importance of free and autonomous cultural and political spaces. Moreover, by organizing several city-wide events and demonstrations, the Valreep collective managed to bring together and mobilise different ‘underground’ voices within the city: among others, ‘reclaim the neighbourhood’ protest<sup>94</sup>, bringing together on the streets all the squats in Amsterdam Oost to protest against evictions and the process of gentrification, organising of nomadic festivals such as Damoclash<sup>95</sup> (organized together with the Schijnheilig collective), and hosting Queeristan, a festival for autonomous queer politics<sup>96</sup>, taking place every year in different locations.

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<sup>94</sup> <https://ksuoost.squat.net/reclaim-de-buurt/>

<sup>95</sup> *Damoclash* is a nomadic and non-commercial cultural festival that brings together musicians, dancers, poets and activists to discuss politics through performances, playful activities and debates. coalesce into a fun event. <http://valreep.org/algemeen/damoclash-en-op-de-valreep-present-open-huizen-dag/> ; <https://www.indymedia.nl/node/8784>

<sup>96</sup> <http://queeristan.org/about-queeristan/>



**Image 8 Op de Valreep during the opening party in September 2011**

Besides these kinds of festivals and events the Valreep has been a significant space for the organization of parties, concerts and the underground party scene, with free parties taking place every weekend. In October 2013, the Valreep, together with other collectives such as Schijnheilig, Nimatek, and other squatted autonomous projects including Bajersdorp and ADM, initiated a street parade bringing to the streets the sounds and the politics of the free underground party scene. This parade, now an yearly event, aims at countering the commercial festival ‘Amsterdam Dance Event’ (ADE), and was named *ADEV -Amsterdam Danst Ergens Voor-* namely ‘Amsterdam Dance for Something’<sup>97</sup>. Since then, the parade have been taking place every year, crossing the central areas of the city, and thousands of people have been dancing and protesting in support of the Amsterdam underground party scene.

Despite these efforts, and the attention generated, no legalisation agreement was ever reached. In 2014, three years after of occupation, the threat of eviction became more tangible and, on April the 3<sup>rd</sup>, the chief of the police Leen Schaap delivered the

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<sup>97</sup> See video here: <https://www.youtube.com/watch?v=UjDStpISJqU>. Website: *adev.nu/*

eviction notice in person<sup>98</sup>. The squatters decided to defend themselves against the eviction notice, and started a court case against the state<sup>99</sup>. Their argument was that despite the clear plans for the regeneration of the Oostport area, the owner still had no concrete plan for the building itself. In court the squatters argued that the building would remain empty after the eviction (and indeed it is still empty and boarded up at the time of writing, end of 2015), and showed that in contrast to this, the collective made good use of it by creating a self-organised project for the neighbourhood<sup>100</sup>. During the court case the only question that the judge asked to the squatters was how they could live in those conditions, without water and electricity, and if it was *gezellig* (a Dutch expression that refers to cosy, comfortable, enjoyable) to invite their friends over. Although the judge did not seem interested in how the space was used for the community, she brought into judgement the mode of life of the squatters living at the Valreep.

On May 28th the Valreep collective received a negative verdict<sup>101</sup>, stating that: “the squatters have not demonstrated that the eviction will lead to extended vacancy, with no prospect of change”<sup>102</sup>. The collective went on to appeal, but on June 13<sup>th</sup> the case was lost<sup>103</sup>. Within a few days, on June 17<sup>th</sup>, the Valreep was evicted<sup>104</sup>. The Valreep

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<sup>98</sup> [http://valreep.org/wp-content/uploads/2014/04/Scan-to-Me-from-prm00084.basis\\_.lan-2014-04-07-115616-1.pdf](http://valreep.org/wp-content/uploads/2014/04/Scan-to-Me-from-prm00084.basis_.lan-2014-04-07-115616-1.pdf)

<sup>99</sup> <http://www.at5.nl/artikelen/127396/kort-geding-krakers-de-valreep> ; <http://nl.squat.net/2014/05/11/amsterdam-woensdag-14-mei-1500-rechtszaak-burgerinitiatief-op-de-valreep-versus-de-nederlandse-staat/>

<sup>100</sup> The lawyer of the collective, Rahul Uppal, also argued that while squatting buildings is illegal, there is no law regulating the occupation of terrains: as the Valreep was surrounded by a terrain which is also used for the activities of the collective, there should be two different cases.

<sup>101</sup> <http://valreep.org/algemeen/rec/> ; <http://nl.squat.net/2014/05/28/amsterdam-op-de-valreep-uitspraak-rechtbank/>; <http://nl.squat.net/2014/06/13/amsterdam-valreep-wordt-ontruimt/> <http://www.parool.nl/parool/nl/4030/AMSTERDAM-OOST/article/detail/3663278/2014/05/28/Krakersbolwerk-de-Valreep-in-Oost-mag-worden-ontruimd.dhtml>

<sup>102</sup> My translation from the original: “*De krakers hebben niet aannemelijk gemaakt dat ontruiming zal leiden tot langdurige leegstand, zonder uitzicht op verandering. De voorzieningenrechter volgt de Staat in de opvatting dat het pand en het terrein een geheel vormen.*”

<sup>103</sup> <http://nl.squat.net/2014/06/05/amsterdam-op-de-valreep-uitspraak-hoger-beroep-vrijdag-13-juni/>

<sup>104</sup> <http://nl.squat.net/2014/06/17/de-valreep-wordt-op-dit-moment-ontruimd/>

collective organised a strong resistance to the eviction<sup>105</sup>, with heavy barricades and lock-ons (see Chapter 8). It took 13 hours before the police managed to clear the building, and 20 people were arrested<sup>106</sup>. Those arrested were brought to the police station and released after a few hours, without charge.



**Image 9** Barricades blocking the access to the terrain of De Valreep, the day before the eviction, and a squatter moving furniture on a cargo bike

### Box 1: ADEV Manifesto

Fuck Venice, long live Amsterdam!  
Our public space is closing up.  
Soon, drinking will only be allowed on an expensive terrace.  
Gatherings: only with a license.  
Art: only for commercials.  
Venture capital and start-ups will be the only accepted forms of courage.  
And whoever does not consume is suspicious and unwelcome.

<sup>105</sup> Vice news shot a documentary about the project just before its eviction and during the eviction. It is named 'Kraken anno 2014: de staat wint altijd' and it is available here: <http://www.vice.com/nl/video/kraken-anno-2014-de-staat-wint-altijd-504>

<sup>106</sup> For a time line of the eviciton see: <http://valreep.org/algemeen/valreep- eviction-ticker-english/>  
For a video of the eviction see: <https://vimeo.com/98380749#at=2>

Where have all the rogues, street artists, musicians and students gone?  
They left.  
Because Open Air Museum Amsterdam is only welcoming to investors and their budgeted  
projects.  
But who wants to live in a museum? We don't.

Fuck Venice, long live Amsterdam!

Amsterdam draws its flavour from those who draw outside of the marked areas.  
In this monoculture, we won't let alternative sounds go extinct.  
But we amplify them into pounding dance music that will move you.

We dance for a free Amsterdam.  
Straight through the city.  
Outside of the lines.  
Away from the laws of commerce and government rules.

Fuck Venice, long live Amsterdam!<sup>107</sup>

### 3. DIY spaces

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Networks of counter-spaces, where resistant practices such as the constitution of vegan collective kitchens (*volkskeuken*), DIY workshops as learning environments for sharing skills, give-away shops for recycling and donating goods, underground cinemas, anarchist libraries and accessible spaces for encounter and socialisation, do not simply provide alternative counter-cultural services, but constitute a direct intervention in the politics and ethics of sociality, of knowledge production and of social organisation. In these spaces it becomes possible to experiment different ways of doing things, with relations based on affinity rather than identity, solidarity rather than individualisation and co-operation rather than competition. In this way squatted spaces transform the way habitations, neighbourhoods and social spaces are lived and experienced, but also activate modes of resistance taking place through everyday conducts and affects, that counter political and moral ordering of life by experimenting with different modes of organisation, as much as of political and affective relations.

#### 3.1 Free Shops

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<sup>107</sup> <http://adev.nu/manifest/>

A common practice in squatted social centres is the creation of free-shops. Free-shops differ from charity shops or from exchange economies, as it is not necessary to bring something in order to take something. Instead, anyone can bring what they do not use anymore, or take whatever they need without giving anything in exchange. Free-shops are filled up both by supporters bringing things they do not need, but also by dumpster-diving in the streets of Amsterdam where any kind of goods can be found every night, including electric, tools, laptops, books, kitchen equipments, furniture and clothes.



Image 10: Free shop ad of 'The Swamp' in Sumtrastraat, Amsterdam Oost

Free-shops are a common practice in squats, as an alternative to consumerism capitalism, by recycling and fixing up goods, accessing things for free, and rejecting the economies of exchange and profit. As the website of the squatted social centre Joe's Garage free-shop states<sup>108</sup>:

As result of frustrations about boring jobs and to compensate the resulting loss of time, people just buy senseless and worthless stuff, but they remain not happy. This creates pollution to the environment, and social harm: most of our consumer goods are produced in poor countries made where people have to work for wages that they hardly allow them to eat. It is time for a better approach.

One way out of this vicious circle is to just consume less and to reuse stuff.

<sup>108</sup> Web page of the free-shop, with pictures and pictures: <http://www.joesgarage.nl/weggeefwinkel>

Because very good things often end up in the trash or in the attic, gathering dust, we need a place to make this abundance available. And because the real value of things is often obscured by their price (or exchange value), the best method is to give them away.

A free shop is a place where nothing is for sale and everything is free. A free



Image 11: Flyer for the event 'Free Shop on the Street', taking place in Kalverstraat and Spuistraat, the most commercial shopping streets in Amsterdam city centre.

shop is not a garbage dump, but a place where you can deliver what is too good to throw away and where you can take what you need. In a bargain store there is always enough for everyone's need but not enough for everyone's greed.

Do you have something beautiful or useful around, or do you need anything?

Come along: every Saturday from 14.00 to 18.00<sup>109</sup>.

Occasionally free shops are brought to the the central shopping streets of Amsterdam on cargo bikes. To give away goods and to distribute flyers explaining its politics, bring this counter-practice to the core of urban consumers spaces and show that it is both necessary and possible not to buy new goods and to experiment with alternatives to consumerism. In most of the cases those who brought freeshops on the streets have been arrested and fined for disruption of public order, for not respecting police orders to leaving the spots, and for un-authorized occupation of public space.

### 3.2 VOKUs: people's kitchens

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<sup>109</sup> My translation

Other common, radical practices happening on a daily basis in both squatted and legalised social centres, are the so called VOKUs, abbreviation of the German *Volks' Keuken*, people's kitchens. Every evening in at least one of Amsterdam social centres it is possible to eat a three course vegan meal, including a soup, a main course and a dessert<sup>110</sup>. The meals are offered on donation. This practice entail that every evening, and sometimes even during the day, it is possible to find warm and nutritious food at an affordable price or for free, to sit around a table and to share a meal either with friends or unknown people. This bring people together by eating together beyond the possibilities of socialization within commercial hip cafes and restaurants, accessible only to the wealthy. As the web page of Joe's Garage VOKU states, this is a practice contrasts with the everyday isolation and alienation of contemporary urban lives:

More and more people live alone and have no time or inclination to cook. Often, dinner is just a pizza from the freezer or a fatty snack at the snack bar, sitting all alone in the evening and watching the TV. But cooking and eating can also, much more fun together! At people kitchens people cook on a voluntary basis and eat together. In this way, both the cooks as the eaters escape from isolation while eating healthier and cheaper. Moreover, love and understanding usually goes through the stomach, and the people's kitchens are a good place to get to know and appreciate your neighbours<sup>111</sup>.

Indeed VOKUs involve not only collective eating but also collective cooking. Affinity groups might volunteer to prepare a meal to raise funds for their cause, but sometimes, individuals who are not connected to any affinity groups decide to volunteer. The kitchens are generally open, and anyone is welcome and encouraged to step in and help both with cooking and with cleaning. The very process of cooking together is a creative process encouraging people to engage in creative projects together, learning from each other, and becoming involved in other forms of struggle.

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<sup>110</sup> VOKUS. Legalised social centres: MKZ, De Molli, Vrankrijk, Plantage Doklaan, Zaal 100, De Peper, Pieter Nieweland. Squatted social centres: Joe's Garage, ADM, Antarctica, De Strijd, Krakaoke, Bajersdorp.

<sup>111</sup> My translation from <http://www.joesgarage.nl/volkseten-vegazulu>

Through VOKUs affinity groups raise funds for their projects and struggles, and have the space for informing those who participate in the VOKU what they are eating *for*. Therefore, VOKUs can turn into spaces for discussion and counter-information that can access not only those who are already involved in these movements, and who are just visiting the spaces for a cheap meal. Therefore, by engaging with these practices, also those who usually do not squat or are not actively involved in social centres and political movements, can be actively involved in counter-practices that make visible all those invisible and normalized relations of power that govern our society and our lives.



Image 12: Squatted Social Centre Joe's Garage, about to run a VOKU

The food prepared is vegan, not because of contemporary fashionable healthy diets, but because vegan food fits most of the dietary requirements of different religions and cultures. Therefore running vegan kitchens is a way to not exclude anyone from the possibility of participating in these spaces. Moreover, most of these spaces are engaged in radical struggles for animal liberation, against the exploitation of animals taking not only through the meat industry but also through the production of dairy and eggs. Veganism is a radical struggle against the capitalist modes of production and ethics profiting from the abuse of animals, going beyond the struggles that reduce the critique of capitalism as human exploitation, **and embracing the link between capitalism and non-human exploitation and oppression.**

Yet, preparing vegan food is not simply an action of refusal. Instead, it is a way to promote alternatives and counter-practices that show how veganism works, and which re-configure vegan eating as something different to a sacrifice or as a negation. As one of the MKZ collective kitchen declares: “By only vegan cooking we boycott the cruel animal industry and we will make clear to people that vegan food is a healthy and very tasty alternative.<sup>112</sup>” Indeed in people’s kitchens both those who cook and those who eat, by preparing and eating nutritious and diverse meals, learn different modes of cooking and of assembling ingredients. Some people’s kitchens prepare meals with skipped food, namely food dumpster dived outside food stores, bakeries and markets. In this way, these practices contest the normalised way of accessing these basic resources whereby basic needs such as food makes corporate profit. Through these practices the waste and paradoxes of contemporary consumers’ capitalism become visible, and these very wastes are turned into tasty and free dinners for up to hundreds of people.

#### 4. The Micropolitics of Home Making

While in most European countries squatting is mainly related to urban struggles and the creation of social and political centres (Sjek 2012), in the Netherlands it is mostly a tool for housing and for alternative ‘home-making’. The house, the home, is the private and intimate space of the individual and of the family, a space to withdraw after public activities. The home is a realm where heteronormative social, political and ethical relations are produced and sustained (Federici, 2012) and where the boundaries between them are defined (hooks, 2000). In a neoliberal housing system that operates through privatisation and individualisation of lives (Lazzarato, 2009), either by pushing people to live in private properties, or to pay rent and live in single social houses at the edge of the city (Flint and Pawson, 2009), squatting houses and constituting collective living space is a practice that subvert the neoliberal dialectic of public / private, as home becomes something different than the intimate space of the individual and the family. By occupying these spaces and transforming them,

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<sup>112</sup> <http://binnenpr.home.xs4all.nl/mkz.htm>

squatters not only oppose these relations, but also produce new, different counter-institutions.



Image 13: Toilet sign of social centre dividing the toilets not according to gender but according to 'Standing' and 'Sitting'

Living in a squat politicises every aspect of everyday lives, because when one's home is a squat it is not possible to go to a demonstration, or participating in a campaign, and then retreat to a private space. By using the home itself as emplacement of resistance, as the localisation of struggle, squatters subvert the localisation of politics as an activity that belongs to the *polis*, namely that has to take place in the public sphere. Indeed there is not an 'outside space' where protest takes place, and then an intimate space where to continue one's daily life. Although living in a squat does not mean living in a constant state of 'protest', living in a squat entails 24-hour-a-day political and ethical praxis, as resistant practices take place in one's most intimate spaces, and they become a full time activity that shape one's life. In this context the home becomes the locus of transformation of the self and of the relation to society.

Through squatting *home* is stripped by the possessive pronouns that otherwise define it: what is created is not *my* home or *your* home, but a home, as an indefinite and common space where different relations than the one of property and individuality can be experimented. Indeed squatting entails countering supposedly 'normal' ways of 'home-making', and of 'feeling at home', by multiplying the possibilities of 'what a home can do', what can happen within a home, and how a home could be organised

and experienced. These practices break-open the normative concept of home, as a property or as a private space, and 'home making' becomes a collective practice and a political project in continuous constitution. Through squatting, home-making becomes a nomadic practice, rather than rooted in a static, fixed and enclosed space.

As in social centres, housing-groups are assembled by affinity, organised in a non-hierarchical and autonomous way, whereby people come together not because of a feeling of belonging to fixed identities, but because of what they can share in common, by bringing together their differences. Affinity groups are often based on shared political action as much as on friendship, taking care of each other needs, and supporting each other while sharing everyday spaces and experiences. All these processes entail organising radical praxis through an everyday, permanent and intense ethical work, and entail the constitution of collective subjects of different singularities acting in common, rather than divisive and exclusive identity politics. Yet, living in a squat is not a smooth and utopian process, due to the constant threat of eviction, to the poor conditions of the spaces, and the necessity to constantly relate to group dynamics and conflicts. While some people keep on living together for years, during the lifetime of squats or after evictions the composition of the group often changes, with some people joining or some leaving due to internal controversies or in need of different experiences.

Living in a squat entails becoming part of a broad network of solidarities and informal economies, where it becomes possible to live little or any money, although having a job is common. Not paying rent configures not only as practice of resistance to private property, but it requests an overall reconfiguration of one's life, values, and time. Indeed, it allows a different relation or overall refusal to labour and salary. This also means overcoming those material constraints that dominate and govern 'the poor' (Flint and Pawson, 2009), and instead, countering these neoliberal subjection mechanisms by organizing modes life and grassroots networks to live a joyful life without wealth and property.

Not subject to the logic of rent, to the rhythms of labour, and to heteronormative modes of living, time and space are emptied of the norms that order modes of life of neoliberal cities. This opens the possibility for conducts and affective relations where

ethical experimentation and political contestation go hand in hand, creating spaces and modes of life that operate differently from the logics of capital. Living in un-commodified spaces leads to the production of social relations, practices and modes of life that reject and counter the values and moralities of capitalism, thereby resisting capital's modes of subjection. Squatted homes open the possibility to un-learn the codes and norms that define 'normal' conducts and affects and learn different modes of existence.



**Image 13: Banner at the squatted space 'De Hallen' (Amsterdam West) stating: 'A city without squatters is like a house without people'**

Therefore, squatted spaces entail open spaces for experimentation with different forms of sociality, political action and alternative modes of existence. Squatters do not only break the law, but break with modes of subjection embodied by ownership, employment and individual responsibility that define the social in the context of neo-liberalism. By breaking open the institution of 'home', it is possible to intervene in the relations of power that pass through 'the home' and transform the way one constitutes oneself as a subject within and through these spaces. When the home configures as a space for relations of power and resistance (Federici 2012), this has important consequences when thinking in terms of 'social movement', and it becomes necessary to think in term of micro-politics, affects, ethics and conduct.

The creation of each project entail complex micro-political processes: ethical questions of how to organise a group and how relate to each other, how to make decisions, how to speak, what to eat are key elements in the constitution of squatted projects. While busy with transforming empty buildings into liveable spaces, fixing roofs, building kitchens, and working on water and electricity supply, groups of squatters constantly have to reflect on both the politics and ethics of the project.

In these spaces the traditional relations between consumption and production are overcome, as each practice is created through a collective co-operative process, where nobody owns the space or have decisional power, but where all those who *use* the space are also actively involved in its organisation. Decisional processes work not by majority voting but by an intensive reflective process where those involved attempt at reaching a form of consensus<sup>113</sup>, although often failing in doing so. Each decision is evaluated not in terms of given values, but in terms of how it affects the collective, the relations between people, and the modes of living together. Moreover, decisions and regulations is open to discussion and re-evaluation. This is a tool to overcome the traditional relations of power that are entailed with the creation of a majority versus a minority, and to evaluate each decision according to everyone's perspective, positionality and needs. These modes of organisation and decision-making entail resistance to hierarchical and oppressive modes of organisation, regulated by imperatives of efficacy and efficiency (Lazzarato, 2004). There is not a general rule for action, a morality on how a space should work and what people should do. Instead, there is a shared ethic of critique and of reflexivity, where each situation is evaluated according to its specific context and dynamic rather than relying on fixed rules.

However, these are not 'free spaces', where 'everything is possible' and everyone is welcome. It is not uncommon that people who are unfamiliar with autonomous politics believe that within a squatted space 'everything is permitted', because of the absence of official laws, relations of ownership and of authority. This often leads to violent confrontations and discussions, where those who use the space and take care of it need to enforce some sort of regulation to avoid the abuse the politics and ethics

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<sup>113</sup> From the latin *cōnsentiō* meaning literally *feel together*

of radical and autonomous space. Moreover, these are not abstract and perfectly working communities. Within and across groups, during meetings and everyday interactions, power imbalances, conflicts and contradictions constantly emerge. Despite attempts to reflect on how not to let someone's privileges dominate on others, awareness of how to talk and listen to each other, critiques of any form of racism, sexism and authority, a number of unresolved questions and paradoxes often coexist: to what extent are the informal rules established in each space differ from the norms that regulate society, and in what way are new norms imposed upon people within these spaces? Which relations of power circulate through each decision, who will be affected by it, and in what way? How do these decisions, although discussed through consensus techniques, exercise authority over one another? How certain ways of doing things reproduce the very politics the project is resisting?

Authority, sexism, some forms of discrimination and violence, and other paradoxes emerging in autonomous spaces as much as in the rest of society. These unresolved issues affects the relations between people within and across affinity groups and their capacity to act in common. Yet, these are not left unchallenged or pushed into invisibility, but regularly called out and discussed, becoming object of continuous reflections and confrontations as much as of conflicts and disagreements. In this way, spaces for encounter, rather than only for conflict are created, where it becomes possible to reflect upon the embodiment and reproduction of relations of power. In this way it becomes possible to start searching for counter-practices and alternatives ways of relating to each other and to the world, although the answers are often not to be found.

##### 5. Counter-conducts and affects: political and ethical praxis.

The micro-politics discussed above embody and express forms of social and political relations that the group is struggling for (Yates, 2015). The priority is not the result of a discussion or the effectiveness of a project, but political and ethical praxis where the means are not separated from the ends (Katsiaficas, 2006). Traditional rules and norms are contested, and new modes of organization are experimented, not based on moral assumption or on transcendental laws/values. This is a way to overcome those

modes of organization that would postpone everyday change until a utopian 'revolutionary' event. Instead, practices of resistance are characterized by their *haecceity* (Deleuze and Guattari, 2004b) as events taking place in the *here and now*, throughout our everyday social, cultural and political practices and relations.

Hence, much time and efforts is put to fixing houses, on opening spaces for creating alternatives to capitalism, on organising events, actions and demonstrations for fighting against capitalism. Yet, much time and space is given to discussions, meetings, workshops, reflecting on how we carry in our own bodies, in our words, and through our affects the very politics we are trying to resist, understanding that if we want to challenge capitalism and neoliberal societies, these cannot be addressed as individual problems, but as relations of power that are embodied, and that circulate through everyday conduct: namely, constituting counter-conducts.

Therefore, squatted spaces emplace resistances that are not only expressing opposition, but go beyond a politics of demand, recognition and identity, and without passing through the mediating institutions of the state (Day, 2005). These modes of resistance do not define themselves in reaction to the state. Not relating to the 'state' as such as the main target of resistance implies subverting the discourses that make of the state the main locus of politics. The aim is not the one of 'taking power', or influencing policies. Squatting, instead, entails micropolitical modes of resistance, opening spaces where the micropolitics of capitalist and neoliberal modes of government are opposed, uprooted, exposed, and contested. Moreover, these struggles are not just about destroying capitalist relations, but instead, are aimed countering these practices by experimenting with different ones in the here and now.

Moreover, the practices of squatting are not limited to break opening and trespassing into private properties, or contesting the legitimacy of social relations based on privatisation of basic needs such as housing or land. Instead, trespassing – i.e. breaking into a space - is a starting point for a multiplicity of practices to emerge. While according to the politics of urban planning all space should be clearly assigned to specific designated purposes (Blomley, 2004), as to support desired behaviours as much as to control undesired ones (Raco, 2003a), *kraken*, means breaking open a space where the access is prohibited, using something in a way that differs from its

original functions, therefore subverting the norms, the desires and the conducts happening within these spaces.

In line with both queer practices (Brown, 2007) and hackers' politics and ethics (Wark, 2004), the core of *kraken*, namely squatting, is these very definitions of public and private, binaries, rules and norms, in order to re-code and re-signify them. In other words it implies a practice of DIY urbanism (Iveson, 2013) that entails contestation and transformation of the ways in which certain objects, spaces and institutions 'should' function according to the logic of neo-liberal capitalism, and experimentation with different relations and composition<sup>114</sup>. In squatted spaces people fight against the multiple and pervasive relations of power that govern contemporary urban life, by un-doing and unlearning conducts and affects, namely modes of thinking, of acting, of experiencing.

These nomadic webs of resistant spaces are spread throughout the city, allowing an alternative functioning of the city and the modes of life that can be experimented and experienced within this context. By engendering heterogeneous modes of resistance, these spaces produce not only alternative housing opportunities but also a multitude of spaces of sociality, cultural exchange and political contestation. What gets produced are assemblages of un-commodified spaces and practices of resistances spread throughout the city that allows an alternative production and use of urban spaces. Although each squat has its own peculiarity, engages with different political struggle, and face a variety of internal problems and paradoxes. Yet, in they converge as to create *rhizomatic* networks that provide platforms for subverting the logic of profit, privatisation and individualisation that govern urban life under neoliberalism. This does not entail simply negative politics, characterised by negative and reactive affects, as these are spaces of experimentation, of creative and active politics and ethics.

Rather than constituting a unitary movement, each squat emplaces divergent

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<sup>114</sup> As the *heterotopia* described by Foucault, spaces that are trespassed by squatters will function in a very different fashion than their original function. In this sense they are parafunctional spaces, counter-spaces that escape coding, places that "have the curious property of being in relation with all the other sites, but in such a way as to subject, neutralise or invest the set of relations that they happen to designate mirror or reflect" (M. Foucault 1986, pag.24) .

struggles, producing a multitude of *cracks* in the smooth operation of power, lines of flight exploring different possibilities of action and reaction. Due to this heterogeneity and to diverging agendas coexisting both across spaces and within spaces, paradoxes, oppositions and conflicts are at the order of the day. Moreover, the government tends to react to different segments of the movements differently, tactically using these divergences to weaken cooperation and common action: on the one hand partially tolerating those who engage in negotiations, and on the other repressing those who refuse any form of dialogue. Government responses, and the constant threat of eviction that comes with criminalisation, often exacerbates tensions between and within groups. Although often counter-productive, these tensions, paradoxes and fractures allow the so-called squatting ‘movement’ to reflect upon its own practices and to create unexpected and unpredictable modes of actions. This entails avoiding a unitary homogeneity that would enable further forms of control and management of the struggles by a variety of institutions.

## 6. Criminalisation and moral ordering

Discourses and practices of the criminalisation of squatting addressed the very counter-conducts of squatting, raising fear and rage toward squatters’ ethics and modes of life: squatting has been framed as violation of private property rights, and as a form of conduct and as a mode of life considered dangerous, harmful, immoral and unhealthy. As one activist claimed, in relation to the criminalisation of squatting:

“It has been argued that squatting is morally wrong, no matter the practical consequences, or the reasons why people need to squat. The morality has changed, and the way people deal with diversity. Now we all have to be the same to live in the same way, to think the same. If you want something different then you will be subject to repression”. (Interview with squatter MW).

Resentful affects as anger, and blame were mobilized against squatters not only because they ‘steal someone else property’, but accusing them of the moral outrage of not working, not paying rent. This has been associated to an assumption that squatters are lazy, they do not produce and, as such, they are parasite of Dutch society. Squatters were framed as unwanted foreigners, by portraying them as barbaric thieves with no morality, and no respect for the Dutch population and its values (Dadusc and

Dee, 2014). Squatters were also accused of being noisy, dirty, smelly, and filthy<sup>115</sup> therefore making reference to cleaning habits, appearance and everyday conduct. Through the mobilization of these discourses, squatting was eventually addressed as a source of danger.

The main arguments against squatting and squatters' conduct were expressed not only by the media, but mainly by politicians in two official documents: the Explanatory Memorandum to the anti-squatting bill (Tweede Kamer 07/08, 31 560 nr.3). written by Ten Hoopen (Christian Democratic), Slob (Christian Union), and van der Burg (Liberal Party)<sup>116</sup> and in the 'Black book on Squatting' (*Zwartboek Kraken*, henceforth ZBK) published by the Dutch Liberal Party VVD (Van 't Wout, 2008)<sup>117</sup>. Both documents contain several overlapping arguments that express the main discourses mobilised against squatting and framing squatting as a problem demanding intervention. The arguments contained in these documents have been reproduced and amplified by the media (Dadusc and Dee, 2014; Gemert et al., 2009; Gemert et al., 2012)<sup>118</sup>.

In first place both documents argue that squatters and their motives have changed in the recent decades: according to this argument, while squatting used to be a useful solution to housing shortage, according to the bill “the problem of housing shortage no longer exists: nationally, there is no housing shortage and there are homes

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<sup>115</sup> See: Robert van de Griend. Uitvreter! Squatterski en okupas slopen de kraakscene. Vrij Nederland, 9 July 2005

<sup>116</sup> Explanatory Memorandum Proposal Tweede Kamer 07/08, 31 560 nr. 3. On-line consultation via: <https://zoek.officielebekendmakingen.nl/dossier/31560/kst-31560-3?resultIndex=63&sorttype=1&sortorder=4>

<sup>117</sup> This is not based on empirical evidence, and it does not make reference to any verifiable fact (Gemert et al, 2009). On-line consultation via: [http://www.nmoh.nl/fileadmin/user\\_upload/images/Kennisbank/leegstand\\_en\\_kraak/08.11.18\\_20Zwartboek\\_20kraken\\_20definitief\\_20\\_BW\\_\\_1\\_.pdf](http://www.nmoh.nl/fileadmin/user_upload/images/Kennisbank/leegstand_en_kraak/08.11.18_20Zwartboek_20kraken_20definitief_20_BW__1_.pdf)

<sup>118</sup> However, the cases described in the Black Book of squatting (ZBK) do not make reference to any actual evidence, nor to any specific fact, name or data (Van Gemert et al, 2009). According to the author, this is due to the fact that “almost all people who wanted to report their story demanded anonymity as they were very afraid of repercussions from the squatters' movement” (Van 't Woud 2008: 4). However, empirical research conducted between 2008 and 2009 by the Criminology department of the Vrije Universiteit of Amsterdam, in which I participated (Gemert et al 2009), dismantled most of the arguments contained in these documents, and showed a very different reality of squatting.

available even in the metropolitan area” (Tweede Kamer 07/08, 31 560 nr.3, page 7). Therefore, on this logic, 21st century squatters are not activists fighting for social goals such as housing rights and against vacancy, but squat to avoid paying rent (ibid) and pursue a lazy lifestyle while living in the city centre<sup>119</sup> (Gemert et al., 2012).

This discourse claimed that squatting should be prohibited because it is “unfair and unjust”, as also Liberal Minister Henk Kamp stated (ibid). Squatting began being portrayed as the theft of homes, as outlaws who cheat the rules of the housing distribution by taking for themselves houses that should be allocated to others, rather than as a political action and a social movement against private property who denounce housing shortage. In a context of housing shortage due to the government failure to implement policies to provide affordable housing and its support of large gentrification projects, discourses around squatting addressed squatters as a cause of the problem rather than addressing the economic and political causes of housing shortage.

Moreover, in this context housing is here framed as a commodity that only ‘good hard working citizens’ can deserve, rather than as a basic need. Concepts such as *laziness* in association with paying the rent, and *deserving* suggest a morality of good conduct and good citizenship based on values of work and of productivity. What is criminalised here is not simply the fact that squatters do not work and do not pay rent, but their very *unwillingness* to work and to pay rent. Squatters are not framed simply as unemployed, but as *lazy cheaters*. Here, the ethic of refusal of labour, in favour of different activities focused on creating alternatives to capitalist and neoliberal modes of life and relations, is not addressed as a political action, as a different ethic, but as a moral monstrosity. Therefore these discourse address the conducts of squatting as a form of social enmity breaking the moral order of society that needs to be confined and brought under control.

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<sup>119</sup> Zwartboek Kraken [www.vvdamsterdam.nl/files/14b6f66fd1ca1/](http://www.vvdamsterdam.nl/files/14b6f66fd1ca1/)

In second place, these documents argue that squatting constitutes not only an infringement of property rights, but as well blame squatters for the fact that many buildings are in a state of decay:

“Squatted buildings are boarded up, in many cases, defaced or neglected. Squatters are often reluctant to invest in the maintenance of the squats. This neglect has an impact on surrounding properties. The quality and value of the surrounding housing decreases, with the result that the quality of life in the neighbourhood is affected. (Tweede Kamer 07/08, 31 560 nr.3, page 5)

This argument defines squatters as a sort of virus that infects healthy property (Cresswell, 1997a). This discourse makes moral statements on how a healthy city should look like, and on the fact that squatters, by looking different, and by bringing different ethics and aesthetics, damage the image of the city. Moreover, this argument entails the fact that urban areas should be designed to maximise the profit of property owners, rather than accommodate social needs and facilitate encounters with diversity (Raco, 2003b). Again, there is a reference to the conduct of squatters, and how these different modes of thinking, of appearing and of using urban spaces threaten the public and moral order of Dutch society.

Moreover, the presence of squatting is depicted as generator of *risk*, as it might attract other forms of criminality (Dadusc, 2009). As squats are outside of the security gaze, spaces where little control can be exercised and where the police has no access, these spaces are portrayed and perceived as dangerous and ‘illegal spaces’ where the lack of control would lead to the proliferation of criminality. Hence, what is conveyed is yet the image of squatting as a virus that contaminates neighbourhoods and multiplies diseases. All these discourses correspond with the neoliberal ‘Broken Windows Theory’ (Kelling and Coles, 1997), which calls for zero tolerance responses and attitudes: as a style policing are aimed at dispersing ‘disorderly’ urbanities whose presence conflicted with the desired ends of gentrification (Beckett and Herbert, 2008; Herbert and Brown, 2006). In his prospective, according to Harcourt (2001) ‘fixing broken window policy’ as a mode of framing policing and as a mean to reinforce the orderly and the disorderly, implicitly reinforce a construction of wrong-doers as evil people who deserve banishment: in the Amsterdam case, squatters.

In third place, the memorandum argues that increasingly squatters have a non-Dutch nationality. In particular, these arguments make reference to squatters from the South and East of Europe, attracted to the Netherlands by the possibility of squatting. The language evokes wars against enemies to be fought, and refers to 'barbaric foreigners' from Southern and Eastern-Europe who 'invade' the Netherlands because of the opportunity of free housing, of not working and somehow parasiting a wealthier society. This suggests a desire to distinguish proper (Dutch) squatters from new factions, and create a cleavage where there is none: international squatters have always been an important component of the movement (Dadusc and Dee, 2014; Gemert et al., 2009), but this discourse implies that there was a 'golden age' of the Dutch squatters movement, which has now been ruined by foreign squatters.

'Squatting used to be idealistic, but now is overshadowed by international squatters who come here for mayhem,' said Anchor of the Christian Union (Elsevier 02/11/2007). The underlying argument here is that in the past squatting could be tolerated because the squatters' movement was composed by Dutch citizens, who were politically engaged for a greater social good, and who respected the Dutch way of doing things. In contrast to this, foreign squatters undermine the foundation of the Dutch polder model and the social compromise that characterized the Dutch tolerant attitude and politics toward squatting. These discourses argue that criminalisation is needed to put an end to a situation that seems to go out of control, as a barrier to these otherwise uncontrollable invasions.

The argument depicting squatters as foreigners, make also reference to the fact that squatting give the opportunity of living illegally and that many seek anonymity in the squatting scene (Tweede Kamer 07/08, 31 560 nr.3). The bill argues that "the identity of the squatters cannot be traced" (Tweede Kamer 07/08, 31 560 nr.3 p. 6). Referring to the fact that in squats it is possible to live anonymously, without a fixed address, registration, and a contract related to one's identity, make reference to the fact that squatters could be hubs for hiding individuals which seek anonymity due to their involvement in organized crime or terrorist organisations. Therefore, allowing this to happen would entail allowing the proliferation of terrorist cells within Dutch cities, and squatting should be prohibited for matters of national security.

The very fact that squatters have the opportunity of anonymity bothers a mode of governmentality and of management of the population that relies on every person residing on Dutch territory to have a fixed registration address where they can be traced, either a tenants contract or a mortgage, a social security number and a health insurance. As it will be outlined in chapter 8, one of the main aims of the criminalization practices has been the identification of squatters. Moreover, as argued in Chapter 6 the police prefer anti-squatters to squatters because of the very fact that anti-squatters have a form of contract and a responsibility toward the owner, and that because these contracts “we know who they are” (interview with policeman).

All these are techniques for the management of individuals and of the population that ensure one’s responsible behaviour (Raco and Imrie, 2000) and that tie individuals not only to a fixed residence, but also to the need of working to be able to sign a contract. Squatters, through anonymity and lack of registration, by not having a fixed domicile nor a rent to pay monthly evade the government capacity to identify, monitor and locate individuals, but also those techniques through which a *responsible conduct* is assured (Cole, 2009; Scott, 1998). To summarise, arguments addressing the possibility of anonymity of squatters seem moved not much but an actual threat of terrorism, but by a threat to these modes of management of the population and by the techniques of responsabilisation. In this logic the squatting scene constitute an *unmanageable* population: it is a part of the population that cannot be subject to the techniques of government, of morality and of responsibility through which the rest of the population is controlled, surveilled and managed.

Finally, it has to be noted that there is no such thing as the whole squatting scene or a homogeneous squatting movement: this is a claim of the state and of the discourses that created squatting as a subject. From the outside world squatters are seen as a united movement. The discourses circulating around squatting eventually created a definition of ‘the squatters’ movement’ and reduced the multiplicity of the practice to a homogeneous category. Describing squatters as a homogeneous movement is a categorization that gives the authorities the impression of controlling and understanding the phenomenon (Scott, 1998): thus helping actors such as police and politicians to show that the ‘problem’ might be understood handled and removed. While, as it will be discussed further on, the actual practices of criminalisation work

by means of individualising the responsibility of collective actions (by arresting, identifying, accusing, and punishing individuals), the discursive practices hold 'the movement' as such responsible for the actions of the individual, so that so that what was done by one affected the whole.

Therefore, in the context of criminalisation, squatting was framed as a moral monstrosity, as an enmity toward the values of Dutch democracy rather than political activists. Urban disorder in this context, becomes both "aesthetically unpleasant" (Ferrell, 2002) but also morally outrageous, and as such has become a harm justifying criminal sanction (Harcourt, 2001). According to this morality, changing the law regulating squatting would be a necessary to protect the security of the local communities from violent enemies, to contain the 'barbaric invasion' and to prevent any threat to moral values and 'decency'. Squatting is not addressed only as violation of property, but in first place as a violation of 'my house' (Interview with criminal lawyer Souteman). In this context private property here takes a further dimension that goes beyond its legal status and becomes almost intimate.

Hence, criminalisation became the response not only for controlling and containing squatters, but also for the protection of democratic values, re-establishing moral and social order. The appeal to these values has been allied to the belief that criminalisation would put an end not only to squatting but to a multiplicity of problems such as housing shortage and populist concerns including immigration. The overall discourse left unspoken and untouched the underlying causes of housing shortage, such as speculation, housing policy and gentrification.

The discourses created around squatting have not only turned the squatter into a moral monster, but also created squatting as a subject, to be problematized and transformed. Morality in this context works as a social ordering principle (Harcourt, 2001) addressing, judging and trying to rectify the ethics of squatting, the way in which squatters live different modes of life, conducts themselves differently, and have different relations to the main values and institutions that govern society. The target of criminalisation was not the practice of squatting as such, but mainly the squatter as an im/moral subject, or better, as moral monsters, whose mode of life and whose ethics

pose a threat to the moral values and norms of that sustain Dutch democracy. The target of criminalisation was not only the reinforcement of private property rights, but how one should conduct oneself properly. This addresses conducts and ethics that pose a challenge and counter the moral value of neoliberal societies, and the morality on how urban life should be lived and experienced.

Therefore the problematisation of squatting constituted attempts to criminalise less the action of break opening, than the actual mode of existence of squatters, the ethics, the conducts, or better, counter-conducts. In this context the criminalisation of squatting has further implications than the policing of protest episodes or the criminalisation of the action of trespassing. The following chapters will be argued that, in this context, the criminalisation of these practices operates not only as an intervention in the logic of public order and security, but as a technology aimed at achieving a moral ordering of urban life, intervening on the condition of possibility for these counter conducts to emerge.

## Intermezzo II: The Struggle

The apartments on Vechtstraat 1, 5, 7 and Amstelkade 25, squatted in March 2014<sup>120</sup>. The squatters here were well received by the neighbourhood and by the other tenants, who previously faced problems with the owner. Indeed, the owner, real estate developer and politician Wim Oostveen<sup>121</sup>, refused to conduct regular maintenance of the apartments inhabited by tenants, and left empty apartments in the block for a decade. A few days after the squatting action, Oostveen was prosecuted for bankruptcy and agreed to sell the buildings to a new company: Amstelvecht BV, which was created just after the squat action.



Image 1 'De Strijd', squatted social centre

In October 2013 the city council had already ordered him to renovate the block due to its poor condition. Soon after the occupation, the group of squatters turned the apartments into habitable spaces, and opened a small social centre on the ground floor: De Strijd<sup>122</sup>, with a giveaway shop, various workshops, *voku* (collective vegan

<sup>120</sup> <https://www.indymedia.nl/node/21725>

<sup>121</sup> <http://speculanten.nl/2014/04/03/vastgoedbaas-en-kersvers-raadslid-oostveen-in-utrecht-richting-faillissement/>

<sup>122</sup> <http://destrijd.squat.net/>

kitchen, vegan pizza nights and table-football championships, which attracted many visitors and participants from the neighbourhood).

In April, just a few weeks after the occupation, the group receive a letter from the owner. This was not the usual 8 weeks letter, where the 'triangle' (Mayor, Chief of the police, public prosecutor) decides about the eviction. Rather, it is the owner himself bringing the squatters to court. This is a way for the owner to evict the squatters before a decision by the triangle. Thus, it is not a criminal, but a civil court case, where the owner will bring evidences of needing the property back as fast as possible. The squatters must defend themselves against the owner, and the judge will have to evaluate the proportionality of interests between the squatters and the owner. This kind of court cases are never won by the squatters, as the owner's right to use her property is always considered superior to the rights of those who committed a crime to access this property. The right to housing is always used by the defence lawyers, but the judge often dismisses this point. In these cases the squatters can decide whether to follow up the court procedure or leaving the squat before the court case. If the squatters decide to go to court and eventually lose the court-case, then they have to face the legal costs (which can be up to 1,500 €).

Differently from most of the other cases, in this case the group decided to defend the squat legally, for two reasons: because they believed that the owner, convicted for bankruptcy would not have fixed nor used the property after the eviction; moreover, as the group was large, the costs of the court case could easily be shared. On May 6th the court case took place. There were about 50 people attending the court case. Not only those living in the occupied block, but also friends, other squatters, and supporters. The court case was announced on Indymedia, and the group spread flyers to invite people to participate. Due to the large amount of people, the court had to change the room for the hearing. The audience was placed in a room above the court room, separated by a sound-proof glass. This is a common procedure for these kind of court cases, as the judge wants to avoid any form of disturbance and protest by the audience.

Most of the audience was not Dutch, and most of the people had difficulties in understanding what was happening. However those who understood Dutch put efforts

in translating the key issues to others. The climate was tense, but people often made jokes about the court procedure, and about the statements of the owner. Downstairs, where the trial was taking place, there were the lawyers, the owner, and one of the squatters who was going to represent the group. Anonymous court cases are not possible anymore: at least one person needs to reveal their identity to defend the squat in court.

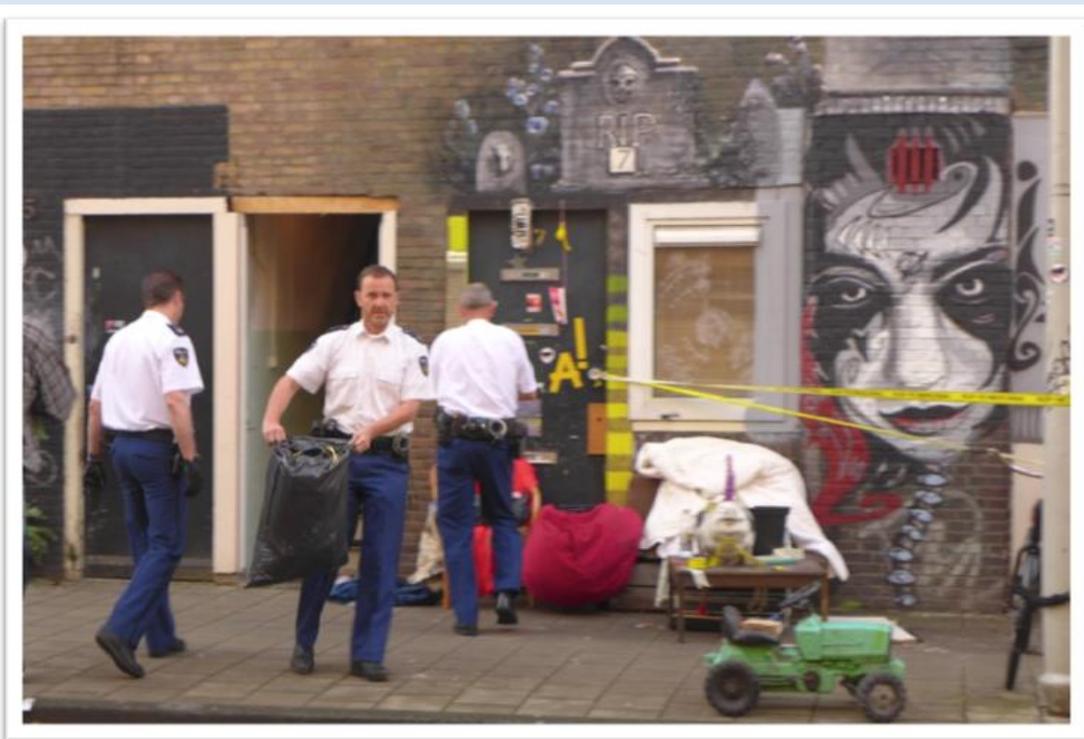
In this case a Dutch squatter and activist decided to represent the group. K. had already been arrested in February, when his squat was going to be speed-evicted (See Annex 4). In that case he decided to be arrested during the speed-eviction in order to bring the speed eviction procedure to court. Indeed speed-evictions are often illegal, but the police tactically refuse to arrest squatters, as this would enable them to contest the (ill)legality of the procedure in court. In that case, K. provoked the police to arrest him, as a tool to resist speed-evictions in front of a court. Although he was arrested and identified, the police released him without charges, instead of convicting him for the crime of squatting.

Although the collective thought they had a good argument to defend the squat, the general mood was of disillusionment: nobody really believed the legal system would stand on their side. Many were making jokes about the situation. As one member of the collective stated “we are here because we want to challenge this ‘mafia owner’, but mainly because we have nothing to lose. We are aware that this is just a circus, and we don't believe there will be a positive verdict”.

The argument of the owner, to evict the squatters, was that he needed to conduct some renovations in order to sell the building. According to him he was unable to conduct renovations with squatters inside the property. The defence argued that the owner could start renovations with both squatters and regular tenants remaining in the property. Moreover the defence pointed out that the owner had not been taking care of the building in the last years, and there was no reason to believe he was going to do it anytime soon, also due to his problematic financial situation. The owner’s lawyer insisted that squatting was a not legal, and that her client had full rights to access his property. After 2 hours of discussions the court case ended. The squatters were not satisfied with the work of the lawyer, and they were not optimistic on the results.

Although they knew that they might have had some chances of winning, they kept on insisting that they did not trust “the so-called Justice System”.

Although during the court case the judge seemed to balance the interests of the squatters and of the owner, she eventually ruled that the owner had the right to access his properties and that the squatters had to be evicted within two months. However, she put the condition that, if the owner would not start the renovations of the facade within two months, then the squatters could start a new court case. In those two months no renovation took place. The owner just sent a construction worker to conduct minor reparations on the roof. Apparently this was enough for arguing that he started renovations, and for the squatters to be evicted. The collective decided not to proceed with yet another court case, as this would have been financially unbearable.



**Image 2 Chief of the Police, Leen Schaap, evicting De Strijd**

Yet, the squatters decided not to leave the building before the eviction and provoke the intervention of the riot police instead of regular police: this, both to make visible the otherwise invisibility of the eviction process and to make the eviction time and resources consuming for the police. Heavy barricades were built to block doors and windows of the social centre and of the living spaces. Two groups waited for the

police inside two separate areas of the block, while a large group of supporters gathered to protest on the street.

Yet, the regular police, led by the Chief of the police Leen Schaap, decided to conduct the eviction without intervention of the riot police. It took a few hours for the police to go through the barricades, and in absence of the technical team, the space was evicted by smashing windows and dragging squatters on broken glasses.<sup>123</sup> The eight people who had been forced outside of the building were arrested, kept in isolation cells for three days for investigative and identification purposes, and prosecuted for the crime of squatting. This was one of the first cases criminally charging squatters for the crime of squatting. They were eventually acquitted because of technical details and several mistakes on the police side, and the eviction was declared illegal. However, the state went on appeal and one of the squatters was convicted to 4 weeks in prison with one year probation. This last sentence was justified by the fact that this person had been arrested in several other squatting-related cases, although he had never been convicted.

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<sup>123</sup> A description of the eviction: <https://en.squat.net/2014/07/24/amsterdam-vechtstraatamstelkade-eviction-account/>



**Image 3: Resistance to the eviction of 'De Strijd' with a banner stating:  
'No Eviction without solidarity - Fight for Vechtstraat'**

## Chapter 6

### The Political and Moral Economy of the ‘Squatting and Vacancy Act’

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While the following chapters will analyse practices of criminalisation that operated through the deployment of policing, detention, surveillance and intelligence techniques, this chapter will focus on the legalistic aspects of criminalisation, namely the formulation of criminal codes and procedure. Moreover, this chapter will explore both the political and moral implications of the law that have criminalised squatting, and how these affected the relations between private and public actors. This chapter also intends to outline a variety of legal strategies mobilised by different groups of squatters to resist criminalisation, and the outcomes they produced.

This chapter will discuss how the law that criminalises squatting places private property rights above housing rights and this law aimed at granting the police full authority to act toward squatters without the intervention of a judge. This process went hand in hand with both privatisation and securitisation of the management of vacancy, and with the creation of a new morality over the use of space. Yet, practices of resistance enacted by the squatters, both in court and on the streets, managed to contest the legitimacy of this law and to interfere with its application. Although the law itself had not been abolished, it will be argued that through resistance to criminalisation squatters managed to modify the way the law works and the power it can exercise. This chapter draws on empirical materials including legal documents, interviews with lawyers and the Public Prosecutor, workshops with activists and notes of my personal participation in several court cases.

#### 1. Kraakverbod: The Squatting and Vacant Property Act

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The title of the law, ‘*Kraken en Leegstand Wet* (See Annex 1), employs the very term that characterised squatting as a social and political movement: *kraken*. This law does not simply criminalise trespassing into a private property or illegal occupation (in Dutch: *clandestine bezetten*): *kraken*, becomes a crime. Therefore, the law explicitly addresses the political movement that use squatting as a tool for resistance, and their actions, as criminal. The aim of the new law was to abolish the policy that allowed to

squat a house when it was vacant for more than 12 months, and to remove the necessity of consulting a judge before proceeding with the eviction.

The law criminalising squatting is divided in two parts. The first part is strictly related to the regulation of squatting, via articles both in the Criminal Law and in the criminal procedure<sup>124</sup>. The second part aims at preventing vacancy, and changes the vacancy law and the housing laws. The title of the law employs the very term that characterized squatting as a social and political movement: *kraken* (see Chapter 2 – literature review on the criminalisation of social movements). *Kraken*, figured as an explicit political action, becomes a crime. The aim of the new law was to abolish the policy that allowed to squat a house when it was vacant for more than 12 months, and to remove the necessity of consulting a judge before proceeding with the eviction.

### **138a Criminal Code<sup>125</sup>**

1. Any person illegally entering or illegally dwelling in a home or building, whose use is terminated by the owner, is guilty of squatting, punished with imprisonment not exceeding one year or a fine of the third category.
2. If she makes use of threats or violence, she shall be punished with imprisonment not exceeding two years or a fine of the fourth category.
3. In the first and second paragraph, imprisonment may be increased by a third if two or more persons commit the crime.

### **Art. 551A - Code of Criminal Procedure<sup>126</sup>**

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<sup>124</sup> Breaking into buildings that are in use is still punishable from article 138, with an extra high maximum punishment (which is two years of prison or fourth category fine) [http://wetten.overheid.nl/BWBR0001854/TweedeBoek/TitelV/Artikel138/geldigheidsdatum\\_03-10-2011](http://wetten.overheid.nl/BWBR0001854/TweedeBoek/TitelV/Artikel138/geldigheidsdatum_03-10-2011). Therefore new law changed Art 138 of *Het Wetboek van Strafrecht*: and added a new section A to art. 138, while the existing section A of Art. 138 section AB; moreover the law changes art. 139 section b ([http://wetten.overheid.nl/BWBR0001854/TweedeBoek/TitelV/Artikel139/geldigheidsdatum\\_03-10-2011](http://wetten.overheid.nl/BWBR0001854/TweedeBoek/TitelV/Artikel139/geldigheidsdatum_03-10-2011)) and removes of art. 429 together with all its sections. In relation to the Code of Criminal Procedure, *Het Wetboek van Strafvordering*, the law changes Art. 67 section b; it creates a new art. 551 section a.

<sup>125</sup> My translation. Original: 138a Strafrecht 1. *Hij die in een woning of gebouw, waarvan het gebruik door de rechthebbende is beëindigd, wederrechtelijk binnendringt of wederrechtelijk aldaar vertoeft, wordt, als schuldig aan kraken, gestraft met gevangenisstraf van ten hoogste een jaar of geldboete van de derde categorie.* 2. *Indien hij bedreigingen uit of zich bedient van middelen geschikt om vrees aan te jagen, wordt hij gestraft met gevangenisstraf van ten hoogste twee jaren of geldboete van de vierde categorie.* 3. *De in het eerste en tweede lid bepaalde gevangenisstraffen kunnen met een derde worden verhoogd, indien twee of meer verenigde personen het misdrijf plegen* [http://wetten.overheid.nl/BWBR0001854/TweedeBoek/TitelV/Artikel138a/geldigheidsdatum\\_03-10-2011](http://wetten.overheid.nl/BWBR0001854/TweedeBoek/TitelV/Artikel138a/geldigheidsdatum_03-10-2011)

In case of *suspicion* of an offense as defined in Articles 138, 138a and 139 of the Penal Code, any police officer has the authority to enter the appropriate place. They are all authorised to remove any person who is illegally occupying the place and all the objects that are found on the spot.

The first part of the law defines the act of squatting/*kraken* as a crime. Article 138a states that anyone who enters or stays in an empty building will be accused of squatting. Therefore, according to the law, it does not matter if someone is living in or merely visiting a squat, or if the persons found in a squat have actually broken into the property themselves. Hence, it is an offence also to be in a building that was squatted before the law passed (October 1<sup>st</sup>, 2010), or to be found in a squat without having squatted the building in the past<sup>127</sup>. The law also states that if violence or threats are involved, the punishment will be of the fourth category fine (namely, up to 7,500 Euro) or up to two years imprisonment. Furthermore, if the act of squatting is 'committed' by two or more people, the punishment may be one third higher. This last aspect deserves attention, as what is at stake is the criminalisation of a social movement, which is by definition characterized by the collectivity of the action.

The Act is under the title of “crimes against public order”, not against private property (as in most of other European countries), granting the police the power to intervene without previous complaint, and without previous authorization by the PM. Indeed, the article 551a<sup>128</sup> states that in case of *suspicious* of a crime of squatting, namely article 138, 138a and 139 of the Criminal Law, every policeman can enter into a house without a warrant, arrest every person present in the house and remove all the

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<sup>126</sup> My translation. Original: *In geval van verdenking van een misdrijf als omschreven in de artikelen 138, 138a en 139 van het Wetboek van Strafrecht kan iedere opsporingsambtenaar de desbetreffende plaats betreden. Zij zijn bevoegd alle personen die daar wederrechtelijk vertoeven, alsmede alle voorwerpen die daar ter plaatse worden aangetroffen, te verwijderen of te doen verwijderen.* [http://wetten.overheid.nl/BWBR0001903/VierdeBoek/TitelVIII/Artikel551a/geldigheidsdatum\\_03-10-2011](http://wetten.overheid.nl/BWBR0001903/VierdeBoek/TitelVIII/Artikel551a/geldigheidsdatum_03-10-2011)

<sup>127</sup> In principle also visitors of a squatted place could be considered as criminals, but after a hearing at the 2<sup>nd</sup> Chamber it has been decided that this should not be the case, because a visitor is not obliged to know that the place is squatted (this can be used juridically: how can they prove that someone is not a visitor?)

<sup>128</sup> <http://www.stichting138a.nl/userfiles/files/beleid%20OM1.pdf>

belongings. It is important to note that this is allowed in case of *suspicion* of the offense of squatting. In other words the aim of the new law was to give the police free hands in evicting any building immediately, without any notice, and without the need of any evidence that the crime of squatting has actually been committed. According to the public prosecutor Otto Van der Bijl:

“The new law works very well, and we make large use of it, it is applied regularly. It is coupled with article 551 of the criminal code, which allows the police to intervene and evict in case of *suspicion* of a criminal act being committed. This means that we use the criminal law in all cases, as we do not have to bring any evidence for doing so.”

The turning point revolves around the fact that under the new legislation the state has become the representative of the owner, and the owner has been de-responsibilised. In the previous legal context, the owner had to sue the squatters and to show evidence of his plans to use the property in order to be able to evict squatters, the government was mainly executing the decisions of the court, and rarely taking the initiative regarding evictions. As public prosecutor Otto van der Bijl has stated:

“All owners can ask to the police to evict, almost under any circumstance. This saves house owners a lot of money and a lot of troubles. While before they had to wait for the ruling of the judge and had to start a court case, now they only have to file a police complaint, and we take care of all the rest. Now the squatters can be evicted quicker, and the state pays for it” (Interview with public prosecutor Otto van der Bijl).

While before 2010 the government was just a mediator between owners and squatters, under the new legal context the government became the main actor, while the property owner is on the background. Therefore, the new law marks an important shift, where the right to property, regardless of its uses, is considered higher than the need of housing. This happened during a time of privatisation of the housing market and economic crisis, where next to high unemployment rates, the renting prices were increasing, the availability of social housing was diminishing, and the amount of buildings left in disuse was constantly increasing.

Thus, in the last decades there has been a political and cultural turn around the meaning of private property: whereas the Netherlands used to be characterised by a strong social state, which also implied pressures on property owners to make use of their properties, in the last years ownership have become uncontested. As public prosecutor Otto van der Bijl stated in an interview:

“Evictions made on criminal grounds were already taking place. There was no need to enforce a new law, because with the old law it was already possible to use the criminal law. However the politicians argued that it is morally wrong that people can squat a property and that the owner could not do anything about it. In other words, the priority became the enforcement of the right to property above all the rest. It is one of the few issues where the division between left and right is still clear, and winning this battle entails a strong political victory.” (Otto van der Bijl, public prosecutor).

Therefore, although, criminalisation is grounded on economic interests, the discussion around the criminalisation of squatting has figured as fight based on moral values.

The criminalisation of squatting is embedded not only into a political but also into a moral shift in Dutch society. There has been an increasing moral discourse on how spaces should be used, by whom, and for what purposes. In this context, the previous levels of acceptability of those actions and behaviours that deviated from the ‘normal’ moral standards have changed. According to an activist, in the last decade in the Netherlands:

“There is a spasm of control. The crisis created a state of emergency that provided a fertile ground new laws and the policing of the city. This way of governing want to show that “they are in control” of the situation. It is a *spectacularisation* of power by those who seem to have decreasing power of solving important issues” (notes).

In this context criminalisation has been used as a tool to support this strong political and moral shift in Dutch politics, rejecting previous tolerant and pragmatic attitude toward a ‘law and order’ mode of government. As the Public Prosecutor Otto Van der Bijl continued, in the same interview:

“We were very proud of our tolerance in the Netherlands. Now this sentiment of being 'proud' of it disappeared. People seem to feel more and more uncomfortable with the idea of non-clear government. Before it was always

grey, now it has to become black or white. In the last 10-15 years there has been a drive toward the restoration of authority. In the 60s and 70s authority has been completely broken down. In the 1980s the policeman was 'your best friend'. He was the nice guy that nobody had to take serious. Now morality is changing back, and squatting is part of this moral shift. As much as for the other things, there is a need of a more clear and sharp government, with no more answers in between of yes/no, but clear politics” (Interview with Otto van der Bijl).

Therefore bill brought the decision-making power around squatting back to the central state, and the state intervened not only as a protector of private property rights, but also as a promoter of a new morality.

### 1.1 Vacancy

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The second part of the Act aims at regulating vacancy differently than before, and it responsabilised local municipalities for the management of vacancy. Indeed, it delegated the problem to local municipalities by encouraging them to constitute a vacancy register for an overview of the empty spaces in the city, and by giving fines to property owners who would leave their properties vacant. This aspect of the law was not well received by most municipalities.

When the bill passed, vacancy was a major problem for most Dutch municipalities, and in particular for Amsterdam. Indeed, after the financial crises of 2008, there were a large number of vacant apartments and offices in Amsterdam, generally owned by housing associations and real estate investors, who could not afford renovations, or wait for the market value to increase before selling their properties. The economic crises of 2008 halted many urban renovation projects: while many were being dislocated from the social houses they lived in, housing corporations such as De Key and Rochdale run out of money and could not complete the projects they initiated. This led to the large amounts of empty blocks that were about to be transformed from social houses into apartments to sell in the free market. In 2011, 4, 2 percent of houses in the Netherlands were empty, according *Centraal Bureau voor de Statistiek*

(CBS), namely around 300.000<sup>129</sup>. In 2012, according to a survey conducted by the Amsterdam 'Wijksteunpunt Wonen Centrum' (WSC), only in the central district there were 12.000 houses empty<sup>130</sup>.

At the time of criminalisation of squatting, Amsterdam was also characterized by a great vacancy in office space. For instance research by Regioplan shows that in 2008 in the Amsterdam area about 4.5 million square meters of office buildings were vacant (3,1 million square meters vacant for more than 3 years), in addition to about 350.000 apartment. (Regioplan 2008<sup>131</sup>). In 2010, also due the economic crisis of 2008<sup>132</sup>, the numbers increased: approximately 17 percent of the office spaces resulted empty, which sums up to between 6 to 8 million square meters (January 1, 2010)<sup>133</sup>, including high rates of 'hidden' vacancy due to the underutilisation of office space (Priemus, 2015). Moreover, when a building is free from tenants its market value is higher, and it can be easily bought and sold in a speculative loop that let prices increase.

The main argument opposing the criminalisation of squatting was that squatters have an important role in fighting vacancy and forcing owners to use their properties. The association of Dutch Municipalities (VNG) presented several concerns, as they feared that the new policy would lead to passivity of the owners, higher bureaucracy and costs<sup>134</sup>. The Majors of the main Dutch cities, namely Amsterdam, Utrecht, Rotterdam and Den Haag (so called G4) as well as Nijmegen and Groningen thought that the new law was unnecessary. This position was supported also by the greater coalition of municipalities G 30, the Association of Dutch Municipalities (VNG) and the tenants association (Woonbond<sup>135</sup>).

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<sup>129</sup> <http://www.cbs.nl/nl-NL/menu/themas/bouwen-wonen/publicaties/artikelen/archief/2012/2012-3687-wm.htm>

<sup>130</sup> <http://www.wswonen.nl/2012/12/centrum/wswonen-centrum-onderzocht-leegestand/> ; <http://www.parool.nl/parool/nl/6/WONEN/article/detail/3364809/2012/12/17/Tweeduizend-huizen-in-centrum-staan-leeg.dhtml>

<sup>131</sup> Regioplan Report, published online [http://www.regioplan.nl/publicaties/rapporten/leegestand\\_en\\_kraken](http://www.regioplan.nl/publicaties/rapporten/leegestand_en_kraken) - Amsterdam, 2008

<sup>132</sup> <http://www.woonbond.nl/nieuws/2032>

<sup>133</sup> <http://www.woonbond.nl/nieuws/2032>

<sup>134</sup> [http://www.eerstekamer.nl/behandeling/20091210/voorlopig\\_verslag\\_2/f=y.pdf](http://www.eerstekamer.nl/behandeling/20091210/voorlopig_verslag_2/f=y.pdf)

<sup>135</sup> <http://www.woonbond.nl/nieuws/2597>



**Image 1: Banner stating 'Vacancy is a crime!'**

In May 2006, when the squatting ban (*kraakverbod*) was already on the political agenda,<sup>136</sup> the Mayors of the G4 wrote a letter to Minister of Housing Sybilla Dekker. In this letter they suggested that large cities were adversely affected by vacancy, commenting "if the plans of the Minister will continue, then it will damage the municipalities in their fight against vacancy."<sup>137</sup> Minister for Administrative Reform Alexander Pechtold (D66) stated that the national government should not interfere with local policies on squatting: his argument was that municipalities should be able to establish their own policies, as squatting might have a positive impact on local areas.<sup>138</sup>

The argument was that prohibiting squatting would increase the vacancy problem, and that local authorities would have no resources to enforce this law<sup>139</sup>. As a politician of the labour party Tjeerd Herrema, stated in an interview with the newspaper Parool:

“If squatting is criminalised the municipalities have to build up an own bureaucratic structure to research and manage vacancy, while this is recently done voluntarily and gratis”<sup>140</sup>.

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<sup>136</sup> Promoters of the bill were: Christian Democrats (CDA), the liberal Dutch party (VVD) and the hard-right Lijst Pim Fortuyn (*LPF*)

<sup>137</sup> <http://www.nu.nl/algemeen/742490/grote-steden-tegen-verbod-op-kraken-video.html>

<sup>138</sup> <http://www.nu.nl/algemeen/750453/kraken-wordt-straftbaar-video.html>

<sup>139</sup> [http://www.eerstekamer.nl/behandeling/20091210/voorlopig\\_verslag\\_2/f=y.pdf](http://www.eerstekamer.nl/behandeling/20091210/voorlopig_verslag_2/f=y.pdf)

Moreover, they assumed that the fines given to the owners for leaving their properties vacant were too low to be effective (Kamerstukken II 2008/09, 31 560, nr 4)<sup>141</sup>.

This approach, although supporting squatting, does not take much distance from the discourses embedded in the ‘Broken Windows’ approach. Indeed, this approach aimed at removing disorderly elements from public spaces, as a crime prevention and reduction strategy that intervenes into the aesthetics, ethics and affects circulating in these spaces. On the one hand promoters of policing and zero tolerance approaches toward squatting claimed that squatting leads to further disorder and to unsafe and unhealthy neighbourhoods, and that eliminating squatting would restore order (see Chapter 5.6). On the other hand, those claiming that squatting is useful discourses seem not to contest the way ‘order’ is promoted as a social and moral good. Although they take distance from the argument that squatters produce disorder, and instead they place the focus on vacant properties as generators of disorder, these do not contest the core of the broken window theory, and instead portrait the squatters as promoters of these orders. Squatters are addressed neither as criminals nor as activists, but as *vigilantes* who, by taking care of properties in decay, would contribute to the overall sense of safety of the community. The implication is that squatters are considered useful as informal providers of a service and direct actions aimed at resisting urban policies are reduced to attempts to enforce policies that the state is not able nor willing to invest resources in.

## 1.2 The privatisation of ‘vacancy’: anti-squatting

In place of an active vacancy policy, most municipalities, including Amsterdam let the vacancy problem to be managed by so call anti-squatting (*anti-kraak*) companies.

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<sup>140</sup> <http://www.parool.nl/parool/nl/6/WONEN/article/detail/261356/2009/09/09/Liever-geen-kraakverbod.dhtml>

<sup>141</sup> <https://www.raadvanstate.nl/adviezen/zoeken-in-adviezen/tekst-advies.html?id=8435> ; The law states that municipalities have no obligation to follow the 'guide vacancy regulation', and at present Amsterdam is the only municipality that has established a vacancy regulation.

Anti-squat-companies are private companies for temporary real-estate management, namely security companies that provide 'property guardianship', and secure the house on behalf of the owner. This practice implies that real estate owners engage private companies for placing 'live-in security guards' in vacant properties, with the aim of preventing squatters from moving in. Although the property owners have to pay for this service, the fee is generally cheaper than the fines they would receive for leaving the property vacant.



**Image 2: Graffiti on a van of the anti-squatting company 'Ad Hoc'**

Anti-squatters, or property guardians, are explicitly hired as security guards, but the practice is promoted as a form of temporary housing; yet, they do not receive any salary as security guards, nor they any tenancy right (Priemus, 2015)<sup>142</sup>. Indeed they do not receive any tenants agreement, and instead sign a user permit: they can use the building (for temporary housing), and are expected to pay water-gas-electricity bills and so called 'administration fees, at up to 300 €/month. Moreover, they have to make sure that the property is well maintained and the anti-squatting company regularly checks them.

The anti-squatting contracts often prohibit the user from receiving guests and to go on vacation or to leave the house for longer than three days. If they do not comply with these conditions, their contract can be terminated after just one or two warnings. Both the owner and employees of the anti-squatting company can enter the property at any

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<sup>142</sup> A documentary by Abel Heijkamp (2009), titled 'Carefree Vacant Property', around the practice of anti-squatting and its social consequences can be found here: <http://leegstandzonderzorgen.nl/carefree-vacant-property/>

time, without previous notice, and fine the anti-squatters if they are not complying with the conditions of the contract. Anti-squatters are noticed only two weeks in advance before they have to leave the property, and, although the anti-squatting company offers to find them another building to secure, this is often not the case.

SQUAT	vs	ANTISQUAT
Autonomous Group/Individual		CareX, AdHoc, Vastgoed Beschermer, Camelot etc.
Resistance against corporate profit-plan		Supporter of corporate profit-plan
Group cohesion		Individualism
Paying for what resources you use		Paying "Rent" to Company without receiving tenant-rights
Space efficient - Use what you need		Space inefficient: only use parts approved by owner, other spaces may be left empty
Autonomy		Dependency on readymade contract
As comfortable as you/your group makes it		Comfort-levels provided
<p>THINK about the STATEMENT you make and the CONSEQUENCES you create as an anti-squatter. THINK about who and what you want to support.</p> <p>Don't be part of the movement that is KILLING Autonomous urban culture!</p> <p><b>**SQUAT NOW**</b></p> <p><small>Interested in squatting? Kraske@protonmail: socialcenter-groeningen@riseup.net</small></p>		

**Image 3: Flier contrasting squatting and anti-squatting, by the Squatting Information Service**

In order to be eligible for an anti-squatting squatting contract, it is necessary to have a personal recommendation from someone who is already holding a contract<sup>143</sup>: if the recommended person would cause any problems to the company, the responsibility would extend to the reference person, and both could have their contract terminated. For most of the companies, criteria of eligibility also include a proven income, fluency in both spoken and written Dutch, and no criminal records: therefore, anti-squatting cannot work as a parachute for those homeless who are already on the streets, for unemployed people and for non-Dutch citizens: instead these criteria imply a filter for individuals who are considered 'responsible by the anti-squatting agencies and by the authorities. According to a police respondent:

<sup>143</sup> <http://www.woonbond.nl/nieuws/2032>

“Anti-squatting is much better for us than squatting. Then it means that we have a name, that the person is legally registered, that they work, and that they do not steal” (interview with police officer).

Anti-squatting, therefore, is a tool for turning the affected populations into governable subjects rather than potentially resistant ones, and as a part of the population placed under strict control both through the constant monitoring practices and the precarity of their living conditions: if they would protest or not comply with the agreements, they would lose their house.

This is an international trend that is not only understudied, but also underestimated: indeed, the implications of these practices, do not simply affect squatters capacity to occupy a building, as the name of the practice would suggest, but it represents the ultimate erosion of housing rights, and a high form of labour exploitation of those in urgent need of housing. Despite these conditions, according to the *Bond Precaire Woonvormen*<sup>144</sup>, a union for precarious forms of housing, in the Netherlands there are between 20.000 and 50.000 anti-squatters<sup>145</sup>. As Premius (2015) have argued, commenting on the large amount of people using anti-squatting as a housing strategy: yesterday’s squatter is today’s anti-squatter.

Though anti-squatting, the lack of affordable housing in made acceptable for those that otherwise would be at risk of homelessness. Anti-squatting provides what is by many perceived as a form of cheap housing. Those people who secure properties do not figure in the homelessness statistics, although they do not have any tenancy. Therefore, the part of the population that is affected by the lack of affordable housing, the abundance of empty buildings, and consequently by the criminalisation of squatting, does not feel the immediate need of changing their conditions. As a Dutch former anti-squatter, and current squatter has stated:

“In the Netherlands they always give you that minimum that keeps you silent and that pacifies any possible form of opposition. Anti-squatting fits into this logic, because as long as you have a roof above your head, and something to

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<sup>144</sup> <http://www.bondprecairewoonvormen.nl>

<sup>145</sup> <http://bondprecairewoonvormen.nl/2013/10/master-scriptie-de-precaire-situatie-van-anti-kraak-door-warren-van-hoof/> ; <http://www.mugweb.nl/nieuws/9247/>

lose, you have no reason to protest. It does not matter how precarious it is, and that your rights are being dismantled”.

Anti-squatters perceived their condition as their own failure to fit the standards for accessing a regular form of housing. On the other hand, anti-squatting agencies portray themselves as cheap service providers, thereby framing anti-squatting as a free choice, as an exciting experience, and a great opportunity to live in a large building almost for free. Hence, anti-squatting agencies, such as *Zwarte Key*, *Alvast*, *Ad Hoc* and *Camelot*, have played a very strong side role in the implementation of the criminalisation of squatting, and they implied a privatisation of the management of vacancy.

## 2. Resisting criminalisation in court

Beyond its social and political consequences the law that criminalised squatting presented several legal shortcomings: those resisting the law through legal strategies argued that, in first place, the new law constituted a violation of the rights to housing established both by the Dutch constitution and the European Court of Human Rights (ECHR); in second place, it has been argued that the law violated the right to due trial. Indeed, The Dutch Constitution states that one should not lose his home before a decision of the judge. This implies that squatters are considered guilty of the crime of squatting, not merely suspects, without a court proving their guiltiness. These inconsistencies have been used by several groups of squatters to resist the legalistic aspects of criminalisation, and to bring both the police and the state to court.

Many squatters embrace anarchist politics that do not recognise the legitimacy of any form of juridical system, resonating Audre Lorde’s slogan “the master’s tools cannot dismanel the master’s house” (Lorde, 2003: 25). Yet, many others would aim at disrupting the master’s house by turning it against itself, following a logic of *detournement* (Debord, 1956). Despite these opposing tendencies, some groups mobilised legalistic modes of resistance as a practical tool against the state and as a strategy to delay evictions. The statement of an activist summarises this approach well:

“This law represents illegal behaviour from the state, and the easiest and best way to counter-act seems to be to start court-cases against the state for your

squat. This new anti-squatting law is a weak law, which can hopefully be demolished pretty soon. Let's shut them up with their own tools." (Interview).

The *Schijnheilig* collective (Dutch word for 'hypocritical') conducted a large political mobilisation on legalistic grounds, starting a court case against the State, and bringing arguments about housing rights and against vacancy just before the *kraakverbod* came into effect. The case was initiated to defend the squatted building on the Passeerdersgracht 123, squatted at the time of transition between tolerance and criminalisation. The building, a former school situated in the heart of Amsterdam canal belt, stood empty for almost 10 years. During this decade it had been sold several times both by the government and by private investors<sup>146</sup>. In the meanwhile, a part of the 3000 m<sup>2</sup> property had been filled with a few anti-squatters, and about half of the space was still empty, and in December 2009 *Schijnheilig* collective squatted it to create a social centre and a free space for counter-cultural expression.

After the occupation the police registered the former state of emptiness of the building and acknowledge that the squatters established their own house peace. However, after a few months, in March 2010 (before the new law passed), the Mayor threatened to evict it under the criminal law, namely for 'breaking house peace'. At the time, the owner had no plans for using the space, and only claimed the intention to host more anti-squatters. As a response, the *Schijnheilig* collective, together with the squatting group of other squatted spaces that were threatened for eviction under similar circumstances, the 'Lange Leidse' and 'De Hallen'<sup>147</sup> collectives, filed a lawsuit against the State, claiming that the eviction under the criminal law was a violation of Article 8 of the European Chart of Human Rights, which protects housing rights. Moreover, they aimed at challenging the concept of 'usage' proposed by the owner, arguing that placing anti-squatters should not be considered as appropriate 'use' of the space<sup>148</sup>. A few hours before the court case had to take place, the Public Prosecutor

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<sup>146</sup> <http://schijnheilig.org/2010/01/schijnheilig-heeft-een-nieuw-onderkomen/>

<sup>147</sup> <https://dehallenkrakers.wordpress.com/>

<sup>148</sup> <http://schijnheilig.org/2010/05/rechtszaak-gaat-niet-door-ontruiming-van-de-baan/>

withdrew the charge of trespassing and took back the order of eviction<sup>149</sup>.

This result was received with mixed feelings, as on the one hand the squatters were glad to keep their spaces, on the other they felt that their chance of challenging the use of the criminal law to evict squatters was being compromised. As a member of the *Schijnheilig* collective argued:

“We suspected at the time that the order of eviction was taken back because we had a strong court case debunking the so-claimed 'usage' of Passeerdersgracht 123. We thought we were winning this case, but the court case could no longer proceed. Our principal arguments could not be made and we had spent a lot of effort in preparing the case. So we were happy but at the same time frustrated because the OM still kept saying the squat was illegal and threatened with a future eviction.” (Interview with *Schijnheilig* collective).

Indeed, on October 2<sup>nd</sup>, 2010, just after the new law passed, *Schijnheilig*, together with many other squats in the city, was threatened once more of eviction under the new criminal law: the eviction would have taken place on November 9<sup>th</sup>. Thus, once more, squatters filed a court case against the State, arguing that eviction under the criminal law would constitute a violation of the housing rights: according to the argument presented by the collective, the new law led to an eviction enforced without judicial review, leaving the case to the discretion of the police. On October 29<sup>th</sup>, 2010, the judge of the Court of The Hague rejected these claims (LJN BO2919 and LJN BO2936)<sup>150</sup> and the squatters appealed. Eventually, on November 8<sup>th</sup>, 2010, the Supreme Court of The Hague banned the eviction under the criminal law of eight squats in Amsterdam, The Hague and Leeuwarden, that was planned on the next day: the squats that were to be evicted under the new criminal law, including *Schijnheilig*, *de Hallen*, and the social centre *Blijvertje* were removed from the eviction list. On November 9<sup>th</sup>, 2010, an eviction round still took place in Amsterdam, but it affected only those buildings that were to be evicted under the former regulations.

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<sup>149</sup> <http://www.prakkendoliveira.nl/nl/nieuws/ontruiming-schijnheilig-van-9-november-2010-verboden-door-gerechtshof-amsterdam/>

<sup>150</sup> <http://uitspraken.rechtspraak.nl/#ljn/BO2919> ; <http://uitspraken.rechtspraak.nl/#ljn/BO2936>



**Image 4: Flyer for a demonstration in front of the tribunal.**  
The slogan states: *Jullie Wetten Niet de Onze*: ‘Your laws are not our laws’

The court indeed declared that eviction is a violation of housing rights, and that although squatting is a crime, the new law offers no basis for immediate eviction. The court ruled that, to avoid conflict with the European Convention on Human Rights, evictions have to be announced in advance so that the squatters have the opportunity to start a court case to defend themselves, letting a judge review the case. The court decided that it was responsibility of the prosecution to adopt policies that would comply with these regulations: the Public Prosecutor established it would send a written notice to squats, announcing that evictions would take place within eight weeks, and that the residents could start a court case to object the evictions within one week<sup>151</sup> since the notification. Yet, if the squatters would not initiate a court case, the eviction could take place any time after the first week of notification, without any review by a judge.

This sentence was intended to prevent the police from (legally) executing arbitrary evictions. This decision undermined the *kraakwet*, as the core of this law was that

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<sup>151</sup> <http://www.stichting138a.nl/userfiles/files/beleid%20OM1.pdf>

squats can be evicted without court intervention (LJN BO3682)<sup>152</sup>. This partial victory was received with enthusiasm and the slogan previously used in demonstrations against the new law '*Jullie wetten niet de onze*' (Your laws are not our laws) was turned into the ironic slogan '*Jullie wetten soms de onze*' (Sometimes your laws are our laws). Yet, according to the public prosecutor Otto van der Bijl this constituted a large success by the State, as 90% of the procedures initiated by the squatters fail:

“There is a controversy”, he argued, “Because the parliament endorses a double argument. On the one hand it is argued that squatters are all criminals and the right to private property is protected. On the other hand it is argued that squatters always have the right to defend themselves against an eviction. This was a way to calm down the opposition, but it is a fake right, because in practice it is impossible to avoid the eviction in legal terms. Indeed there is no regulation, and no jurisprudence clearly stating in which cases squatters can stay, and when they can actually win” (Interview with public prosecutor Otto van der Bijl).

Both the state and the squatters appealed the court's decision: the state argued that property rights have priority over the housing rights of squatters, and that evictions should be allowed without a further court interference; the squatters argued that decision of the court was unlawful, because it became responsibility of the suspected squatters to initiate a court case to defend themselves and prove their innocence. According to the squatters' lawyer Rahul Uppal, who appealed against the Court's decision, the ruling was inconsistent with the right to a fair trial and with the presumption of innocence: constitutionally the suspect has to be considered innocent until proven guilty and it is responsibility of the Public Prosecutor, not of the suspect, to prove their innocence or guiltiness.

While before criminalisation the owner had to take legal action against the squatters, this was turned around, and the squatters have to take legal action to prove their innocence. Moreover, when starting a court case, squatters cannot maintain their

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<sup>152</sup> <http://uitspraken.rechtspraak.nl/#ljn/BO3682> ;  
<http://www.rechtspraak.nl/Actualiteiten/Gerechtshof+Den+Haag+legt+verbod+ontruiming+krakers+op.htm>

anonymity and have to reveal their identity, which goes against the principle of non-incrimination and of non-cooperation with one's own conviction:

“If you want to protect your rights, and if you want the proportionality to be assessed, you have to admit that you are squatting, in first place, and the state does not need to provide evidences about it. By starting a court case you are giving away the presumption of innocence right” (interview with lawyer Rahul Uppal).

The appeal against the court case of November 2010 took place one year later, October 28<sup>th</sup>, 2011<sup>153</sup>, and the court confirmed the previous decision. In the appeal, the Council added that, when evaluating whether to evict a squat, the balance of interests between the squatters and the owners must be weighed<sup>154</sup>. With the concept of 'balance of interests' and specifically of 'proportionality' evictions would not be considered proportionate if the owner would not bring any plan of using the property. According to a statement of Mayor Van der Laan<sup>155</sup>, the policy aims at not evicting buildings where owners have no intention to turn into use immediately, also because an empty property would often be re-occupied, therefore leading to a waste of police resources. Therefore, while before this verdict the judge would only look at the technicalities of the eviction to establish whether the place was really squatted and to evaluate the validity of the technical grounds of the complaint, since the verdict the judge would also look at the further use of the property by the owner. Another crack at the core of the criminal law, as these were the criteria used before 2010, and then erased by the new law.

However, under this new legal framework, 'plans' can mean anything. According to lawyer Rahul Uppal: “This was good on paper, but in practice it did not bring much difference, because the owner can present anything as a plan” (interview with civil

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<sup>153</sup> <http://uitspraken.rechtspraak.nl/#ljn/BQ9880> ; <https://www.rechtspraak.nl/Organisatie/Hoge-Raad/Nieuws/Pages/Ontruimingkraakpandpasnakortgeding.aspx>

<sup>154</sup> <http://uitspraken.rechtspraak.nl/#ljn/BQ9880> ; <https://www.rechtspraak.nl/Organisatie/Hoge-Raad/Nieuws/Pages/Ontruimingkraakpandpasnakortgeding.aspx> ; <http://www.woonbond.nl/nieuws/2624>; <https://www.indymedia.nl/node/8937>

<sup>155</sup> See open letter to Van der Laan as a response to evictions for emptiness: <http://kraakverbod.squat.net/?p=172>

lawyer R. Uppal). Indeed, according to a statement of the Major: "making use of a property can have many meanings. Not only by going to rebuild it, but also making it uninhabitable and demolishing it can be considered as 'plans'"<sup>156</sup>. Moreover, placing anti-squatters and security guards is also considered as 'use'. According to the public prosecutor Otto van der Bijl:

“If the owner places anti-squatters, then he is using the property. Whether or not it is fair, this is none of our business. We don't have to think politically. Opposing anti-squatting would mean thinking politically. Our priorities are the protection of private property rights and of public order” (Interview with Otto van der Bijl).

These cases can hardly be won as, regardless of the circumstances, the verdicts argue that the squatters committed a crime, and the owner has property rights. In most of the cases, the squatters were evicted after losing the civil proceeding, and the owners left the buildings unused for several months or placed anti-squatters.

The legal battles showed that the grounds of the law that criminalised squatting have been challenged, but in practice little changed, as property rights remained uncontested. The lawyers that defended the squatters, and that tried to challenge the new law in court, have then been trying to point out that the law itself is unlawful:

“As long as the squatting law is considered lawful, then we can defend only on the basis of technical details and we can win only when there are mistakes committed on the other side. We have tried to make a broader case and saying that the law is unlawful but they did not engage with nor reply to this argument” (Interview with criminal lawyer J. Souteman).

When the squatters went to court to challenge these very issues, the eviction notice was often withdrawn. According to lawyer Rahul Uppal the cases that would constitute a negative precedence will be withdrawn because the prosecutor want to keep the case-law clean from negative precedents. Therefore there is no eviction, but also no positive verdict.

#### Box 1: Schijnheilig

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<sup>156</sup> <http://www.woonbond.nl/nieuws/2142>

As discussed above, the Schijnheilig<sup>157</sup> project and collective had a key role in the legal resistances to the new law, and the collective successfully defended the squat in court, and overcame the threat of two evictions. In months following the legal battles against the squatting ban, the Schijnheilig collective tried to negotiate with the owner and to legalise the space. The collective had affinities with urban institutions and cultural associations, such as Stadsdeel Centrum, the Bureau Broedplaatsen and Urban Resort, that supported the space in the negotiation process and legalisation attempts. As the owner of the building, Rijksgebouwendienst (RGD) seemed to have no plans and could not have the building evicted under the old regulation, he engaged with the negotiation process with the squatters. Due to the strong political attention that the project drew during their legal battles, the Mayor himself visited the space, and attempted to mediate the negotiations<sup>158</sup>.

Nobody could recall the last time an Amsterdam Mayor visited a squat, and this was particularly exceptional in a time of criminalisation. Although several participants of the projects were taking the possibility of legalization seriously, the visit of the Mayor was welcomed with the ironic and provocative spirit that characterized the ethics of the collective, according to one of the activists:

“We did not negotiate with the major when he visited Passeerdersgracht. It was a cordial, but spirited meeting. We exchanged arguments and the major made a pre-speech about how he was superb in fighting empty spaces. We held a similar speech” (workshop with Schijnheilig collective)

As a result of the negotiations, the owner offered a contract to the squatters, resembling an anti-squatting contract, stating that the squatters could stay on the condition they would leave voluntarily as soon as he had better plans. The collective, instead of openly rejecting this deal, replied by counter-offering what they called an “anti-speculation deal”, setting conditions that the owner would have not accepted. While the negotiations were still running, in July 2011, the Mayor placed the squat on the eviction list for the third time, and the squatters started a massive protest, with the

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<sup>157</sup> [http://www.om.nl/algemene\\_onderdelen/uitgebreid\\_zoeken/@154864/hervatting/](http://www.om.nl/algemene_onderdelen/uitgebreid_zoeken/@154864/hervatting/)

<sup>158</sup> <http://schijnheilig.org/2010/11/van-der-laan/>

so-called '*kraken draait door*' campaign<sup>159</sup> (which can be translated as 'squatting goes wild') with several demonstrations, petitions and public speeches.

Despite this sound resistance, Schijnheilig was evicted on July the 5<sup>th</sup> 2011. Groups of street performers arrived early in the morning, performing in front of the building and blocking the street: "We resisted because we were being evicted for emptiness. This has been proved by the fact that the building became anti-squatted and remains so till this day. We never accept eviction for emptiness" (interview with Schijnheilig collective). In preparation for the shortly pre-announced eviction, the collective literally brought to the streets many of the artistic activities that used to happen within the squat, which was considered as a free space for non-commercial production of art and culture<sup>160</sup>: on the stage were theatre performances, poetry readings, and live music could take place was brought to the street. The stage provided a camouflage for a barricade blocking the entrance to the street. A group of fake brides holding plastic babies were sitting in front of the stage/barricade<sup>161</sup>. Yet the entrance to the building was open, as the squatters symbolically removed the door. When the police arrived on the spot to evict the building, the protesters ignored their orders, and kept on conducting their playful activities. As a response the police violently charged the group of activists kettled them and arrested 150 people with large use of violence<sup>162</sup>.

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<sup>159</sup> <https://krakendraaitdoor.wordpress.com/doordraaidagen/>

<sup>160</sup> For a history of the collective and their politics see: <https://schijnheilig.nul.nu/over-schijnheilig/>

<sup>161</sup> For a foto reportage see: <https://hansfoto.wordpress.com/2011/07/page/2/>

<sup>162</sup> The police declared that the police operation was 'proportional' to the threat presented by the protesters. In the aftermath of the events the collective filed a complaint against police brutality, and of undermining the right to demonstrate by mass arresting the protesters (<https://www.indymedia.nl/node/5910>).



**Image 5: Resistance to the eviction of Schijnheilig**

After the eviction the collective started a court case against the police, arguing there had been disproportionate use of violence, and that the mass arrest was an illegal operation against the right to demonstrate. Yet, they eventually lost the court case, as the court established that the demonstration had not been pre-announced and therefore was illegal, that the police operation was proportionate to the threat posed by the squatters, and was an appropriate tool for the maintain ace of public order. Although most of the protesters were released after identification, five of them were accused of public violence, and who refused to show their ID were placed in foreign detention centre for several weeks<sup>163</sup> (see Chapter 8).

### 2.1: *Korte-geding* - Fast procedure

The Public Prosecutor might refuse to proceed with the eviction when the owner is blacklisted by the government, or if the property had previously been evicted and squatted again. In this case property owners can initiate a civil case (*korte-geding* - fast procedure), arguing that they have an *urgent* need to use the property. This has happened in several instances: De Vluchtmarkt on Ten Katestraat 49<sup>164</sup>, De Strijd on Vechtstraat 1<sup>165</sup>, Zeeburgerpad 22, and De Overval<sup>166</sup> on Prins Hendrikkade 138.

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<sup>163</sup> Placing activists in foreign detention centres has been proved illegal by a court case initiated by the activists accused in this occasion

<sup>164</sup> <https://en.squat.net/2014/05/21/amsterdam-court-case-vluchtmarkt-ten-katestraat-49/>

<sup>165</sup> <https://en.squat.net/2014/09/03/amsterdam-vechtstraat- eviction-court-case/>

<sup>166</sup> <https://en.squat.net/tag/overval/>

The squatted living space and social centre 'de Overval', on Prins Hendrikkade 138, the lower part of the building, a former bank, stood empty for several years. The upper floors were inhabited by a tenant who had been living there for over fifty years. The owner intended to sell the building to a Chinese company that planned to turn this former bank into an hotel. This was met with several oppositions by the neighbours, who did not desire yet another hotel in the neighbourhood, and in solidarity with the tenant who did not desire to leave her house and to be relocated. Moreover, the Municipality had halted the construction of hotels in the city centre to maintain a balance between inhabitants and tourists. Nonetheless, the Municipality granted the permits to turn the space into a hotel, and the local inhabitants, together with the tenant, organised a campaign and a court case against these permits, delaying the selling process. Moreover, the presence of the tenant was still hindering the selling transaction, as the building had to be delivered vacant. The owner brought the tenant to court several times, but her housing rights always prevailed. In the meanwhile, in February 2015, the lower floors of the building were squatted and turned into living spaces and a social centre.

The Public Prosecutor, aware of the complexity of the situation, refused to evict the squatters. In April 2015, the neighbours lost the court case against the hotel permits, and the owner offered both the tenant and the squatters a monetary compensation to leave voluntarily, but they all refused: “We do not need money, we need housing”, answered the squatters; “I want to die here, where I lived all my life”, answered the tenant. Therefore the owner started a new civil proceeding, falsely stating that the tenant would soon be relocated and that the squatters needed to leave as well. However, he could not provide evidences that the neighbor would be relocated, and the judge refused to evict the squatters. The owner asked more time for providing evidences of the relocation agreement, and to postpone the court case of a three weeks. Ten days later the tenant died unexpectedly. Under these new conditions, the owner won the courtcase against the squatters and the spaces was evicted. The squatters considered multiple ways of resisting the eviction in a spectacular way, and organised a demonstration to provoke the intervention of the riot police, instead of being silently evicted by regular police. The police left after noticing the (small) demonstration on the street, and the eviction took place three weeks later, when the

squatters had already moved to a different house. At the time of writing (May 2016) the building is still vacant.

## 2.2 “The master’s tools cannot dismanel the master’s house”: Criminalise us!

Legal battles have been embarked as a practical strategy to struggle not merely for the juridical, but for the actual right to squat. Yet, this process has often forced squatters into a reaction to criminalisation, as the main struggles turned around ‘how to resist criminalisation?’ Many practices of resistance were channeled within the field of reaction, to defend squatting from criminalisation rather than actively squatting. Many collectives who wished to campaign for their projects began to engage in a process of legitimisation of their practices, by pursuing campaigns aimed at showing how useful and important squatting is and promoting themselves as nice squatters who should not be evicted because they make a good use of space (See also Chapter 5, 2.3).

This led to the problematisation of 'what squatting is', and 'what it should be'. Squatters resisting criminalisation through legalistic techniques and campaigns were forced to respond to the discourses emerging and circulating in this context of criminalisation, and engaging in a discussion 'about squatting' and about the 'squatting movement' as a sort of unitary body with a common agenda. Although for many this constituted an important moment of re-politicisation of the squatting struggle, for others it led to the imposition of an agenda, as much as the homogenization of a practice that derived its power from its internal differences, from its multiplicity of perspectives, and from its capacity of being unpredictable, unexpectable and as such, ungovernable.

Besides the legal battles and consequent process of legitimisation, criminalisation has been resisted also by moving a broad critique of the social, economic and political relations in which criminalisation takes place. While resisting in court and legitimizing some projects, squatters conducted in-depth analyses of the processes of urban dispossession through corporate projects, housing policies, speculation and so called 'urban revitalization' plans. These modes of resistance did not aim at defending squatting or at showing that squatting is a ‘good’ alternative to vacancy, that squatting useful for the city, and that squatters are ‘nice’ people. Instead, these arguments made visible the social and political dynamics that make squatting a necessity as much as a

political action. These, also performed a strong critique to the relations of power that define what is 'crime' and 'normal conduct'.

Many groups disagreed with legalistic strategies of resistance, and rejected these attempts to oppose criminalisation. Instead, these collectives have kept on squatting, deciding not to engage with the new labels and moralities, or just tactically playing with them: slogans used at demonstrations (including the 1st of October 2010 and 2011 demonstrations opening Chapter 1), such as *Wet of Geen Wet, Kraken Gaat Door* (Legal or Not, Squatting Goes On) or *Whatever they say, squatting will stay* (original in English), were expressed by those who have refused to give legitimacy both to criminalisation and to squatting itself. These discourses did not simply react to criminalisation, but instead acted upon it: “We are *bad* people! We *want* to smash capitalism and neoliberalism”, and received criminalisation with a sarcastic smile: 'criminalise us!’”



**Image 6: Banner used during the demonstrations against the squatting ban**

Therefore, resistance to criminalisation has entailed a multiplicity of modalities of actions and perspectives, often expressing polarities and contradictions. This entailed both reacting to criminalisation by legitimising squatting, and challenging the politics and technologies of legality that define the fields of possibilities for modes of life, social relations, to be expressed. As the discursive practices around squatting created a squatting as a ‘subject’, produced a discourse around squatting and squatters, for many the political task was to de-subjectify squatting, and to build practices of

resistance aimed at creating different languages, ethics and subjectivities than those produced by the authorities, the media and the law. These attitudes aimed at creating different spaces of experimentation, valorising their 'abnormality' and challenging the politics of normality acted upon them. These practices, by not fixing themselves into a specific political agenda or campaign, did not subject themselves to criminalisation, and were able to continue using squatting as an active, rather than reactive practice. Yet, modes of squatting that refused to engage in the production of discourses around squatting and that avoided being channelled and normalised, were those that antagonised politicians, provoked the hostility of the public opinion and faced more severe forms of punishment<sup>167</sup>.

### 3. Criminal court-cases

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The new criminal law is mainly used for evicting, rather than convicting squatters. Squatters were charged and prosecuted with the crime of squatting only if they actively resisted eviction, as in the case presented below. In most criminal court cases, squatters were often acquitted because of lack of evidences, or because the arrest procedure or the eviction had been proved irregular. Yet, although eventually absolved, the houses were lost. In other cases, those arrested during occupations of houses or in other squatting related activities were charged for not showing an ID, for resistance to police orders, or disturbance of public order, rather than for squatting.

#### Box 2: Eviction and court case of the *Lange Leidse*

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At a few metres from the commercial Leidseplein, the Lange Leidsedwardsstraat is a small street filled with tourist restaurants and clubs. The upper floors of the building hosting the Club 'El Punto Latino', on Lange Leidsedwardsstraat 35 and 37<sup>168</sup> ('Lange

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<sup>167</sup> This process seems to work differently than the self-fulfilling prophecy, labelling theories or deviance amplification. Indeed, the practices of squatting were not affected by criminalisation 'becoming more deviant'. In this case criminalisation has not fostered more criminal behaviors. Although it had increased the actual amount of reported crimes by defining squatting as such as crime, this has not meant that squatters internalised the criminal identity as a 'master status'. Rather, these labels were contested on multiple levels, and resisted through a variety of practices, discourses and affective dynamics. Yet, although many did not identify themselves with the labels and resisted criminalisation, they subjected themselves to it by reacting to criminalisation.

<sup>168</sup> Website of the squat with all the information about the ownership of the building and the legal process: <http://langeleidse35.squat.net/>

Leidse’) had been squatted for 10 years. The squat had been on the eviction list in June 2011<sup>169</sup>. On that occasion the squatters went to court together with the Schijnheileg collective<sup>170</sup>. While Schijnheileg lost and was eventually evicted on July the 5th, the ‘Lange Leidse’ won because of a technical mistake<sup>171</sup>. In a statement about the court case titled ‘Laughing with Kafka. Lange Leidse wins court-case against the state’<sup>172</sup> the collective commented:

“Now, is this a victory for justice and the legal system? No, we don’t see things that way. The legal system is a vulgar paper construction to legitimize why the state can use violence and weapons against normal people to keep the elite on their place. But sometimes you can catch them on a little mistake. A mistake they will soon repair to throw us out. Until then we laugh the Kafkaesque laugh. Hahahahaha.”

One year later the building was placed on the eviction list once more, it was evicted, and five people were arrested.

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<http://www.at5.nl/artikelen/82917/krakers-doen-dansje-voor-de-me> ;

<http://www.parool.nl/parool/nl/224/BINNENLAND/article/detail/3390637/2013/02/08/Vijftal-in-grote-kraakzaak-vrijuit.dhtml>

<sup>169</sup> <https://www.indymedia.nl/nl/2011/06/76457.shtml>

<sup>170</sup> <http://www.ravagedigitaal.org/2011nieuws/juni/14/nws.php>

<sup>171</sup> See: <http://www.ravagedigitaal.org/2011nieuws/juni/29/nws.php> and for the complete verdict see: <https://www.indymedia.nl/nl/2011/06/77017.shtml>

<sup>172</sup> [http://langeleidse35.squat.net/2011-06-28\\_Lange\\_Leidse\\_wins\\_courtcase\\_against\\_the\\_state.htm](http://langeleidse35.squat.net/2011-06-28_Lange_Leidse_wins_courtcase_against_the_state.htm) and here: <https://www.indymedia.nl/nl/2011/06/77018.shtml>



**Image 7 Façade of the Lange Leidse squat before the eviction, with three masked squatters at the window, waiting for the police.**

The inhabitants wrote the following statement, calling for action in resistance to the eviction:

The eviction of our house is just one example of the perverse effects of this senseless squatting ban. The Lange Leidse was squatted in 2001, after a 20 year period of emptiness and decay. Within the next 9 years the house was sold to several notorious and less notorious speculators. While the owners were just busy becoming even richer, we renovated the house that was in a very bad condition to make it liveable again. That's how we created living space in a city which has huge housing problems.

So while the truly corrupt real estate mafia gets rewarded with even more profit, the squatters that are effectively using the space are declared criminal and will be evicted. And the owners of Lange Leidse don't have building permits, so after the eviction nothing but emptiness will remain. Yep. That's how things work in I AMsterdam. By now it's clear that Van der Laan and his henchman try to eradicate all elements that not suit the I AMsterdam circus. Solely high incomes and the terror of consumption will dominate the city.

Yeak! What a boring and sterile perspective. This fits a country wide tendency where the political and economic elite is already for years bashing squatters, renters, misfits and everyone in the way of their pursuit of profit.

It's time to fight back. We will not be evicted from our house without a fight. We call out for resistance against these anti-social politics. Occupy the office of a housing corporation with your neighbours. Block a main road. Draw a slogan on the wall. Squat a house. Organise a renters' strike. Be creative, be militant.

Who sows eviction, will reap resistance!

When the riot police arrived, a group of supporters were dancing on the street disturbing the police operation, while five people were waiting inside the heavily barricaded building. At the windows two pink banners stated: '*Wie vecht kan verliezen, wie niet vecht heeft al verloren* - Who fights can lose, who does not fight has already lost'. When the police managed to go through the barricades the squatters were arrested on the staircase between the two buildings, held in police custody for three days, and charged with squatting, although two of them were not identified<sup>173</sup>.

In Amsterdam, this has been one of the first criminal court cases on squatting charges<sup>174</sup>. At the court case there were just a few supporters. The court case was not announced on Indymedia, as it usually is. Despite most of them had been squatting for many years, this was their first criminal court case, and for many it felt awkward to sit in front of 3 judges instead of the single judge of the civil cases. Yet, there was a sarcastic atmosphere, with everybody making light jokes about the situation, about the police, the judge and the public prosecutor.

The Public Prosecutor was a woman, while the three judges were men. The Public Prosecutor sat on the stage at the same desk with the judges, turned toward the accused and the audience. They all wore black gowns. The table covered their legs,

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<sup>173</sup><http://www.parool.nl/parool/nl/224/BINNENLAND/article/detail/3390637/2013/02/08/Vijftal-in-grote-kraakzaak-vrijuit.dhtml>

<sup>174</sup> For the full verdict see: <http://jure.nl/ECLI:NL:RBAMS:2013:BZ1127>

making visible only the upper part of their body. On the other side, the accused sat at a simple desk on the first line, about one meter below the stage and facing both the judge and the Public Prosecutor. Some had a translator, and the defence lawyer was sitting behind them. The accused and the judge could look down at them. All parts of their body were visible. Compared to gowns and official clothes, the accused seemed naked.

The first part of the court case revolved around the identity of the suspects. Indeed three of them had not been identified during police custody, and appeared in court with so-called ‘NN numbers’, namely ‘anonymity identification numbers’. The defence focused on the several mistakes made by the police during the process of identification of the squatters while in police custody. Indeed, the individual dossiers prepared by the police contained several inaccuracies: the physical description and dactyloscopic analyses did not fit the appearance of those who appeared in court. Moreover, the Polaroid pictures made in police custody had been lost or destroyed. However, the court eventually considered that, on the basis of other evidence in the file and on the basis ‘of their own perception’, those present at the hearing corresponded to those arrested during the eviction.

As the court case was unfolding and the squatters’ lawyer pointed out at all the technical mistakes of the police, the court case seemed to turn into a defence of the police by the public prosecutor, rather than a trial of the squatters. Moreover, the police was not able to produce evidences of any official permit to enter those parts of the house where the squatters were arrested.<sup>175</sup>. Although the squatters eventually won

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<sup>175</sup> Indeed the second part of the court case revolved around mistakes in the documentation giving the police permission to access some parts of the house without an emergency warrant or the consent of the occupant, which led to violation the housing rights of the squatters. As the verdict states: “On the basis of the criteria set out [in Article 359a, paragraph 5](#) must be assessed what should be the legal effect of this omission. In assessing the legal effect of the unlawful entry listed above in the lots at [address 1] and [Address 2], the court takes into account the importance that serves the breached rule, the severity of the failure that is caused. Entering into a house without being entitled to do so, constitutes an infringement of the right home and the privacy of the occupant (s). Such a breach is serious. Not without reason this right is constitutionally guaranteed and there are (special) legislation (the Code of Criminal Procedure and the General Act on Entry), which lay down strict conditions according to which homes can be entered without permission from the residents. The inconvenience for the occupant in the event of a breach of his house right is significant because in principle he should feel free and untouchable in his home. In the opinion of the court may, where there is illegal entry as in this criminal case, this only means that the results of the investigation, may not contribute to the evidence of the charges and the result of this arrest (determining who are the persons arrested etc.) is to be excluded from the evidence.” (<http://jure.nl/ECLI:NL:RBAMS:2013:BZ1127> )

the court case on these ground, during the court case the public prosecutor interrogated the squatters about how many people lived in the building and under which conditions: when one of the squatters, mentioned the concept of *Woongroep*<sup>176</sup> the judge asked specifications about this concept, and whether or not they were officially registered as such. Moreover the judge asked to one of the squatters whether or not there were showers, toilets, and a place for cooking by herself in both buildings. Afterwards, the judge, laughing exclaimed: “the house did not look liveable!”

These details might have been necessary to assess the technicalities of the case<sup>177</sup>, for assessing whether or not both buildings were inhabited, they placed under judgment very personal information about the organization of the house and about the way people lived. These questions addressed the very way the squatters organised their housing environment, and were subtly implying that these facilities were not enough for all the people living there, hence presenting a moral, not a technical judgment, on the shared living conditions, in contrast to supposed normative standard. Therefore, the very counter-conducts of squatters, the modes of life and the ethics, and not only their actions, are brought to court.

The Public Prosecutor asked for 40 hours of probation work or 2 weeks of imprisonment for the 2 people who had been identified, and 3 weeks of imprisonment for those who had not been identified while in police custody. The squatters were eventually absolved, on the ground that their arrest was unlawful. Yet, the state went on appeal.

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<sup>176</sup> *Woongroep*: in Dutch this expression means ‘living group’, referring to a group of people living in the same house and organise their homes collectively. Although each *woongroep* has different dynamics, living in a *woongroep* means not only sharing facilities, as in the case of a students house or of a shared house, but living together as a group, eating together, and sharing the space on a long term perspective. Groups of squatters often define themselves as a *woongroep*, despite the fact that the house they live in might change every two months. *Woongroep* is also a legal construction used in the 1980s as a technique to legalise squats or to set up collective living arrangements and contracts that would not address the individual but the living group, regardless of the individuals that compose it.

<sup>177</sup> The appeal had not taken place at the time of writing (2015)

The jurisdictions and legal battles have been considered as partial victories. As the criminal lawyer J. Souteman stated in an interview: “this jurisprudence and discussion goes beyond squatting. It is about the fundamental rights to housing and to privacy” (Interview with criminal lawyer Souteman). The legal battles and criminal court cases addressed only details of the laws rather than not the law as such, and have been used by the state to obtain the tools to clarify the law and for putting it into practice. According to the public prosecutor: “These are just small cases. For us it is not a big priority, we are not so interested in the matter. While the squatters try to make it political, we try to keep it technical. Their lawyers are activists, they are very prepared, and use the court as a podium for a political demonstration” (Interview with Otto van der Bijl).

Hence, the enforcers of the law claim that they are 'not thinking politically', and that the criminalisation of squatting is based merely on technical ground. However, this clearly has a political dimension. The public prosecutor's priority on property rights and public order are political choices, as much as the decisions of using the law tactically and selectively. Yet, they are discussed as technical details that have no political implications, therefore de-politicizing them as an objective and pragmatic way of dealing with contested issues.

#### 4. Discussion

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While legal battles have actually challenged the law at its core, this has not prevented the evictions of squats at very short notice. If, on the one hand the legal battles affirmed a sort of right to squatting, challenged the police's authority to evict squats and imposed a few weeks' notice for the eviction, on the other hand the conditions for these rights to be exercised are very limited, and the possibilities of winning court cases and avoiding evictions are almost inexistent. There is a silent, rarely expressed, but highly visible intention to not clarify the law in court, and to leave it in a vague space that allows discretion of use and large margins of interpretation. The police do not want a judge to analyse the situation too closely and create a precedent. Although those who had a relevant role in the application of the new law, such as Public Prosecutor Otto van der Bijl, claimed the intention of using the law for creating 'black and white' politics, in practice the law leaves its conditions of application open to

interpretation: it is a grey area both for the police and for squatters.

The punitive power of this criminal law is not expressed much through convictions for the crime of squatting: rather quick and cheap evictions, and identification with the aim of assigning individual responsibility for collective actions, figure as one of the main priorities of this law. Indeed, the new law implies that in order to initiate a court case and defend a squat it is necessary to disclose one's identity, as court cases can only be initiated by those who have a direct interest, and there is no possibility of court cases for collective causes. On the one hand this requires squatters to implicate themselves by disclosing their identity and claiming that they have squatted a house. On the other hand this implies that individuals claim responsibility for a collective action. These techniques force squatters to identifying themselves, create legal responsibilities, and make it financially difficult for squatters to defend their homes, while removing any previous financial burden for real-estate owners to have their properties evicted.

The criminalisation of squatting happened as a result of the decline of the Dutch toleration model, and in a political and economic context where the state prioritised the promotion of home ownership and private property rights, as much as projects of urban regeneration that would turn Amsterdam into an attractive city for global capitals. The increasingly orientation of urban policies toward the constitution of Amsterdam as an entrepreneurial city (Musterd and Gritsai, 2013) , branding and marketing itself as an attractive landscape for capital investments, tourists and consumers (Evans, 2003), entailed regeneration and revitalisation policies where new security technologies have been combined the creation of moral landscapes (Lee and Smith, 2004): namely regulatory strategies and legal–moral ordering practices (Coleman, 2005: 131) where it is better to have empty spaces for capital investment and speculation rather than satisfying basic needs of the population, including housing.

The new regulation of vacancy that went hand in hand with the criminalisation of squatting led to the increasing involvement of private corporations and security companies in the distribution of housing. Through anti-squatting, the housing problem is individualised, rather than approached as a structural consequence of privatisation,

gentrification and criminalisation. This new morality over the use of space encouraged by corporations and the tourist industry, creates the conditions for modes of life and of conduct along the lines of 'home, work, leisure', where the nomad, the homeless, the undocumented and the squatter are eventually defined not only as immoral but illegal (Cresswell, 1999, 1997a), are confined within specific spaces (Atkinson, 2003; Cresswell and Merriman, 2011; Sibley, 1998; Talbot, 2004) or forced into the sedentary existence (Cresswell, 1997b; Scott, 1998). Therefore, the criminalisation of squatting, and the consequent promotion of anti-squatting, are embedded not only in a political and economic context, but also in a moral shift of Dutch modes of government, aiming at capturing those spaces and parts of the population that would escape governmental control and morality, as to turn them into 'responsible individual'.

Although criminalisation is often understood as a top-down process and as a cause-effect relation whereby those who are criminalised are passive actors without political agency, resistance in the face of criminalisation is not only possible but actually plays a strong role in constituting the relations of power circulating through criminalisation. Groups of squatters have mobilized practices and discourses to actively challenge and resist the process of criminalisation. These strategies moved in a multiplicity of divergent directions and engendered heterogeneous, often conflicting modes of resistance. By approaching criminalisation from a variety of standpoints, some squatters aimed at contesting the politics of private ownership, speculation and gentrification while others focussed on housing rights. Although the legal struggles managed to affirm rights to squatting only partially, the convergency of these disparate and diverse practices of resistance (including those discussed in the next chapters) destabilised the smooth operation of the law, hindered its application and interfered with its power: the police have lost authority to evict squatters, judges became more careful in their application of the law, and almost nobody have been convicted for the crime of squatting.

### Intermezzo III: Behind Barricades

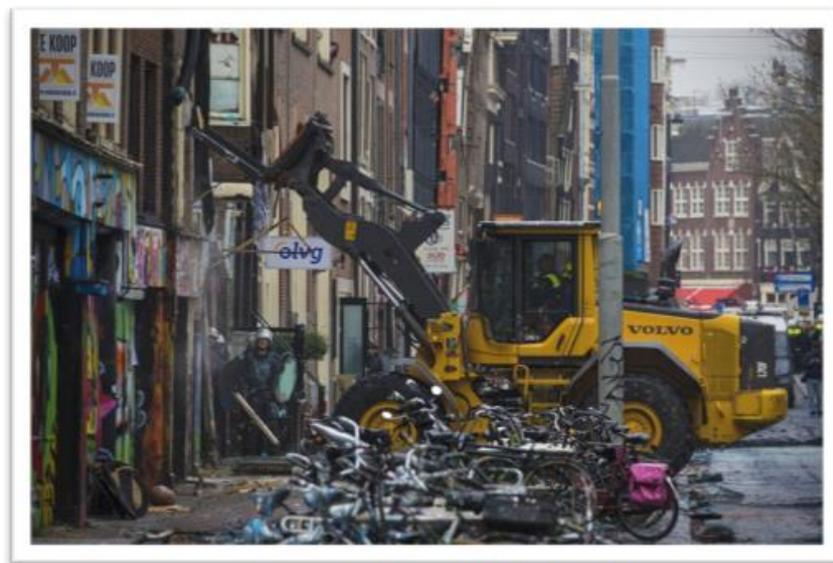
Nine people in a dark room. The windows are heavily barricaded, letting through barely enough light and oxygen. Two hours ago we blocked the entrance side of the room with a sliding door made of radiators welded together. Some of us are sitting on a mattress, others on the floor. Our clothes are soaking wet and sticking to our bodies. We are too exhausted and shivering to talk to each other. The confrontations between us, throwing paint bombs from the roof of the building, and the two police water cannons tracks constantly aiming at us, lasted for hours. A street riot started yesterday night, when the street went on fire. The police did not intervene “as the large amount of smoke on the street was hindering visibility, and because of the large amount of people on the streets”, as they will explain in an apology to the neighbourhood. They started intervening only with the first lights of the morning, securing the entire neighbourhood with anti-riot platoons, tanks, two water cannons, a helicopter, horses and barking dogs. Since then, their tanks and water cannons have been cross-attacked from the roofs and windows of three different buildings.



Image 2: Eviction of Spuistraat. Source: Hans Photo

After hours of confrontations, the police approached the house by letting a container land on the roof, transported by a crane, while the water cannon was trying to prevent our interference. As soon as the container started landing, we threw our last pain bombs and we retreated inside the house, closing yet another barricade behind us. It is 5PM now, and we are secured in a room on the first floor. We can hear the riot police walking up and down the stairs. They are already in. We thought it would have taken them longer to go through the barricades. It seems they have found us, or at least they guess where we are hiding.

The barricaded window does not let us guess what is happening on the outside either. There is just a little hole, and we make shifts to observe the movements on the outside. We can only spot an excavator pointing at the window. We guess it has been parked there after being used to smash open the barricades at the entrance door. We discuss the possibilities, and agree they would not dare to break through the window with it. It would be too dangerous, especially if they suspect that we are behind that window. Yet, later on they will.



**Image 2: Eviction of the Spuistraat**

With a megaphone the police announces something in Dutch. None of us understands what it is being said. There is noise coming both from the inside of the building and from the outside. From the opposite building, the Vrankrijk autonomous social centre, loud punk music has been playing since yesterday night, and a crowd on the street

have been chanting slogans since the morning. We are all silent, trying to grasp any detail that could give us a clue of what is happening. We do not have phones with us. The connection of the *walkie talkies* got disrupted a few hours ago. The police repeat the same message from the megaphone, but again, we do not understand. Eventually, they repeat it in English. The police is asking us to leave the house for our own safety, as they suspect a gas leak in the building. We laugh. We believe it is just another trick to force us out. Yet, the excavator starts digging holes on the sidewalk below us to access the pipes and turn off the gas. The police interrupts the eviction operation. They retreat.

We know that despite their temporary retreat, our battle is already lost. We knew we would not be able to keep the house and that we would be arrested. The days before the eviction we thought about an escape route, but it was not practicable. We are prepared to be held into custody between 3 and 15 days, depending on what charges and procedure the police want to put on us. For most of us this is not the first time in this situation, and we are not afraid of being arrested. Yet, we are tense.

These minutes separating us from the arrest seem endless. I am sitting next to Julia, who has been silent since we barricaded ourselves in the room. We are trying to keep each other warm, but our muscles are too tense to find any relief. It has been an exhausting process, as we spent weeks occupying and barricading the building with just a few basic facilities, little light, and prepared to face an eviction that could come at any time, but seemed to never happen. We would have not been able to sustain these conditions for much longer. After days of discussions, meetings and preparations we decided to pick our time, instead of keep waiting for the police to make a move. We provoked the eviction when we felt ready to face the confrontations and the consequences.

I look around me, and I picture ourselves in the same situation, but at another time in history or in a different place in the world. If we were under different conditions, now I would be looking at them as if it was the last time. I would not be sure what could happen to us, nor when we would see each other again. I shiver. How can people commit themselves to resist, when they might lose everyone they struggle with, everyone they love? How many of us would go so far with their involvement in

resistance movements under different conditions? I realise how privileged we are to find ourselves in this situation without fearing the consequences, and I feel so silly. It all feels just like a game, a performance. Yet, we could not have left this eviction go unnoticed.

Spuistraat and the Tabakspannen embody an important part of the history of the squatting movements. Some of these buildings have been squatted for 30 years, and have been key autonomous political, cultural and social spaces for thousands of people. Lying in the heart of the city, just behind the Royal Palace, for decades these squats have expressed the radical and subversive soul of Amsterdam and the power of the squatting movement. Now the block is going to be transformed into hotels and luxury apartments. We needed to make this eviction as conflictual as possible. We needed to show to the city that this massive gentrification does not take place without resistance. We needed to shout loud and clear that squatting will continue, despite the endless attempts to make us silent and invisible. We cannot leave voluntarily. The violence of this process needs to become visible. They will have to drag us out of here by force.



**Image 3: Paint-bombs and smoke bombs during the Spuistraat eviction**

The police is back in, now attempting to go through our radiators-wall. They realise they would need an electric flex, which would be dangerous in case of presence of gas. They retreat again. We feel exasperated, we feel trapped in our own prison. It has been almost 20 hours since we began being completely barricaded inside the house, and we expect many more hours in isolation cells. We are hungry, wet, cold and

impatient. It could take the police another 2 or 3 hours, or maybe the whole night. Yet, under these conditions, without any more chances of engaging with offensive actions, there is no point in passively hiding anymore, especially with the possible presence of gas in the building. We decide to pick our time, once more. Instead of keep on hiding, we decide to reveal where we are. We remove the barricades from one of the windows, we open it and we shout our last slogans, cheered by the supporters on the street.

The water canon immediately aims at us. We throw the last paint bombs and we close the windows again. From the inside the police starts smashing the iron with hammers and flexes, letting the barricades fall toward us. From the outside the excavator penetrates the window, destroying it. In a few seconds the police container pull over the window and pepper-spray fills the room. In English, the policemen order us to lay on the ground and to show our hands. There is very little space, and we lye on top of each other trying to protect our faces from the pepper spray. We cough but we are silent. The police, while continuing to use pepper-spray, assaults the group. There might be only four or five of them but I cannot see what is happening. One of the policemen gives the order to arrest all the women first. They grab us one by one, and



Image 4: Banner at the windows of the squatted building 'Middle East', on Spuistraat.

they drag us in the suspended container by the window. They twist our wrists to prevent any resistance, lay us on the ground and handcuff us.

## Chapter 7

### Evictions and Their Resistances: politics, aesthetics and ethics

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The previous chapters discussed the legal aspects of the squatting ban and the discourses circulating around criminalisation. Attention has been paid to how these address and affect the squatting counter-conducts. This and the following chapter will focus the techniques used to enforce criminalization, how they have worked and how squatters have resisted them. The aim of this chapter is to understand how criminalisation works, what it produces, and how it affects squatting by paying attention to its interventions on the conditions of possibility for squatting counter-conducts to emerge. In particular it will discuss the strategies enacted to resist and counter the process of eviction and criminalisation, questioning to what extent these very resistances affect the squatting power of action. In particular, this chapter will analyse how evictions work, and the resistance against evictions. In this context, it will be argued that criminalisation operates through strategies of spatial control, containment and temporal delimitation of squatted houses, hence operating on the spatial and temporal dimension of counter-conducts, and to the modes of resistance and affective dynamics that can be experienced in this context.

Uitermark and Nicholls (2013), in their article on the policing of social movements in Amsterdam and Paris, argue that the organization of space critically contributes to policing: namely by allowing to gather information, survey activities within these spaces, and to produce 'geographically tailored' forms of governance (Dikeç, 2007; Uitermark and Nicholls, 2013). Space and time are crucial aspects in terms of criminalisation, control and surveillance of groups and individuals, but also for the production and contestation of power relations. In this chapter, through an analyses of the techniques of criminalisation, it will be argued that spatial and temporal relations did not simply provide tools for surveillance and control: rather the constitution of social and political subjects and modes of conduct is actively produced or hindered through the relations of time and space.

It will be argued that criminalisation configures as a mode of government of those aspects related to the everyday life of squatting, to the capacity of squatters to create not only different social and political relations through the constitution of different

urban spaces, but also different modes of resistance: namely those aspects of squatting that constituted the more active, creative and multiple modes of resistance: its counter-powers.

If the power of a movement has to be evaluated in terms of its capacity to protest and to resist by means of opposition, it could be argued that in context of criminalisation, the Amsterdam squatting movement has reached an apex of its power. Indeed, in years before criminalisation, when squatting was tolerated and regulated, rarely there were riots, confrontations and visible resistances to evictions. Instead, since 2010, protests have increased to the point that some activists welcomed criminalisation as a moment of re-politicisation of the movement. Yet, it will be argued that this process affected the counter-power, the potential, of the struggle, which took reactive, oppositional and antagonistic forms.

### 1. Nuisance, public order and moral order

Immediately after the Squatting Ban had passed, a large list of squatted buildings received the eviction notice, what has been defined as a 'declaration of war' by squatters and supporters. The enforcement of the law is in the hands of the so-called 'Triangle', constituted by the Public Prosecutor, the Chief of the Police and the Mayor (See Chapter 5). The members of the 'Triangle' have worked on policies and principles regarding the eviction of squats<sup>178</sup>. In particular, the 'Triangle' divided all the squatting cases in into high, medium or low priority, hence evaluating which squats should have been evicted immediately (those that create nuisance and disturbance to public order), which ones could wait a few months, and which ones should be evicted only when there would be resources available (Interview with a Police Officer)<sup>179</sup>. On September 27 2010, just before the squatting ban became effective, Amsterdam Mayor Eberhard van der Laan wrote a letter to the city council,

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<sup>178</sup> <http://www.stichting138a.nl/userfiles/files/beleid%20OM1.pdf>

<sup>179</sup> <http://www.parool.nl/parool/nl/4/AMSTERDAM/article/detail/1016550/2010/09/27/Politie-wil-tweehonderd-kraakpanden-ontruimen.dhtml>

arguing his intentions to fully implement the squatting ban starting from the 1<sup>st</sup> of October 2010<sup>180</sup>.

According to Van der Laan, the police immediately began to facilitate the eviction of more than three hundred existing squats in Amsterdam. While until 2010, so-called eviction waves, or eviction rounds would take place three times a year, the triangle planned to hold six eviction rounds instead in the year following the change of legislation<sup>181</sup>. Confronted with the possible lack of police manpower, the chief of the Police, Leen Schaap, answered that this would not constitute an obstacle: as he stated in an interview to the newspaper 'Parool': "My hands are itching to put an end to some harrowing situations in the city. We are eager to evict squats that create real nuisance"<sup>182</sup>. Hence, immediately after the law passed, a large number of squatted buildings received an eviction notice: the first of the 200 buildings that were planned to be evicted were indeed those that according to the police created nuisance<sup>183</sup>.

However, nuisance and disturbance are vague concepts, and their evaluation varies according to perceptions and interpretation. As the inhabitant of a squat commented:

“That the squatters cause serious nuisance, is nonsense. What is the definition of nuisance? Those neighbours who complain about us, complain against everything; also against the neighbourhood table placed here down the street. His rights however are not being violated. Those of social tenants and squatters are”

Indeed as also policemen stated in an interview, when there are squatters in the neighbourhood it is much more likely that the neighbours will file complaints for disturbance: neighbourhood disputes are often frequent, but when it is about squatters it is actually easier for people to refer to the police. According to the policeman:

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<sup>180</sup> <http://www.at5.nl/artikelen/49138/links-en-rechts-botsen-over-kraakwet>

<sup>181</sup> <http://www.woonbond.nl/nieuws/2142>

<sup>182</sup> <http://www.parool.nl/parool/nl/4/AMSTERDAM/article/detail/1016550/2010/09/27/Politie-wil-tweehonderd-kraakpanden-ontruimen.dhtml>

<sup>183</sup> In Dutch nuisance/disturbance is: *overlast*. On the police website, *overlast* is defined as: “Dog poo in the park, litter on the streets, urinating infested walls or your neighbor listening to loud music in the middle of the night (<https://www.politie.nl/themas/overlast.html> ).

“Most of the times the neighbours complain about the squatters. This is not because squatters are necessarily louder, but because they look different, or speak a different language. People are afraid because they look aggressive, and because you cannot talk to them. Everything they will do will affect the image of the neighbourhood. People think that squatting is not fair, they disapprove, and as a consequence the disorder is felt more. It is also true that when there is a squat there are more people outside on the street; there are more people around. I don't mind when someone squatting, because that is a matter the judge has to decide about. My priority is that they behave as normal neighbours” (interview with police officer).

When squatters occupy a new house, often the neighbours are friendly and welcome the squatters. They might provide further details on the history of the house, or they might share their frustrations toward the owner. They are often curious to see what the building look like, and sometimes they offer support to the squatters by bringing blankets, food or furniture during the first days of occupation. Indeed the neighbours are often glad to see the squatters making use of eyesore and degraded buildings, fixing them and bringing new life to the neighbourhood. Yet, there is a widespread concern among the population that associates squatting with nuisance, disturbances and presence of foreigners. These might be subtly covered by friendly attitudes, while in some circumstances they are clearly expressed in stereotyping and racist insults.

Even sympathetic neighbours often show concerns about how many people will leave in the building, and about the nationality of the squatters: it is not uncommon that they ask whether the squatters speak Dutch, and show relief when someone approaches them in Dutch. Moreover, in many cases squatters are asked in advance to be quiet, not to play loud music and to be avoid setting the building on fire. It is also common that as soon as a building is occupied, the neighbours receive the squatters with insults or hostility. Some show clear disapproval through body language and angry gazes. Others directly approach the squatters, starting arguments about private property rights and showing concerns about the possible de-valuation of their own properties due to the presence of the squatters.

As a response to the first threats of evictions for 'nuisance', the squatters of the Oosterpark neighbourhood, particularly targeted by the eviction threats, wrote a public letter to the newspaper 'Het Parool'<sup>184</sup>:

We would like to respond to the statement that squats in the Oosterparkbuurt cause nuisance and therefore would be evicted. This surprised us. The squatters of Oosterparkbuurt (active between Beukenweg and Wibautstraat) have always worked in close consultation with local residents and we have always taken account of them. In the history of 't *Blijvertje* there are exactly two reports of noise, in the last one and half year. The many other squats in the neighbourhood have never received a report of nuisance. Instead, we have received lots of support from the neighbourhood. Many people appreciate our struggle against the way corporations deplete the stock of social houses and neighbourhood initiatives we undertake. But perhaps you mean that we are difficult for corporations and policy makers? That is exactly the point.<sup>185</sup>

Therefore, the criteria for evicting squats are not based on actual conditions of public disorder, but on a perceived disorder both by the police and the neighbours in specific areas, or by the local authorities desiring to 'win the hearts and minds of the Amsterdammers for sweeping the neighbourhood clean' as one squatter of the Oosterparkerbuurt claimed<sup>186</sup>. Moreover, the decision of evicting certain squats before others is clearly associated with specific kinds of squatters, who are supposedly creating a 'disorderly presence' or whose way of life conflicts with the moral standards of middle and upper class neighbourhoods: mainly those who are not recognised as Dutch citizens and those who, by their presence alone, with banners, flyers and campaigns, pose a challenge to the politics, the aesthetics and the ethics of local powers.

As another squatter commented:

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<sup>184</sup> <https://www.indymedia.nl/nl/2010/10/69978.shtml>

<sup>185</sup> <https://www.indymedia.nl/nl/2010/10/69978.shtml>

<sup>186</sup> One squat on Vrolijkstraat and all the squats in Eerste, Tweede en Derde Oosterparkstraat, including the social centre 't Blijvertje were included in the first eviction list.

“I never cry, but when they criminalized squatting and I saw all our projects being cut off that way, I felt really down...I cried for a week. I lived 17 years in Amsterdam, but Amsterdam has been changing a lot. There is space only for yuppies and commercial activities, and everything different is being destroyed. They try to homologue, to individualise us. There is no room for diversity. We all have to act the same, think the same. We are all getting squared. And squatting is a way to get out of this. And this is one of the reasons why it is criminalised” (Workshop)

As discussed in Chapter 6, the months following the new law were characterised by legal battles that halted evictions through the criminal law. Several evictions and eviction waves took place, but on the basis of the former legal context. On January 24<sup>th</sup> 2011 the Public Prosecutor announced that a new policy had been decided, responding to the sentence of the Supreme Court of The Hague, enforced the new law in accordance with the European Court of Human Rights<sup>187</sup> One week later, on February 1<sup>st</sup> 2011 the Public Prosecutor announced the list of buildings to be evicted (see Annex 2), and on March 23<sup>rd</sup>, 2011, several buildings were evicted<sup>188</sup> : including Wijde Heisteeg 7<sup>189</sup> (which stood empty until 2016, when it was re-squatted) and Muntplein 7, both in the very heart of the city centre<sup>190</sup>, and the three former social housing buildings on Ten Katestraat<sup>191</sup> (Oud West), owned by housing corporation Rochdale, which remained empty for several years, being re-squatted by a group of

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<sup>187</sup> (see previous chapter - <https://www.om.nl/actueel/nieuwsberichten/@28615/hervatting/>).

<sup>188</sup> For photos, videos and more details see: <https://www.indymedia.nl/en/2011/03/74862.shtml> ; <http://www.ravagedigitaal.org/2011nieuws/maart/22/nws.php>

<sup>189</sup> The building had been squatted in 2007 (see <http://www.ravagedigitaal.org/2011nieuws/maart/22/nws.php>). During the eviction one person was arrested. After the eviction the owner took no action to renovate the building, and it remained in the same state for years. In January 2016 the building was squatted again, and the squatters dropped a banner stating ‘Wat mag niet, kan nog steeds: what is not allowed is still possible’ (see video of the squat action here: <https://nl.squat.net/tag/wijde-heisteeg-7/> ).

<sup>190</sup> The building had been squatted in January 2011 by a group of students: <https://studentenkraakspreekuur.wordpress.com/2011/01/09/kraakactie-muntplein-krakers-wensen-speculanten-een-spannend-2011/> .

<sup>191</sup> See video of the municipality decision to evict the two squats: <https://vimeo.com/20370426>

undocumented migrants in April 2014, and evicted in three months later, in July<sup>192</sup>. The first squats that were addressed were those inhabited by non-Dutch squatters, those situated in the city centre, and political squats that were active in the local struggle against gentrification.

The criminal law started being enforced as a mean of clearing certain neighbourhoods from the undesired presences and voices, and as a means of enforcing of neighbourhood safety and so-called 'public order'. Yet, as much as the definition of nuisance and public order are arbitrary, it is also economically motivated and morally oriented. Indeed, the urge to evict is based on economic and political priorities, and clearly addresses those elements of squatting that, by resisting the politics, aesthetics and the ethics of gentrification, produce perceived physical, political and moral disorders. These criminalisation practices, while framing evictions as a matter of disorder, enforce a morality of order, addressing the way squatters express different values, different ways of living and or relating to the urban social and political space: namely the counter-conducts that take place through squatting, especially those that counter the governmental strategies of urban planners and developers.

## 2. The economics of eviction

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After eviction many spaces remain empty, or are filled with anti-squatters. In many cases the owner hires demolition companies to make the house inhabitable, breaking down walls, removing the pipes, the toilets and the electricity. Yet, even when the building is reduced to these conditions, it is not uncommon that they are squatted for a second and sometimes third time after the eviction. This has been the case of the buildings at Ten Katestraat 53-55-57 and Jan Hanzenstraat 84, both owned by the housing corporation Rochdale: after the first eviction the housing corporation demolished all the facilities in the building, but the squatters took them over again and placed a lot of effort in making them loveable again. Although the Mayor declared that he would not support eviction for emptiness, due to the costly process of evicting, and the high risk that an empty property would be squatted against, these, and many other buildings were evicted for the second time, boarded up and, remained empty for

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<sup>192</sup> <https://en.squat.net/2014/07/10/amsterdam-the-refugee-group-we-are-here-opened-a-new-building/> ; <https://en.squat.net/tag/ten-katestraat/>

several years, and were squatted again years later (respectively in 2014 and 2015).

Demolition is a common practice to prevent squatting by housing corporations such as Rochdale and De Key, which list a large number of empty properties. These companies used to be public associations, responsible for the distribution of social housing. Since their privatization in the 1990s these companies have one foot in the private sector and another foot in the government and, together with Ymere, they still own the majority of the social housing stock, hence managing entire neighborhoods. Most of the properties squatted since 2008 belong to these companies, which, due to their semi-public function, enjoy a particular protection by the government and it is not uncommon that their properties are evicted even when it is clear that they will remain empty until their demolition. As the chief of the police Leen Schaap commented in an interview with the newspaper 'Het Parool'<sup>193</sup>

"Due to the economic crisis and the Government's policy housing corporations have no money for planned major renovation projects (...). For this reason the major part of the current squats is owned by corporations. If the judge grants permission for an eviction or an emergency eviction is necessary, we act quickly. (...) So we walk as police and dustpan behind squatters and we kind of act as bouncers for the corporations"

Hence, these companies they have large governmental power on the urban level, as they play a strong role in the formulation of local policies, in urban planning and, consequently, on the decisions of eviction, to the point that even the police feels like acting as their private security guards.

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<sup>193</sup> <http://www.parool.nl/parool/nl/4030/AMSTERDAM-OOST/article/detail/3719523/2014/08/16/Uitstel-renovaties-goed-voor-krakers.dhtml>



**Image 1: Eviction of the Spuistraat. Banner Stating 'No eviction for vacancy'**

Before the eviction of Jan Hanzenstraat 84 the squatters wrote a public letter to Van der Laan, condemning him for serving the private interests of Rochdale, without any care for the problem of housing and vacancy (See Annex 3):

“Thanks to the demolition team the home is still uninhabitable for anti-squatters and impossible to sell; Rochdale has neither plans nor permits nor money. Yet you threaten to evict again our cozy cottage. (...). Do not you realize that this is only subjected to the whims of Rochdale? That the entire community have bear their cost? You apply this law selectively: when it coincides with private interests. From this we understand that this has nothing to do with "maintaining the national legislation." In addition, remember that we are talking about the ‘Law Squatting and Vacancy’. Should we be surprised that you maintain only half of the requirements of the law? In short, Mr. Van der Laan, why - really, why - you threaten Jan Hanzenstraat 84 with eviction? And, since this letter is widespread on the internet, perhaps you can use this opportunity to clarify your earlier statements about your housing policy - no need, of course, but appreciated by those of us who are not senior politicians.”

In many cases eviction politics go hand in hand not only with the economic interests of housing corporations, but also with the urban renovation projects in which they are involved. For instance, Amsterdam Oud West used to be a working class, social housing area, and in the last 10 years Rochdale and De Key promoted gentrification by dislocating tenants from social housing, in a process very similar that in Amsterdam Oost, where housing corporation Ymere played a strong role. With the financial crisis of 2008 and the delay of renovation projects, the number of empty houses in the neighborhood rapidly increased together with the amount of squats.

According to an interview with a policeman, only in Amsterdam in Oud-West there were 150 houses squatted in 2009, and only 8 at the beginning of 2012. The following is an extract from an interview with the policeman who kept record of all the houses that were squatted in Amsterdam Oud-West between 2006 and 2012, and of those that were evicted under his supervision:

“To look at the broader picture, in 2006 there were 79 squats (37 of which had been squatted in the same year), and 35 were evicted, and at the end there were 44 squats left. In 2007, 21 new places were squatted and there were 40 evictions, which meant that only 25 squats were left. In 2008 there have been 42 new squats and only 10 were evicted, so that at the end of the year there were 57 left. There were only 10 evictions because in these days things became more difficult: the squatters started refusing to give the houses back and it became more difficult to evict, while before they were leaving with less trouble. In 2009, in addition to the 57 existing squats, 92 new places were squatted, and 40 were evicted, and as a result 109 were left. At this point we thought that this was too much and it was getting out of hand. This is too much! There are too many squatted houses! So in 2010 we used hard measures and evicted 83 places. In 2010, 34 new squats emerged, and indeed 83 were evicted, so that there were 60 squats left in the neighbourhood. At the end of 2010 the new law passed, and despite this, in 2011 there were 26 new squats, but we could evict 79 houses, so that at the beginning of 2012 there were only 8 squats left.” (Interview with police officer).

As the policeman stated in the interview above, in times of economic crises with higher unemployment rates and fewer people able to afford rent, ‘the situation was getting out of hand’. In this context, the new law gave the police the capacity to evict quickly, and without any cost for the owners and corporations.

Only when the buildings were both owned by housing corporations and planned for demolition, such as in the case of the squatted block on Pasteurstraat and Lorenzlaan<sup>194</sup>, in the

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<sup>194</sup> <http://www.parool.nl/parool/nl/4/AMSTERDAM/article/detail/3726268/2014/08/27/Amsterdamse-kraakpanden-in-een-klap-gehalveerd.dhtml> ; <http://www.parool.nl/parool/nl/4030/AMSTERDAM-OOST/article/detail/3719523/2014/08/16/Uitstel-renovaties-goed-voor-kraakers.dhtml>

working class residential neighbourhood ‘Jerusalem’, and the Pieter Vlamingsstraat, in Amsterdam Oost, or when the buildings are owned by the city council (Antarctica, de Valreep, Vluchtgarage), then the squatters were able to stay longer. When questioned about the reason why these squats received different treatment than others, the answer from the police and the public prosecutor was unanimous: ‘it is a matter of political balance and public order’. In a more detailed answer a policeman stated ‘We have to leave them some spaces, the important thing is to be sure that we know where they are and what they do’ (interview with policeman WJ).

### 3. Eviction waves

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Both before and after the introduction of the criminal law, and up until 2013, evictions used to take place by means of the so-called ‘eviction wave’ (*ontruimingsgolf*)<sup>195</sup>: eviction waves are meant to evict multiple buildings in one single round, with the use of riot police and a technical team: the *Brand- en Traangaseenheid (BraTra)*. Eviction waves always took place on Tuesdays, they were expensive police operations, strategically planned to each detail: from the geographical configuration of the neighbourhood, to the characteristics and political backgrounds of the squatters, and the expected ‘danger’ that each group would entail for public order (interview with ME).

A few days before the eviction would take place, the police used to approach the squatters to understand their intentions, whether they would resist the eviction or leave *voluntarily*. As most of the times the squatters do not give any answer to this question, regardless of their intentions, the police conduct preventive investigations as to understand the ‘risks’ of resistance coming with the eviction (see Chapter 8). As one policeman stated:

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<sup>195</sup> For a list of videos of eviction waves see: <http://video.squat.net/tag/ontruimingsgolf/> ;

“Preparing for the evictions we need to place surveillance on the squats. We have to try to understand how many people are around the place, if they are going to leave voluntarily or to resist. Before the eviction we need to know if they placed barricades, boobytraps, and washing machine on the stairs and so on. We do observations for guessing what to expect. We want to know if they are violent, if they are students, or if they come from poor countries. We want to know everything for evaluating what to expect and how to prepare” (Interview with police officer).

Evictions are planned and prepared by the police according to all the information gathered, to the geographical distribution of the squats, and to the expectation of resistance. Moreover, these kinds of evictions used to be announced a few days or weeks in advance for the organisation of public order in the neighbourhood: indeed the streets have to be cleared of parked cars, and access to buildings and shops would be limited. During eviction waves the traffic is blocked, the neighbourhood stops its daily activities, the helicopter announces the arrival of the riot police columns and, as soon as in possession of the house the police would remove the banners from the windows as the flags of a conquered territory.



**Image 2: Riot Police in Amsterdam Oost during an eviction wave**

With the police deploying their authority and their full anti-riot equipment, and the squatters countering them through playful and sarcastic tactics, evictions often turned

into a spectacle. A policeman who had been in charge of many eviction procedures stated during an interview:

I have dealt with a lot of evictions, and often they are dangerous. There are bombs, petrol, urine, and shit. The stairs might be dangerous, and sometimes there are dangerous tricks when opening the doors. That's the reason why now we have the order of evicting the houses from up to down. But it was a very nice job. I was glad that squatters were squatting because then I could do something about it. It is a dangerous job, but it is nice.

For the police evictions are an occasion to perform power and authority and to get out of the boredom of their everyday routines. If the relation between squatters and the police has often been described as both antagonist and agonistic, then during evictions the police, by symbolically conquering squatted territory, or what some of them define '*squatland*', win their game.



**Image 3: Riot policeman evicting Muntplein 7 (Amsterdam Centrum).**  
**Source:** <http://www.ravagedigitaal.org/2011nieuws/maart/22/nws.php>

For the squatters the eviction is often the last stage of a long struggle to defend the squat and it is the last occasion for protesting against the urban politics that the squatters had already been resisting through multiple tactics: starting from banner droppings at the time of the occupation, the organisation of everyday DIY activities, demonstrations, court-cases, negotiations, campaigns, petitions, talks at the city council, or forms of direct action. Therefore, evictions are important events both for the squatters and the police, but they are the *apex* of a broader and ongoing political conflict, resulting in a spectacular performance.



**Image 4: Clown Army during the Schoolstraat eviction (2010) with a sign stating *ME Staking* – ‘the riot police is on strike’**

### 3.1 A chronicle of evictions and resistances

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Within three months from the first eviction on the grounds of the criminal law, another eviction wave was organized, and on July, 5<sup>th</sup> 2011<sup>196</sup> the social centre Schijnheileg was evicted (See Chapter 5). The 150 people who were resisting the eviction were arrested. The same year, on November 1st 2011 (See Annex 2b) one of the most detrimental eviction waves took place with 19 squats evicted<sup>197</sup>, including Linnaeusstraat 70-72<sup>198</sup>, Cruquiusweg 86<sup>199</sup>, Vrolijkstraat 245-251<sup>200</sup>, Swammerdamstraat 12<sup>201</sup> (which was later squatted and evicted several times), and the social centre ‘*t Blijvertje*<sup>202</sup>, on Derde Oosterparkstraat 64 which had been squatted since August 2007; the squatted social centre ‘*t Blivertje* have played an important

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<sup>196</sup> <https://www.indymedia.nl/nl/2011/06/76670.shtml>

<sup>197</sup> For a list of the evicted buildings, a time-line of the evictions and several pictures see: <https://www.indymedia.nl/node/273> and <https://en.squat.net/2011/11/01/amsterdam-persistent-resistance-at-the-01-11-2011-eviction-wave/>

<sup>198</sup> Website of the squat: <http://linnaeus.puscii.nl/>

<sup>199</sup> <http://cru86.squat.net>

<sup>200</sup> <https://www.indymedia.nl/nl/2011/10/79558.shtml> and <https://www.indymedia.nl/nl/2011/10/79558.shtml>

<sup>201</sup> Website of the squat: <http://sw12.squat.net/>; <http://www.speculanten.nl/node/203>

<sup>202</sup> Website of the squat: <http://slimblijven.squat.net/>

role in the struggle against gentrification of Amsterdam Oost, hosting a variety of neighbourhood initiatives, and constituted a platform for a multiplicity of actions and protests against the dislocation of local inhabitants, the demolition of social houses and their replacement with expensive apartments.

As the eviction wave was affecting many squats in Amsterdam Oost, the local squatters organized a demonstration 'Reclaim the Neighborhood'<sup>203</sup> the day before the planned eviction, bringing music and performances making visible the politics of the eviction, the need for non-commercial urban spaces, and actively involving the neighbors in the protest. As the call for participation stated:

Urban renewal has long been characterized by the breakdown of the social housing and relocating tenants. In Amsterdam Oost this will be fought from various places and groups against which the demolition politics of Van der Laan are oriented, to eliminate all the opposition. Therefore, on 30 October Reclaim the Neighborhood!

Resistance is not just about having a roof over your head and participation, but it is also necessary for a diverse neighborhood. That's why we organize a colorful demonstration through the neighborhood in which residents share their experiences on urban regeneration and neighborhood change.<sup>204</sup>

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<sup>203</sup> see: <https://www.indymedia.nl/nl/2011/10/79558.shtml> and <https://www.indymedia.nl/nl/2011/10/79667.shtml>

<sup>204</sup> <https://www.indymedia.nl/nl/2011/10/79558.shtml>



**Image 5: flyer for the demonstration *Reclaim de Buurt* - 'Reclaim the neighbourhood'**

The eviction wave started with the first light of the morning, as usual, and lasted the whole day. As expected, it was met with strong resistance by the different squatting groups. Many squats were heavily barricaded and in some cases the inhabitants locked themselves inside with so-called *lock-ons*: *Lock-ons* are a wide-spread tool of non-violent protest, where the protesters lock their body to an immovable object to resist, in this case, their forced removal from a space. They are concrete-filled oil drums with a tunnel where two protesters chain-lock their arms to one another. They can unlock the snap link themselves, but it is impossible to unlock them from the outside. Often, the police has to remove the protesters together with the full barrel. In most of the cases they intimidate the protesters with violence, tear-gas and by twisting their arms, and force them to give up.

In the case of Linneausstraat, as to record the police and prevent their use of violence, the squatters placed a camera<sup>205</sup> in the room where they locked themselves, and the

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<sup>205</sup> Video of the eviction: <http://vimeo.com/31442395> ;

eviction was live-streamed from inside the building<sup>206</sup>. Later on, the squatters of the Swandammerstraat and *'t Blijvertje* welcomed the riot police throwing paint bombs from inside the building. Paint bombs can be water-balloons filled with paint, or more sophisticated wax shells filled with paint<sup>207</sup>. Although the police often argues that paint bombs are made of glass, this is not the case, as the aim is not the one of hurting the police. Instead, the aim is the one of boycotting the operation, of annoying and degrading the police, and of performing a colourful protest by leaving a sing on their black uniforms, on their bodies, and on the military-like equipment.



**Image 6: Paint-bombs to prevent the police from evicting a house without notice**

By engaging with these forms of resistance, the squatters aimed at making the eviction process longer, more resource consuming, expensive for the police and, last but not least, spectacular<sup>208</sup>. The police reacted by attacking the building with the water cannon, breaking all the windows, and arresting the squatters. Those who decided to resist by waiting for the police inside the buildings knew that they were going to face arrest, and possibly being charged under the crime of squatting, rioting

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<sup>206</sup> Find video here: <http://vimeo.com/31442395>

<sup>207</sup> Video on how to make a paint bomb according to the 'International magazine for creative activism': <https://www.youtube.com/watch?v=df5IQVCy7Pw>

<sup>208</sup> See a short videos of the eviction here: <https://www.youtube.com/watch?v=3pZJ8k5sslY>

(public violence), and violence against the police. However, they actively decided to face the Criminal Justice System. As one activists claimed:

‘I know that I will be arrested, but if I don’t do what I think it is necessary to do just because I fear prison, then I might as well consider myself already living in a prison’ (Workshop).

Those who were arrested were released without charges within a few hours, with the exception of one activist arrested during the eviction of the social centre *‘t Blijvertje*, who was held in police custody for three days under threat of a speed trial. Yet, at the end of the third day the charges were dropped and he was released.



**Image 7: Two squatters on a lock-on resisting the eviction of Linneuasstraat. The pictures are taken by the camera that squatters put inside the room to live-stream the eviction, and to monitor police violence. The second image captures the police taking a group**

Again, in February 2012 another list of 15 squats was distributed<sup>209</sup>, and an eviction wave took place on March 27<sup>th</sup>. Among others, on this occasion Jan Hanzenstraat 84 in Amsterdam West and Lauriergracht 73<sup>210</sup>, in the central area *Jordaan*, were evicted. The space was evicted after 6 years of occupation. As the building faced a canal, the

<sup>209</sup> <http://www.hartvannederland.nl/nederland/noord-holland/2012/me-ontruimt-kraakpanden-amsterdam-3/>

<sup>210</sup> <https://nl.squat.net/2012/01/14/amsterdam-bij-ons-in-de-jordaan-lauriergracht-73-binnenkort-ontruimd/>

squatters organized a protest by waiting for the riot police on small boats, chanting slogans and making several speeches<sup>211</sup>.

Dear Mayor Van der Laan,

We are here early in the morning to let hear that we do not agree with the evictions taking place in Amsterdam. Today in Amsterdam 15 different squats are being evicted. Squatting is born out of necessity and a law that prohibits it does not take away this need. It is outrageous that people are criminalized for fighting for their rights to housing while property owners are rewarded using their premises as speculation object.

The number of social housing decreases by the day, so waiting lists are becoming longer. Rents continue to rise. Students have to wait years for a home and then pay drowsy for a broom cupboard, which is called a "room". Anti-squatting agencies are thriving. The young people, who live as anti-squatter, are forced to live without a single tenancy right. (...) As long as it is not possible for everyone to find an affordable home squatting remains necessary.

And in another speech:

Squatting and Vacancy Act led merely to evictions of squats as a result, thereby creating even more vacancies. There is less and less space to be different, and to shape your life and living together differently than a standard family with second earners.  
As long as living is a luxury, squatting is a right. Squatting continues!

Although the protest did not cause any actual interference with the police operation, the water canon attacked the boat, and one of the protesters fell in the water<sup>212</sup>. The riot police were spotted laughing, instead of providing assistance<sup>213</sup>.

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<sup>211</sup> Available at: <https://www.indymedia.nl/node/3333>

<sup>212</sup> The event opens the graphic novel *'De kraker, de agent, de jurist en de stad'* (The Squatter, the Policeman, the Jurist and the City, 2014) written and drawn in a collaboration between journalists, graphic designers and activists. Find a video of the eviction here:  
[https://www.youtube.com/watch?v=Hu\\_qyR6hD\\_Y](https://www.youtube.com/watch?v=Hu_qyR6hD_Y)

<sup>213</sup> [www.kraakdossier.nl/](http://www.kraakdossier.nl/) and the squatters' press release here: <https://www.indymedia.nl/node/3352>



**Image 8: Eviction of Lauriergracht 73. Source: Hans photo**

### 3.2 The last eviction waves

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In July 2012 15 other squats were evicted (See Annex 2c)<sup>214</sup>, including the squatted buildings on Ruysdaelstraat (from number 77 to 89), Lange Leidsedwardsstraat 35 and 37<sup>215</sup> ('Lange Leidse'), Ferdinand Bolstraat 6<sup>216</sup> all located a short distance from the Museums District and which are still abandoned at the time of writing (end of 2015). Both squats had a very long history. Ruysdaelstraat<sup>217</sup> was a block of eight buildings, squatted for six years and with different collective projects running on the ground floors, including a hackers' space (HackLab). The buildings were property of the company Vondel Vastgoed, whose owner fled the Netherlands to evade criminal prosecution for financial crimes, and tax evasion. After the eviction the buildings stood empty for several years. At the time of writing (end of 2015), they were squatted again and evicted twice with the excuse that the buildings were contaminated with asbestos.

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<sup>214</sup> See: <https://www.indymedia.nl/node/5594> ; <https://www.indymedia.nl/node/3946> ; and <http://www.parool.nl/parool/nl/224/BINNENLAND/article/detail/3390637/2013/02/08/Vijftal-in-grote-kraakzaak-vrijuit.dhtml>

<sup>215</sup> Website of the squat with all the information about the ownership of the building and the legal process: <http://langeleidse35.squat.net/>; <http://www.at5.nl/artikelen/82917/kraakers-doen-dansje-voor-de-me> ; <http://www.parool.nl/parool/nl/224/BINNENLAND/article/detail/3390637/2013/02/08/Vijftal-in-grote-kraakzaak-vrijuit.dhtml>

<sup>216</sup> <https://ferdinandbolstraat6.wordpress.com/>

<sup>217</sup> Website of the squat: <http://ruysdael.squat.net/>;

After this eviction wave, the Mayor declared that the war against squatters was won by the city, with 330 squats evicted in less than two years. Moreover, according to the Police Chief Leen Schaap, eviction waves would not be necessary any longer, as there were only a few more than 20 squats left in town<sup>218</sup>. Yet, although the numbers were indeed heavily reduced, squatters kept on squatting, and every week a new space was opened, including several social centres. Despite the statements of the Mayor, arguing that Amsterdam became a ‘squatter-free city’, on November 27, 2012 (see Annex 2d) another eviction wave took place, evicting nine houses that had been recently squatted<sup>219</sup>: including Valentijnkade 58 (squatted again in the same year), and in the Amsterdam West, the former social houses on the Bellamystraat 33<sup>220</sup> and Tweede Jan Steenstraat 50-52<sup>221</sup>.

The very last eviction wave took place on July the 2<sup>nd</sup> 2013<sup>222</sup> and affected mainly Amsterdam Oost, where most of the squats had emerged that year: in one day 9 squats were evicted, including Swammerdamstraat 12<sup>223</sup> (a monumental building in Amsterdam Oost squatted and evicted for the fourth time in a few years, and demolished afterwards), the social centre El Taller on the Bessemerstraat 23<sup>224</sup> (still empty at the time of writing – end of 2015), the squatted block on Czaar Peterstraat, the ground floor apartment on Simon Stevinstraat 25 and the squatted building ‘La Rage’ on the Cornelis Drebbelstraat 3<sup>225</sup>. All these squats were freshly emerged projects and attempts to create autonomous living and collective spaces in spite of the

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<sup>218</sup> <http://www.parool.nl/parool/nl/7/MISDAAD/article/detail/3275838/2012/06/23/Amsterdam-kun-je-geen-krakersstad-meer-noemen.dhtml> ;

<http://www.volkskrant.nl/vk/nl/2686/Binnenland/article/detail/3271651/2012/06/15/Amsterdam-ontruimt-330-panden-sinds-kraakwet.dhtml>

<sup>219</sup> <https://www.indymedia.nl/node/10751>

<sup>220</sup> <http://ourmediaindymedia.blogspot.nl/2012/05/amdam-bellamystraat-33hs-gekraakt.html> ;  
<https://www.indymedia.nl/node/8960> ; <https://www.indymedia.nl/node/10286>

<sup>221</sup> <https://www.indymedia.nl/node/10751>; <http://www.at5.nl/artikelen/91077/ontruimingsrondje-op-punt-van-beginnen>

<sup>222</sup> See: <https://www.indymedia.nl/node/17245> ; <https://www.indymedia.nl/node/17263> ;  
<https://www.indymedia.nl/node/17243>

<sup>223</sup> <http://sw12.squat.net/>

<sup>224</sup> <https://bsm23.squat.net/>

<sup>225</sup> <http://larage.squat.net/>

constant threat of evictions.

### 3.3 The aesthetics of evictions

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Evictions waves express a performance staged both by the police and the squatters, a sort of a play between authority and its resistances. The eviction is the moment of loss, the ending-point of a long process, but it also turned into an event for protest: indeed becomes the occasion to shout loud a message against the owner and against the city council, and squatters use the large intervention of the police to make this protest visible and spectacular. While most of the micro-politics of squatting engage with a multiplicity of tactics that do not entail oppositional protest the preparation of resistance to an eviction addresses the (riot) police as an enemy, and often, as a target.

Although the squatters know that the building will be evicted anyway, and that resistance to eviction is mainly a symbolic and performative action, buildings are barricaded to become ‘police proof’, with the squatters thinking about what kind of strategies would make the work of the police more difficult, time and resource consuming, or degrading<sup>226</sup>. Delaying an eviction is a strategy to turn the gap between the arrival of the police and the actual disappearance of the squat into a visible protest, therefore using the presence of the police to stage a spectacular event. This spectacle can either take place on the streets, disturbing the police operations by protesting and interfering with the procedure with clown armies and slogans, locking oneself inside the building, and, more actively, by throwing paint bombs toward the police

During evictions the police often went beyond necessary technical tasks and performed their power through the deployment of helicopters, water cannons, horses, dogs and military-like forces. Yet, this spectacularisation of power was containing the conflict to a pre-announced time and setting a limited space for confrontations (Gemert et al., 2014), where both the police and the squatters would be fully prepared

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<sup>226</sup> Making evictions less efficient and effective in terms of economic resources, is also a way of bringing to the extreme, to make visible, and to contest the amount of public money allocated to drag people out of their homes. Moreover, as on the same day many buildings used to be planned for eviction, making the first eviction time consuming would leave the police with little or no time to proceed any further.

and would know what to expect: the police with information, organisation, and resources to keep the conflict under control; the squatters with a plan to mobilise of neighbours and supporters.

These spectacular protests are often just the visible part of days of preparation: barricading the house, preparing lock-ons, discussions and meetings, or days spent hiding inside the property, are often invisible but necessary steps to make evictions time and resource consuming for the police. In this way, evictions are time and resource consuming also for the squatters: all these tactics take days, and sometimes weeks of preparation, to be added to the need to find new houses, of moving all the belongings and dealing with the emotional implications of ending a project. Moreover the legal consequences that might be faced at the time of the eviction can lead to days in police custody, high fines and criminal convictions. Although squatters are well prepared and organized around the legal consequences of arrests, not everybody is willing or able to face arrest or imprisonment, or to face it more than once in a while. Therefore, eviction resistances are very important events in the cycle of a squat, but not everybody is willing to facing these efforts. Often squatters leave the house just before the eviction and, instead, place their energies into opening new spaces, constituting and establishing new projects.

#### 4. Forced invisibility and its resistances

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Since the last eviction wave in July 2013, the riot police did not intervene anymore for evicting squats, with the exception of emergency evictions (*spoed-ontruimen* - literally *speed evictions* - see section below). As the number of existing squats had been drastically reduced, and the long-term squats had been almost eliminated, there was little need to evict more than one building at a time. Yet, dozens of squats kept on emerging throughout the city and were constantly being evicted in the following months by the regular police (not by the riot police). Yet, the evictions were announced just a few days in advance, and each squat was evicted individually, rather than on the same day as others. Moreover, existing squats had a very short life, and the squatters of these buildings had little time and energy to engage with visible and spectacular forms of resistance to the eviction.



**Image 9: Police evicting De Strijd by dragging a squatter over a broken window (Source: [https://www.flickr.com/photos/125670300@N08\\_](https://www.flickr.com/photos/125670300@N08_))**

When regular police evict squats the date of the eviction is not announced: the squatters know that the eviction will take place within 8 weeks, but it could happen anytime. If the squatters want to actively resist the eviction by waiting for the police inside the building, this would lead to many days or weeks waiting behind the barricades, and unable to keep the basic facilities and belongings into the house. Considering that eviction notices are delivered within a few weeks since the time of occupation, most of the buildings were left by the squatters just before the eviction. Priorities were set into finding and opening new spaces both for having a safer roof and for keeping on constituting collective and autonomous projects. Under the new conditions, evictions lost their spectacular character. The police often have to deal with a few barricades, removing banners and changing the lock. Therefore, the disappearance of eviction waves has economic implications: Moreover, it has created a tool for de-escalating a growing conflict: it removed the conditions for the organisation of resistance to evictions.

While eviction waves entailed a performance and a ritual (Gemert et al., 2014) where everybody knew what to expect, the new emerging strategy has been to avoid the ritualization of the conflict, creating unexpected events and leading to a constant uncertainty, that disenabled the possibility of resistance to evictions. While with the eviction waves it was possible to know exactly when a squat would be evicted, with the intervention of regular police the only ways to organise resistance to an eviction is locking oneself in a barricaded house for days and waiting for the police to arrive. For

many, this mechanism operates as a time-trap, a sort of incapacitation to resist, letting the squatters lose the struggle over visibility. Squats come and go before anybody notices, quickly and silently.

As most of these evictions passed unnoticed, a sort of distress started emerging among various groups of squatters and activists. Indeed, modes of eviction that do not require the deployment of riot police, and see just the intervention of regular police forces were perceived as sort of double loss: not only of the space, but also of the possibility of engaging with direct and visible forms of resistance to the eviction. As a result of this feeling of forced invisibility, several groups started organising resistance to the evictions by regular police, in order to push the riot police to intervene and forcing them to provide the stage for spectacular protests. This has been the case of the Valreep and of De Strijd<sup>227</sup> in Vechtstraat on July 2014 (see Annex 1), of 'The Coffeeshop' in Pieter Vlamingsstraat<sup>228</sup> on January 2015, and of the Spuistraat on March 2015 (See Intermezzo IV).



**Image 10: Resistance to the Spuistraat Eviction**

In the case of the De Valreep, the collective explicitly announced their intention to actively resist eviction. The Valreep collective organised a strong resistance to the

<sup>227</sup> <https://en.squat.net/2014/07/24/amsterdam-vechtstraatamstelkade-eviction-account/>

<sup>228</sup> <https://www.indymedia.nl/node/26137> : Find videos of the eviction here:  
[https://www.youtube.com/watch?v=O2Wl0trU1\\_0](https://www.youtube.com/watch?v=O2Wl0trU1_0) ;

eviction. The building and the access to the terrain were heavily barricaded and about 20 people waited for the police in *lock ons*<sup>229</sup>. The police intervened directly with the riot unit and spent 13 hours clearing the building and the terrain. The 20 people resisting the eviction were arrested, but released without identification and without charges within a few hours. Considering the public and political attention that the Valreep project drew (see Chapter 5), in this case it appeared that the government seemed to want not to draw more attention to the case, nor to radicalise the group any further.

The case of De Valreep was exceptional for many reasons: in first place because the Valreep was one of the few projects, together with the squatted school ‘Antarctica’, which lasted for a long period of time. Both projects existed for almost three years, contrary to most of the other squats that were evicted within a few months or weeks. Moreover, despite the heavy resistance to the eviction, nobody was identified or charged, contrary to what happened in the cases of De Strijd, Pieter Vlamingstraat, and Spuistraat. In the latter cases, those who were arrested were held into custody for several days for identification and investigation purposes, and they were charged with squatting, public disorder and public violence.

The Valreep collective might have been treated differently because of their use of soft tactics, negotiating with owners and politicians throughout the existence of the project, and while trying to legalise the squat. The project was run mainly by Dutch activists who, although raising critical voices, managed to speak a ‘language’ familiar to their interlocutors. Last but not least, contrary to the other cases, most of those arrested were Dutch. For all these reasons, they might have not been considered as ‘dangerous subjects’ requiring identification and investigation. In all the other cases those arrested were not Dutch, and the media talked about ‘Spanish and Portuguese militants’<sup>230</sup>, as much as ‘not cute, lefty, hippy squatters’<sup>231</sup>.

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<sup>229</sup> The eviction has been live-streamed <http://valreep.org/algemeen/de-ontruiming-live-ticker/> and recorded from the inside by a journalist of VICE news (<http://www.vice.com/nl/video/kraken-anno-2014-de-staat-wint-altijd-504>)

<sup>230</sup> <http://www.parool.nl/parool/nl/4030/AMSTERDAM-OOST/article/detail/3833509/2015/01/20/Negen-aanhoudingen-bij-ontruiming-pand-hoek-Pieter-Vlamingstraat.dhtml>

## 5. Emergency (*speed*) evictions

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On many occasions the police have evicted squatters immediately or without any notice, by means of threat of arrest or violence: a so-called ‘emergency eviction’ or ‘speed-eviction’. According to the policy stipulated for dealing with criminal evictions, in case of special circumstances the police still have the authority to evict squats without notice and without a court decision<sup>232</sup>. The exceptions include the following situations: (a) The squatters accused of trespassing, and of violating the housing rights of another, namely when the property is already inhabited by another person (violation of Art. 138 Sr); (b) The squatters are suspected of other offences, which might affect the property owner (c) Health and safety regulations, dangerous situation for the squatters themselves related to the living environment (i.e.: risk of fire or collapse of the building), or danger for the people conducting the eviction (i.e.: when squatters barricade the building); (d) Disturbance of public order and safety by the squatters, within or in the surroundings of the squatted property.

Most of the times emergency evictions, also named ‘speed evictions’ (*spoed-ontruiming*) have been justified by the argument that the building was in use when it was squatted. Indeed the public prosecutor claimed that ‘in use’ does not necessarily mean that the property is being used as a house, as this can also imply that there are simply construction contracts, or that the house was on sale. In other occasions squatters have been speed-evicted because they could not provide evidence that the property was empty at the time of the occupation, and they would not let the police check the state of the house. In some circumstances squatters have been threatened with speed evictions because of ‘health and safety’ regulations, namely if the building was unsafe or was suspected of containing asbestos. The use of these exceptions is highly arbitrary, as the concept of danger and of order are vague and at the discretion

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<sup>231</sup> An article on Parool about the Spuistraat eviction was titled: *‘Krakers Tabakspanden zijn geen lieve, linkse hippies’*: The squatters of the Tabakspanden (Spuistraat) are not cute, lefty hippies”  
<http://www.parool.nl/parool/nl/30700/OPINIE/article/detail/3941621/2015/04/01/Krakers-Tabakspanden-zijn-geen-lieve-linkse-hippies.dhtml>

<sup>232</sup> <http://www.stichting138a.nl/userfiles/files/beleid%20OM1.pdf>

of the police agents<sup>233</sup>. Therefore these exceptions provide the government with a tool to overcome the regulations stipulated during the legal battle between the squatters and the state.

Yet, often, speed evictions are not justified on any legal ground, nor based on any of the exception listed above: when squatters occupy large buildings, visible or central ones, then speed evictions are often used irrespectively of their legal requirements, thereby violating the housing rights of the squatters. However, due to the risk of arrest and conviction, squatters have rarely actively resisted a speed eviction, and preferred to leave a building as soon as the police arrived. Yet, if nobody is arrested, nobody can claim that his or her housing rights had been violated, and the speed eviction cannot be proved illegal. According to the squatters' lawyer Rahul Uppal most of the cases of *illegal* speed evictions were not incidents, rather, they became a pattern based on exceptions. As he has declared "we need a clarification from the judge of how a house should be considered 'in use'. This would take away any power of evicting immediately" (Interview with lawyer Rahul Uppal, 2013).

#### Box 1: Weesperzijde 150

Weesperzijde 150, so called 'London Tower', 5000 m<sup>2</sup> spread over 8 floors standing empty for 3 years. The owner, a Chinese company, planned to transform the former office spaces into yet another hotel<sup>234</sup>. However, after renovation permits were granted in 2012, nothing had happened. The building had been observed by different groups of squatters for several months, and an anti-squatter appeared to have been rarely using it. Yet, in the last weeks there was no movement in the building. Indeed

<sup>233</sup> The article that protects the right of housing peace, and that has been used as the legal base for the protection of squatters' rights, has a number of exceptions, and each of this exception has been picked up by media and politicians, although indirectly, for their battle to ban squatting. Article 8 - ECHR – Right to respect for private and family life 1. Everyone has the right to respect for his private and family life, his home and his correspondence. 2. There shall be no interference by a public authority with the exercise of this right *except* such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

<sup>234</sup> <http://rijnbout.nl/projects/261> ;

[http://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0363.M1211BPSTD-OH01/t\\_NL.IMRO.0363.M1211BPSTD-OH01\\_1.html](http://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0363.M1211BPSTD-OH01/t_NL.IMRO.0363.M1211BPSTD-OH01_1.html)

the anti-squatting contract had expired.



**Image 11: 'London Tower' on Weesperzijde 150**

The group was aware that the squat was too big, too central and too luxurious for lasting longer than a few weeks. However the politics of the occupation were strong: 5000 square meters empty for years in the heart of the city, while thousands of people are homeless, paying expensive rents, or under extremely precarious living conditions. Moreover empty offices are considered a large urban problem by the authorities and public opinion, as much as the excessive amount of hotels in the city centre. Yet, after the occupation the media announced that the VVD, Dutch liberal party, intended to get rid of the squatters as fast as possible:

“The VVD is concerned that the occupation of the property hinders the construction of the hotel. “Hotels provide direct employment such as receptionists and housekeepers but also Amsterdam's restaurants, museums and middle class benefit of it. The squatters on Weesperzijde bring these jobs currently at risk,” said Yesilgoz. The VVD has asked the Mayor to proceed with eviction and to recover from the squatters the costs that go with it<sup>235</sup>”.

At the time of the occupation the police did not cause problems. They just said “we

<sup>235</sup> <http://www.dichtbij.nl/amsterdam-zuid/regionaal-nieuws/artikel/3620295/vvd-ziet-geen-obstakels-voor-ontruiming-kraakpand-weesperzijde.aspx>

accept that you squat this building, and you will have to accept that we will evict you sooner or later”. Three days later, on Wednesday, at 10 PM, the riot police appeared at the door of the building ordering the squatters to leave. Eight anti-riot vans were parked around the corner. That afternoon there had been a demonstration in the city centre, so that the anti-riot squads were already enrolled, making this operation efficient in terms of police costs and resources. Normally the police should bring an eviction notice signed by the public prosecutor, but lately there have been many ‘exceptions’. The letter explaining the legal grounds for the eviction will be lost, and the squatters will not be able to assess whether or not this speed eviction had any legal ground. The inhabitants called the ‘alarm’, and about 30 supporters rushed to respond, although they could not do much to prevent this unexpected and unannounced eviction.

The police allowed the occupants just a few minutes to collect their belongings and leave the building ‘voluntarily’, thereby without facing arrest. We could have decided to resist the police orders, but due to display of riot cops we would have been kicked out and arrested within minutes. For this reason the group decided to leave ‘voluntarily’. The 30 of us were standing in front of the building, looking at more than 100 riot cops gradually turning on the lights of each floor, and eventually removing the banners from the windows of the 7<sup>th</sup> floor stating ‘Fuck FIFA’ and ‘Migration is not a crime’. As with every eviction, the police immediately removed the banners, as if they were a flag marking a conquered territory. Former inhabitants and supporters were wordless. We feel sad, powerless, angry, frustrated. We only watch. We don’t talk. Sadness, anger and frustration will find their expression only later on. No protest, no slogans, tonight. Slowly we retreat toward the local social centre, where some of the inhabitants offer us some vegan food and a beer. We place some chairs on the sidewalk, eating our meal. One neighbour cycling by exclaimed, “You are brave people! I respect you!”

After the recent eviction and speed-eviction many of us feel exhausted. Everybody is tired of squatting, of spending time building a house, being evicted, and searching for other houses to squat. For many, squatting is becoming a full time job, and it is difficult to combine such a life with studies and with other forms of activism. A few weeks later several protests will take place on the streets. In particular, after the speed

eviction of 66 apartments in Rijswijkstraat<sup>236</sup>, Amsterdam West, a protest was organized in front of the Mayor's house.

Last night, a group of about 50 angry people (including recently evicted squatters) took a walk to the house of the Amsterdam mayor Van der Laan at Herengracht 502 to make some noise. This is in response to his part in the decision to order the speed eviction of the 66 apartments at Rijswijkstraat. We made thunder (lawaaï) with pots and noisemakers and shouting for about 10 minutes, while the front of the house was daubed in graffiti.

Of course, the news media, unlike with the eviction, have barely reported this and the little reporting there is consists of either old images from the last time the mayors house was trashed (hopefully something which will happen regularly until he fucks off and dies) or pictures of the freshly cleaned house.

In contrast, the eviction was covered live on AT5 and journalists were immediately allowed into the evicted apartments to take photos of people's homes.

This is just a taste, Van der Laan. You, your fucked up city and cops and the media, which works under your direction, are all targets. Rot in hell.

Kraaken gaat wild (Squatting goes wild)<sup>237</sup>.

Regularly, just a few days after the occupation of a new place, either riot police or regular police showed up at the door without any notice and evicted the squats. Since the last eviction wave, emergency evictions by the riot police occurred mainly when these special forces were already in use for other purposes, such as demonstrations or football matches (as in the case of Amstel Tower in July 2014, and of the 66 squatted apartments on the Rijswijkstraat in November 2014<sup>238</sup>): as mobilizing the riot unit just

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<sup>236</sup> <https://www.indymedia.nl/node/25252> ; <http://www.at5.nl/artikelen/136630/massale-kraak-van-flatwoningen-in-slotervaart> ; <http://www.parool.nl/parool/nl/4060/AMSTERDAM-NIEUW-WEST/article/detail/3783412/2014/11/05/Grote-ontruimingsactie-kraakpanden-Delflandplein.dhtml>

<sup>237</sup> <https://www.indymedia.nl/node/25284>

<sup>238</sup> <https://www.indymedia.nl/node/25252>

<https://www.indymedia.nl/node/25262>

for evicting one squat would be too expensive and not cost-effective, the police and the major combine evictions with other events to keep on conducting the politics of efficiency that characterized speed evictions. Arrests are not common, as often the squatters are given the chance to leave 'voluntarily'. Being evicted voluntarily is an oxymoron, because there of the coercive nature of the consent in these situations, namely the police capacity to securing 'consent' by means of coercion (Reiner, 2010). Indeed, although the squatters decide to be evicted without posing any resistance on the spot, this cannot be considered as 'voluntarily leaving' their house: they are coerced to do so by the threat of arrest and of criminal prosecution.

Emergency evictions have occurred mainly in the central areas of the city. While in certain areas like Amsterdam Noord, Nieuwe West or South Oost, squatting is still tolerated within a limited time frame, squatting in the inner city means facing the possibility of immediate emergency eviction. Although some collectives did not give up the challenge of squatting in the most visible areas of the city, sometimes successfully, this politics led to a confinement of squats into marginal urban areas. Moreover, since emergency eviction started becoming a common practice, it became necessary to barricade, occupy and defend freshly squatted houses for weeks. Some groups have been subject to emergency evictions several times in a row, which implied that the group, for weeks, or even months, was not able to do anything else than squatting houses, barricading them, and being evicted after a few days.

#### Box 2: Schoolstraat eviction and speed eviction

The social housing block on Schoolstraat 4-10 had been squatted for the first time in 2008<sup>239</sup> and anti-squatters inhabited a part of the street. The housing corporation

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<http://www.parool.nl/parool/nl/4060/AMSTERDAM-NIEUW-WEST/article/detail/3783412/2014/11/05/Grote-ontruimingsactie-kraakpanden-Delflandplein.dhtml>

<http://www.at5.nl/artikelen/136766/spoedomtruiming-66-woningen-rijswijkerstraat-slotervaart>

<sup>239</sup> <https://ksuwest.squat.net/index153d.html?p=106>

Eigen Haard owned the block. The squatters renovated the buildings that a fire had made inhabitable, and opened a small but active social centre on the ground floor of number 4<sup>240</sup>. In November 2010 the block was evicted during the very first eviction wave just after the new law passed<sup>241</sup>. The owner, housing corporation Eigen Haard, presented plans for renovating the whole street and turning the 72 social housing units into large apartments for sale.

One year later, in April 2013, a group of previous inhabitants re-squatted two buildings on Schoolstraat 14 and 16<sup>242</sup> (See Intermezzo I). The six social apartments that were previously present in each building were converted to two luxury apartments on sale for respectively for €799.000 and €900.000. During the squat action a banner was dropped, stating: '*Te leeg, te duur – Schoolstraat weer sociale huur*' (too empty, too expensive – Schoolstraat back to social rent)<sup>243</sup>, and they demanded to the city council to turn these buildings into 12 affordable houses again. During the first couple of weeks, the inhabitants were occupying the buildings constantly, fearing that the police would try and evict the house when nobody was at home. A few mattresses, and the basic belongings had been moved in for going through the time of occupation, and in the meanwhile the spaces were filling up with objects and furniture found on the wealthy streets of that neighbourhood: couches, tables, chairs, lamps, kitchen equipment, curtains, plants, books in different languages, speakers, a monitor. In a few days these former empty spaces had a warm atmosphere, and the inhabitants started making them their home, and dreaming about

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<sup>240</sup> <https://kraakschool.wordpress.com/>

<sup>241</sup> This eviction, however, was not on the grounds of the criminal law, but was conducted according to the previous civil procedure: Here some media items about the eviction and this very first eviction wave: [http://www.at5.nl/artikelen/103040/krakers-boos-om-ontruiming-panden](http://www.at5.nl/artikelen/103040/krakers-boos-om-ontruiming-panden;);

<http://www.at5.nl/artikelen/51782/update-me-klaar-met-ontruimen-schoolstraat>;

<http://www.nrc.nl/nieuws/2010/11/09/ontruiming-kraakpanden-amsterdam-gaat-door>

<sup>242</sup> Find more information here: <https://www.indymedia.nl/node/14986>

Video of the squat action: <http://ourmediaindymedia.blogspot.nl/2013/04/schoolstraat-weer-sociale-huur.html> ; [https://www.youtube.com/watch?v=31-Ocg8Vs\\_Y](https://www.youtube.com/watch?v=31-Ocg8Vs_Y);

<sup>243</sup> <https://www.indymedia.nl/node/14370>; <http://www.schoolstraat1416.blogspot.nl/>

how to use the space for collective projects as soon as the threat of emergency eviction would have been overcome.

After about two weeks spent occupying the house, the inhabitants started relaxing their schedule, moving in their personal belongings, and calling the space 'home'. Five weeks after the occupation, at 1pm, some of the inhabitants were at home, preparing a vegan meal in their fully furnished kitchen and discussing about inviting more people to join their living group. The riot police rang the bell announcing to the squatters that they had just a few minutes to collect their belongings and 'leave voluntarily'. According to the police, as the buildings were on sale, the buildings were speed-evicted according to the exceptions presented by the evictions and housing rights regulations<sup>244</sup>.

As speed evictions normally take place within one week, this time the inhabitants did not expect it. Many of them were not at home, and the others were not prepared to face an arrest. Hence they had no other choice but accepting the order to leave 'voluntarily', merely saving some of theirs and their housemates' personal belongings. Laptops, identification documents and a few study books were all they managed to collect.

By 2 PM the riot police had already left, and the former inhabitants were standing in front of the buildings that one hour earlier they were calling home. Three garbage trucks were parked in front of them, and the houses were being emptied: couches and mattresses, backpacks and books were being thrown out of the windows and straight into the garbage containers. For a large part of the group this represented the 3<sup>rd</sup> or 4<sup>th</sup> speed eviction in just a few months. Every time they tried to squat a house they were evicted after one or two weeks, and the organization of their daily lives has been

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<sup>244</sup> <http://www.parool.nl/parool/nl/6/WONEN/article/detail/3441089/2013/05/14/Gekraakte-panden-Schoolstraat-weer-ontruimd.dhtml>

turning around the vicious circle of searching for new houses, squatting them, being evicted: not much time and energy was left for anything else.

Moreover, although there were no arrests, in the last months they had to organise their living spaces according to the possibility of being arrested and evicted: namely keeping only the most necessary things, living behind barricades. Although they were all committed to squatting as a collective housing strategy and as a political struggle, they felt exhausted and unable to conduct their lives outside of 'squatting'. The evening of the eviction, while sitting at a table of the local social centre and sipping a soup around a table, several questions emerged: "aren't the energies of the movement being confined into getting a house, and getting evicted within a few weeks? Aren't we getting trapped and pushed back into the walls of squatted houses, instead of just being evicted?" Of the eight people who squatted the house only one or two kept on squatting. After the eviction on Schoolstraat most of them spent some time as guests in other squatted houses, and later on either left the country or found other housing solution, generally paying rent under very precarious conditions.

After this speed-eviction, the owner placed security guards *in situ* for a few weeks, and the buildings stood empty for about one year longer. According to the neighbourhood policewoman, the eviction should have taken place just a few days after the occupation. However, as she confirmed during an interview the police had decided to wait until the coronation of the new King, on April the 27<sup>th</sup> 2013, wishing to avoid any escalation of the conflict. Indeed, the images of the riots taking place during the coronation of Queen Beatrix in 1980 were still fresh in the Amsterdam historical memory. The police feared a similar response by the squatter's movement, and not only tried to avoid any sort of provocation, but even placed a wall to isolate the squatted block on Spuistraat, behind the Royal Palace.



**Image 11: Wall between the squatted blocks on Spuistraat and the Royal Palace on the Dam, with a graffiti stating: “Freedom end here” and an anarchist logo.**

These emergency ‘exceptions’ are used regularly and had a strong effect on the practice of squatting. The Squatting Ban seems to find its highest level of application in its exceptions. Yet, these exceptions entail a suspension of squatter’s housing rights, but do not entail a suspension of the eviction law: indeed they are formulated by the law itself. Indeed, while constantly using these exception to evict squatters without any notice, the police claims of ‘just applying the law’. At the time of writing (June 2015), groups of squatters that had been speed evicted several times, decided to place themselves in the conditions of being arrested during a speed evictions, as to be able to bring this practice to a court (see Annex 4: Ellermanstraat), claiming that speed evictions were a violation of housing rights<sup>245</sup>. Those who could prove they lived in the squats that were speed evicted won the first court case. The court decided that speed evictions should not be allowed, unless there is a case of actual violation of ‘house peace’, namely, when a person is living in the building at the time of the occupation<sup>246</sup>. This is a temporary decision, as the state appealed against this decision and the new verdict still has to take place.

<sup>245</sup> <https://www.indymedia.nl/node/21142>

<sup>246</sup> <https://www.indymedia.nl/node/28043>

Yet after these frequent evictions many expressed their concerns about their living conditions. As someone who had been squatting in Amsterdam for more than ten years stated:

“I moved out of Amsterdam because I want the possibility of a stable project. If squatting means only hiding behind your barricades for 3 months, waiting for the eviction, then it has no meaning to me (interview)”

Tired of squatting, of spending time building up a house, getting evicted, and searching for other houses to squat, many decided to stop squatting, to squat in another city, moved to legalised squats or to different forms of habitation. In this regard, another squatter who had been evicted when the new law had just passed, commented:

“After all these evictions many people quit squatting. There has been a lot of fear, of not knowing how things were working, and many people started renting. But if we all go renting, then what is the point? For me it's not only about lack of housing, but it is about bringing politics into your everyday life, about organizing your life differently. And when moving into a rented house then you are just giving everything up” (interview).

Although for many, to stop squatting meant indeed, giving up this form of struggle, many others used the time and energies that were not to be devoted to the squatted project for other forms of political activism. Therefore, those who stopped squatting houses kept on being active in radical grassroots networks and social centres.

## 6. Discussion

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The eviction processes described above show that the criminal law is not being used not to charge and convict individuals according to criminal law principles. Rather, the law is tactically used for obtaining fast and cheap evictions, and to ‘keep squatters rolling’ between spaces. Even when squatters are arrested, they are rarely charged with the crime of squatting: instead they are charged mostly for other offences such as disturbance of public order, resistance to police orders, damage to property and public violence (See Chapter 8). In this way the law works as a threat on the background,

allowing the government to extend its power of action, of *potestas*, upon squatters by enabling police, the public prosecutor and urban authorities to decide the evictions of squatters, rather than leaving the matter into the private realm of conflict between owners and squatters.

The law is not simply protecting private property rights but supports local public order and urban planning policies, hence extending the interests of evictions to a multiplicity of urban institutions. As mentioned above, criminalisation was applied in heterogeneous modes, and affected different groups of squatters in dissimilar ways. The firsts squats attacked with the new law were those inhabited by non-Dutch squatters or those active in local struggle against gentrification, hence threatening local powers. Others, inhabited by Dutch speaking squatters often willing to negotiate received a softer treatment. Therefore, the criminal law and its capacity to allow fast and cheap evictions, enable the government to differentiate between different practices, according to the local political, economic and moral agendas around the use of urban spaces.

Evictions play with the politics of visibility and invisibility of squatters' struggles. When the Mayor declared a 'war on squatting' and the riot police carried evictions, they were visible events where the war-like machinery of a state willing to protect private property rights and re-establish order in the city was deployed. Evictions involved the spectacle of the state power to establish order, break with the previous soft politics of tolerance, and to eliminate squats. Although evictions did not manage to eliminate squatting, and new spaces kept on emerging and resisting, as soon as the war had to be declared 'won' by the city, the Mayor had to push both squatting and its evictions into invisibility. Indeed, according to the Mayor the squatting 'problem' had been successfully solved, and as such it had to stop being portrayed, discussed and treated as an issue: for its campaign to be successful, squatting had to become invisible and to stop existing *as a problem*.

While squatted projects, through multiple tactics and through their very presence, aim at making urban problems and political struggles as visible as possible, evictions of squats can be seen as attempts to make resisting spaces, bodies and practices invisible

in urban space; this not only by eliminating the squats themselves, but also by letting disappear the spectacle and the protest happening during the eviction. Therefore, evictions express an intervention in the spaces and practices threatening the normative order of city space (Sibley, 1995). The growing invisibility of squatted spaces and of the squatters' population, together with the silencing of the spectacle taking place during the eviction protests, serves with the aesthetics of central neighbourhoods, aiming at the creation of an orderly population and tidy streets, ready to welcome commercial activities, tourists and highly priced dwellings (Raco, 2003a; Smith, 1996).

Yet, this invisibility is partial and tactical: by drastically reducing the number of squatters to specific areas, the police created visible 'hot spots' easy to control and suitable for surveillance (See Chapter 8). Indeed, not all squats were evicted. Instead, some squats were still tolerated, and lasted for several months or years. This happened not only for matters of political balance, but also as a mean of localizing certain groups within comfortable zones for police surveillance strategies, and for politicians to keep interlocutors among squatters. It is not a coincidence that the squats that lasted the longest, such as Antarctica and De Valreep, were run by Dutch speaking squatters open to negotiations.

With the exception of these cases, squatting a property, and keeping it for longer than a few weeks, has become very difficult. Those who decide to keep on squatting and to face criminalisation need to be extremely dedicated and set squatting as the main activity both in their political struggles and in their everyday lives. This also means that squatting became more difficult for those who work regularly or study, as squatting is becoming a full time occupation. The tight evictions rhythm appears to have stop the previously uncontrollable wave of people choosing squatting as a valid alternative *housing* solution, as a tool to create different spaces and to conduct different modes of life.

As mentioned above, evictions, and specifically speed evictions, have strong repercussions for squatters. Indeed, since this practice became common, when squatting a house it is necessary to defend the house, to schedule assiduous shifts for occupying it, and to keep ready to leave at any moment. With the threat of eviction

and of arrest always on the foreground, the first weeks in a new squat entail that the group needs to hide behind barricades, unable to start using the space as a home and to commit to any other activity. As many activists have commented, squatting is often reduced to hiding oneself behind barricades, building a home, and fighting against the police or the owner. There is little time left to think about long-term plans, and engage with broader struggles outside of the walls of a squat. Thus, evictions and speed evictions do not simply entail that squatters are being forced out of their houses. Paradoxically, and more subtly, evictions and speed-evictions force those who keep on squatting within the squatted houses themselves, and within the vicious circle of squatting a property and being evicted, hence placing all their time and resources in squatting. This works not only as a tactic of confinement, but also as another mode of government of (in)visibility of squatters and their practices, yet operating through the organisation of time rather than simply through the organisation of space.

Until the recent criminalisation squatting was a platform for creating the possibility for other practices to emerge, for opening time and space for different modes of life, enacting and embodying counter-conducts. Instead, in the context of criminalisation most of the efforts and energies remained focused on the 'survival' of each squatted house: defending a house by building barricades, constructing basic facilities, and fighting against the police or the owner. There is little time and space to engage with different projects, to organise collective life, or to imagine how to use a space differently than for just living: the main focus lies on the daily problems related to the basic survival of the project. Although opening a squat and defending it is a very important practice, and in itself can lead to active and creative forms of resistance, this often entails reactive, rather than active modes of resistance, reducing rather than increasing the power of action, the creative power and the possibilities for different modes of existence and organization that squatting entails.

These modes of criminalisation go further than simply arrests and convictions of squatters and activists during protest events and confrontations. Indeed, as squats are people's homes, the constant threat of eviction becomes embedded and embodied in one's everyday life. This leads to a condition where the threat of eviction is constantly present. The threat of eviction implies the production of a mode of thinking and acting, a disciplining of squatters' bodies and affects by in defensive and reactive

modes, acting 'as if' one could be evicted and arrested *anytime*: all this often leading to incapacitation of thinking in active modes, of expressing and experimenting creative modes of resistance.

#### Intermezzo IV: Custody and Identification

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After the arrest none of us gave up their identity, as we had collectively agreed that everybody would try to remain anonymous. We were all moved to the cell complex 'for investigation purposes'. There they searched our clothes and bodies, remove piercings, bras and shoes laces, and placed all our belongings in a plastic bag. Women were searched by women, but the doors were open and the policemen standing in the corridor were able to observe the procedure. When I asked them to close the door they said that they would do so if I said my name. I refused.

They tried to assign us a different lawyer than the one we asked for, telling us that ours was not available. We knew they were lying. We had frequent contact with our lawyer the days before the arrest, and we knew he was on stand-by. We all refused any different legal assistance and our lawyer eventually visited us two hours later. He told us that the public prosecutor personally called him and to say that he was fed up with his clients who kept on being a bureaucratic burden by refusing to identify themselves, and that severe measures would be taken against us. We knew that by becoming a bureaucratic and administrative burden we would be released faster, instead. The trick is to stick strong together even when we are separated, and not letting them isolate us, intimidate and identify us.

The lawyer told us that we would be held up to 3 days: both for investigations on our identity, and for connecting each one of us with the pictures and videos of the eviction. In these 3 days the police will go through all the evidences and produce a file to demonstrate who was who during the eviction. They will also keep observing how we move and how we behave for associating each of us to the black dressed and masked figures appearing in the videos. They will keep us in isolation, and then place us together for a few minutes to listen to what we say to each other, which languages we speak, if we know each other, how we relate. Later on, in each individual file, we will read descriptions of ourselves, addressed and described with the smallest details of our outfit going as far as the colour of the shoelaces, our body size and shape, the shape of a tattoo, smoking or not, left or right handed.

Wij waren belast met het observeren van een groep krakers welke zich verschanst hadden op het dak van het gekraakte perceel Spuistraat 231 te Amsterdam. Op genoemde dag en datum zou het gekraakte "Slangenpand" gelegen aan de Spuistraat 199 te Amsterdam ontruimd worden.

De verdachten bevonden zich op dat moment op een afstand van 10 a 20 meter bij ons vandaan en wij hadden een goed en onbelemmerd zicht op de gedragingen en handelingen van de verdachten.

**WAARNEMING:**

Wij, verbalisanten, zagen dat er zich een groep, die bestond uit in totaal 8 mannen en vrouwen, in wisselende samenstelling op het dak hadden gepositioneerd. Tijdens de ontruiming zijn er in totaal 8 personen op de dak geweest.

Deze personen waren voornamelijk in het donker gekleed en hadden gezichtsbedekking voor waardoor maar een deel van hun gezicht te zien was.

**NN16**

Een van de personen had een geel/oranje met een gele capuchon en aan de voorzijde een wit vlak. Ik, verbalisant Schoonhoven, zag door een verre kijker dat deze persoon een blauwkleurige tattooage op zijn rechterhand had en dat er op zijn vingers van zijn rechterhand de Letters ACAB stonden. Ook zag ik dat op de vingers van zijn linkerhand de cijfers 1,2,3,4 stonden. Tevens zagen wij, verbalisanten, op het moment dat de persoon zijn gezichtsbedekking naar omhoog deed dat hij een blanke man betrof met een roestig bruidje.

**Image 1** Extract of custody file of an anonymous activist, describing the body feature of all those arrested during the same event.

When the lawyer left we were interrogated individually. Before the action, we all agreed to reply 'no comment' to any question. After 3 of us had replied 'no comments' to all their questions the investigators realised that they were wasting their time, got upset and did not try any further. Then the police tried to identify us through biometrical techniques. They escorted us, one by one, to the identification room, a wide white laboratory with cameras and other identification technologies. When they tried to take my finger prints I resisted by keeping my arms and hands as close as possible to my body. First they threatened me that if I would keep on resisting they will use violence and I replied that they were already using violence. Then they called other colleagues. Four men occurred and took my fingerprints by force. They also tried to take a picture of my face, but I kept on closing my eyes, avoiding the angle of the camera and distorting my face expression. The guards were making fun of me, and eventually one of them grabbed my neck and forced me to keep my head straight and still. Yet, my facial expression was still distorted and they could not find any matching pictures in their database.

My name did not appear on their system. However, through the finger print search an anonymous number appeared, connected to another occasion when I was arrested but not identified. They exclaimed: 'Ah! This one! So you are the same one of the other time! We know very well who you are! We know your name! Your shoe size is 39,

you are left-handed and you like to make troubles. Ah, and this is a new tattoo”. These details are true, but I knew they were just playing. Although they found the records associated to my fingerprint, they still could not know my name, and had no way of figuring it out. ‘So tell me, what’s my name” I asked. The older one became very serious and answered: “It is a secret. We cannot tell you.”

**POLITIE**

Postadres: Postbus 2287  
1000GG AMSTERDAM

Regio: Amsterdam-Ansteland  
Korpsonderdeel: 13 Vreemdelingenpolitie  
Behandeld door: G.W.E. Halbes  
Telefoon: 020-4988888  
Fax: 020-4988108  
V-nummer / Zaak: 2010727017 / Zaak - 27/03/2015  
Datum: 27/03/2015  
Onderwerp: HV01 Melding vreemdelingenpiket

• Amsterdam-Ansteland  
• Aan: Raad voor rechtsbijstand

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**Melding vreemdelingenpiket**

**Persoons-/proceduregegevens**

Achternaam : Nn 10260320151750  
 Voorna(a)m(en) : .  
 Geboortedatum : 01/01/1901  
 Geboorteplaats : Onbekend  
 Geboorteland : Onbekend  
 Nationaliteit(en) : Onbekend  
 Geslacht : mannelijk

---

**Identiteitspapier(en)**

Er zijn geen identiteitspapieren geregistreerd binnen deze zaak.

Image 2: Extract of custody file of an anonymous activist, stating the anonymity number/code, a symbolic of birth in 1901, and ‘unknown’ (onbekend) place of birth and nationality.

They tried to identify us for three days and they threatened of placing us in foreign detention centre. Many of us reminded them that they were not allowed to do so. They could threatened us, but we would threaten them back. The court cases for the last people that had been illegally detained took place just a few months earlier, prohibiting to place in foreign detentions centre activists who refuse to identify themselves. But who can resist in these situations? An undocumented person could not have played a similar game.

After the first attempts of interrogation and identification we were all placed in isolation cells, as usual. Isolation cells resemble rooms of psychiatric hospitals. Hyper-sanitised 4 m2, light-yellow walls, a metal door, a plastic bed, neon lights that cannot be turned off, a small metal sink welded into the wall, a metal toilet and a small table with chair all welded to the floor. A monitor with basic legal information in different languages, a radio and a movie channel that never work and one program of discovery channel repeating itself every 30 minutes. A microphone to communicate with the guards. A camera constantly staring at you. After I covered the camera with a

piece of toilet paper soaked in water and soap, the guards removed from of my cell the toilet paper, the paper bed sheets and towels. Frozen bread and jam for breakfast, at 7AM and for lunch at 12AM. Micro-wave food for dinner at 6 PM. If you are vegan they might treat you with an apple instead. Tea or coffee 3 times a day. 'Fresh air' for 15 minutes two times a day, including 2 cigarettes.

In lucky occasions another person allocated to the same gender will have their daily 'air' at the same time, but most of the times you will be alone in those 12 m2, trapped by the four high grey walls, a metal net on the ceiling letting some grey sky through, and 4 cameras staring at you from each corner. All the books they offer are in Dutch, and about some sort of police heroes who solve silly crimes and arrest drug dealers, or about drug addicts who eventually found their way to salvation and become good citizens. I knew that this is what was expecting me, but every time I ask myself the same question: 'how will I go through 3 days of isolation this time?'



**Image 3: Isolation Cell**

(Source: <http://katepiotrowska.tumblr.com/post/114655097084/amsterdam-police-cells>)

Within a few minutes I heard my friend, a few cells further, whistling a slogan. I replied, and someone else from the cell next to me joined us. As I realised that this time we were all on the same corridor and we could communicate with each other I almost cried for the joy. I had never felt so free. At least this time these three days will

not be so terribly lonely. The noise started coming from all directions, including the upper and lower floors. We spent hours just whistling to each other, singing, chanting slogan and making noise. We screamed as loud as we could, as to reach everybody in the complex '*Our passion for freedom is stronger than your prisons*' and '*You cannot imprison ideas, squatting goes on*'. We feel powerful, we feel free. The guards could not handle us anymore. They could not separate and isolate us any further. They kept on threatening us with deprivation of cigarettes, of air time or of food. Every time they opened the small window of the security door of our cells ordering to shut up we kept on shouting louder. One guard told me that I am a bitch. I replied that I preferred to be a bitch then a cop. She threatened me to move me to the psychiatric division, but we both knew that this was just yet another threat.



**Image 4: Cell complex, 'fresh air' area** (Source: | [http://www.architectenvanmourik.nl/projecten/utiliteit/cellencomplex%20en%20drugshulpvoorziening%20flierbosdreef/\\$ENG\\$](http://www.architectenvanmourik.nl/projecten/utiliteit/cellencomplex%20en%20drugshulpvoorziening%20flierbosdreef/$ENG$))

They woke us up every night, in the middle of the night, by opening the small window of the metal door: 'what is your name? Tell me, what is your name?' And then again, that metallic sound isolating each one of us from the rest of the world. Every hour the guards repeated the same sort of questions: 'Do you want breakfast? Then tell your name. Tell your name or you will not go to smoke today.' "Do you want to call your lawyer? Only if you can spell the number in Dutch". "I wish we could send you back to your country".

On the second day, as I came back from the identification room, I saw two people walking out of my cell. They were not wearing uniforms. One of them had a tie. The guard escorting me asked them whether they needed anything else, and they replied they had enough and that he could lock me back in'. They both stared at me and wished me 'good luck', with a sarcastic note in their voices and glances. I felt paranoid. What were they doing in my cell? Placing additional cameras? Taking samples of my DNA? Nobody will answer this question. Although the cell has cameras and no privacy, I felt that with their presence inside the cell they violated my space even further.

In the evening, while I was being moved from one cell to another our supporters gathered outside of the cell-complex and started a noise demonstration: pans, drums, fire-works and slogans against prisons: '*Brick by brick, wall by wall, make all prison fall*'. I could hear that they were many, and I knew that they were there for us. I could picture them there, as I had been part of that crowd many times. I started laughing. The policeman who was escorting me grabbed my arm and shouted: "what do you laugh for? You are in a prison, and you laugh? Here in the Netherlands you cannot laugh in prison!" I replied that I was laughing because after a few days I would have been out and free, while they would have spent the rest of their lives in that prison. He got angry with me, dragged to my new cell, and did not allow me to the 15 minutes 'fresh air time' I still deserved that day.

The third day I felt exhausted. From the new cell I could not communicate with my friends. I could not even know if they were still in custody, or if they had been released. With the white light of the cell driving me crazy and the silence is making me feel lost, every noise coming from the outside placed me in a state of alert. Although in the previous days I tried to forget the sense of time, on the third day I found myself checking the clock every 10 minutes, hoping that at least one hour had passed. I felt suffocated. I tried to relax and to breathe deeply, but I could only feel anxiety. I wanted to scream. I cried instead. My thoughts went to all those people who have spent months, years, in isolation and in prison. How is it possible that these institutions have not been destroyed yet? How can we destroy them?

Images from Nanni Balestrini's *The Unseen* become vivid in my mind. When the prisoners were spoiled of any tools that would enable a riot and placed in high

security cells with nothing that could be used as a weapon, they initiated a new form of struggle. They collected soup and faeces for weeks and eventually flooded the prison. I look at the plastic sandwich laying on the table since the morning, and I realise that the both the sink and the toilet flush turns off automatically after 30 seconds.

we had to find a way of fighting with the only weapons we had available and in the first place we had to invent potential weapons since we had nothing naturally the shopping orders had been done away with every means of buying food had been done away with the food they gave out was the prison food a reddish liquid mess that was handed out at mid-day and in the evening with plastic containers and plastic spoons and then pressure was started with the demand to be allowed to buy at least some items of food stuff you could eat without cooking food like milk biscuits fruit and that kind of stuff because there was still no way these guys would let us have our primus stoves and saucepans and so on

we succeeded in gaining the right to buy these things and the chance to buy food to order gave us our foothold for this protest because now we had the option of not eating the prison food and so the prison food became our weapon in this struggle because every day litres and litres of this red coloured mess were piling up in the cells and then suddenly at a prearranged time all of us together poured the entire mess into the corridor a real river of sickening red-coloured liquid mess that was poured back out of all the cells into the corridor and this became what was known as bacteriological warfare

**Image 5: Extract from 'The Unseen' (Balestrini 1989: 197)**

Some of us will be dancing naked in front of the camera, others will be masturbating openly to provoke and scandalise the guards watching through the cameras. When the body is the only weapon, nobody knows what a body can do. Yet, the feeling of being constantly observed places me in a state of immobility: I don't want them to have anything to look at.

'*Vlucht*' said the guard while opening the cell, which means 'air'. They escorted me to the opposite wing. From the end of the corridor I could see that on the door cells there were pictures and numbers instead of names: a sign that other anonymous people who were arrested with me are still there and are still anonymous. I wanted to know who

of my friends was still there, but I could not mention names. I wanted to tell them something, but I just screamed 'You are not alone!' Someone responds something similar, but I could not recognise the voice.

The guard pulled me into a room where I could grab a pair of prison slippers and a prison jacket to go on the courtyard. There, for the first time in 3 days there was someone else, a friend. We hugged each other. It felt so comforting to feel another body against mine after so many hours alone. We wanted to talk about everything that happened, but we had to be careful because the police would be listening. We could have talked with our usual mix of Italian and Spanish, but this would have let them guess our nationalities. For avoiding any of this, we just kept on whispering in English, discussing how we felt and on how we were being treated. After a few sentences she was called back. She secretly handed me the two cigarettes that she did not smoke while giving me a warm hug.

That evening, we were all released with the charge of squatting and public violence. Yet, the police had not been able to identify most of us, and we could not be detained any longer. Outside of the cell-complex many people were welcoming us with drinks and food. I opened the plastic bag where the police had placed my belongings to take the safe-mobile we used during the eviction to call my family, but the phone was blocked. The police tried to access it to extract personal information, and while trying to get through the security settings they blocked it. Once more, I feel violated. Most of us did not have a home to go to, but we were all invited to stay in a house that had not been evicted. Although we were all exhausted, it was great to feel so much support. We became full of energy and of stories to tell. All of us needed to scream out our feelings. We celebrated all night long, recalling the events of the actions and of the demonstration, making fun of the police, and feeling strong and together. The day after, at 9AM the doorbell rang. Nobody seemed to be bothered and get out of bed. Who can be at this time? After the third ring I hear someone talking through the barricaded door: it is the police, handing us the eviction notice.

## Chapter 8

### Arrests, Identification, and Monitoring

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The previous chapter has argued that criminalisation operates through strategies of spatial containment and temporal delimitation of *squatted houses*, hence relating to the spatial and temporal dimension of counter-conducts. It has been argued that evictions affected the temporal and spatial relations of the squatting counter conducts, and the modes of experiencing squatting. Indeed these techniques addressed squatters' capacity to create different social and political relations through urban spaces, and constituted an intervention on the active and creative practices of squatting, their possibility to constitute a counter-power, (*potentia*). Therefore, these modes of government had strong implications not only on the politics of squatting but also on its ethics. Yet, in face of criminalisation squatters kept on squatting new spaces and initiating new projects. These resisting spaces have been brought under strict control and surveillance, with the police identifying and isolating not only spaces but also groups and individuals considered dangerous.

This chapter will focus how the criminalisation of squatting has been enacted through policing techniques, and it will analyse both how arrest and identification worked, and how these have been resisted. This includes the interaction between squatters and the police during protests against evictions, as these events constituted important moments of transition and points of visibility in the constitution of different relations between squatters and the police. Yet, as argued in Chapter 3 the main focus here is not the policing of practices of resistance that take the form of protest: instead, the chapter will revolve around the everyday relations between squatters and the police, and how arrests, identification and monitoring of individuals aimed at governing the bodies and mentalities of the squatters' population. Moreover, the chapter will analyse how policing techniques and different practices of resistance have mutually affected each other.



**Image 1: Police – Safety, Trust, Authority, Order**

When squatting was tolerated the squatters would place a table, a bed and a chair in the occupied building, and then call the police. The so called 'gentleman's agreement' implied that, immediately after the occupation, a maximum of two policemen would enter the squat followed by a larger number of squatters. The police would report the state of emptiness of the house, and acknowledge that the squatters were using the vacant space for living. The squatters facilitated the police presence within the house because this was considered a practical tool, as the police was establishing the squatters' right to live in the freshly occupied house, thereby forcing the owner to respond via legal channels. As an activist stated during a workshop, commenting her experience as police-spoke person at the time when squatting was tolerated:

For me, it is not a matter of shaking hands. Most of the times I am the only Dutch person, and I had to deal with the police every Sunday, supporting other people's squatting actions. I just wanted to get it sorted as quickly as possible. If shaking hands was the most practical way, then I would go for it. The struggle is somewhere else, not in a gentleman agreement or in your relation to the police. The struggle is in what you do with the place you squat. It is about practice, not about ideology or a-priori enemies".

Since October 2010, when squatting assumed new criminal status, the police gained an increasing power of reaction toward squatters. Indeed when squatting turned into a crime, the 'house peace' of squatters had been suspended, and the police could proceed into immediate eviction without any form of consultation nor mediation by a

judge<sup>247</sup>. In this context, both the police and the squatters had to think about how to deal with the new conditions, experimented different practices, and tried to push their power of action as far as they could. The relation between the police and squatters became more tense, antagonistic and violent. Starting with the riots that took place on the 1<sup>st</sup> of October 2010 and 2011, the police began performing a new attitude toward squatters, including preventive use of violence, preventive arrests and immediate evictions.



**Image 2** Police violence during the Schijnheileg eviction

The enforcers of the law suggested using hard repression during the first six months from the moment of implementing the law as to scare away the majority of squatters and their supporters, and separate the supposed 'soft core' from the so-called 'hardcore' squatters. According to police respondent, the new law would have both a repressive and preventive effect: for instance, the police argued that students are not willing to have a criminal record for their future possibilities on the labour market, and they will

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<sup>247</sup> Moreover, even when the police did not intend to evict the squat immediately, the fact that squatters were not allowing the police inside the house often led to conflicts and confrontations. Initially the police did not accept the new policy of squatters, which, for them, implied a reduction of their capacity to investigate the case and make a report on the state of the house. As a reaction to the squatters' resistance in cooperating, the police began asking for the identification of the squatters, threatening arrests, or actually arresting the squatters and evicting the occupants.

be scared off by the criminal law. On the other hand, according to the police, the so-called 'hard core' activists, will already have criminal records for other activities, and they will not be afraid of criminalisation. However, these 'hardcore squatters' are expected to constitute a small group that, once isolated from the rest of the squatters, can then be easily identified and controlled by government (Interview with Police Chief).

The following extract from an interview with a policeman who used to be a member of the Riot Police is relevant for understanding the extent to which the police were questioning how to interact under the new conditions, and to reflecting on how to reformulate their relation:

In 2010, with the new law, from one day to the other everything changed. We had to ask ourselves: how to deal with it, under the new conditions? Squatters stopped respecting the one year emptiness rule, and the so called 'gentlemen's agreement' that allowed the police to enter a freshly occupied building to verify that was empty. Before I had good contact with squatters. I was always leaving my telephone number in case they would have needed help. I respected squatters. It is thanks to the squatters' movement that I have been able to have an affordable house. But now things have changed. Squatters have crossed the line. Now my approach is not only to give the houses back to the owner but also to arrest the squatters. Because if there is a rule in democracy this has to be respected. If it is no longer allowed then everybody has to respect the rule. If I only get back the house to the owner, then they would not stop squatting. If I arrest them then they will stop. Most of them are students, and they don't like to have a criminal record. So if they know that they will get arrested, they will stop squatting.

This interview, as much as lived experiences of everyday interaction with the police, let emerge that the police does not seem to argue against squatting as a practice. Instead this policeman blames squatters for not respecting the law, 'the rule of democracy that everybody needs to respect'. Hence, squatting as such is not considered as 'wrong': what is 'wrong', from the police perspective, is breaking the law that defines squatting as a crime. The police feel responsibility to intervene not much against squatting, but against the disobedience to the law, and squatters'

unwillingness to obey and conform to the new rules. This expresses a *moral* responsibility to rectify squatters and to intervene into their *unwillingness* to obey and to conform to the moral orders and conducts of democratic societies.

These aspects clearly emerge also from another interview with a policeman commenting on the eviction of the squatted social centre Schijnheilig<sup>248</sup> (see Chapter 6). The policeman directing the operation explained that 150 people were arrested because of not following the police orders and obstructing the police operation. Yet, as the policeman stated:

“We arrested them because they were having fun in front of the building. We were there to evict them, and they were having fun. We were trying to make them afraid, and they kept having fun. That's why we arrested them! If we don't arrest them they might have caused problems” (Interview with GoA, police officer).

Instead of placing the focus on the technical and legal grounds of the mass arrest, the policeman explained that the squatters were arrested because, while the police were trying to scare the group away, they were having fun and were ignoring the police authority. Therefore the police felt morally obliged to intervene and bring the situation under moral control.

These interviews show not only a strong moral and affective dimension leading to the decision of arresting squatters, but also a preventive approach, assuming that if the police would not intervene by arresting people, they would lose control and authority over the situation. As the squatters' criminal lawyer, Jebbink, stated in an interview in relation to the Schijnheilig eviction:

"These 47 complaints against police violence are not alone. Recently, 11 of our clients already reported serious violence against the police on the Simon Stevin Street on 13 May 2012. Of the more than 100 clients of our firm who were arrested during demonstrations last year, none was convicted by a court. We increasingly see that the police suggests in advance that the situation will run out of hand and then use violence preventively, as a means to stop a demonstration. It is very worrying".

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<sup>248</sup> <https://schijnheilig.nul.nu/?s=ontruiming>

The use of violence by the police is often framed as a proportional response to the danger and threats expressed by the squatters. Yet, here, preventive interventions are not related to actual concerns for security and threats to the public order, but are intertwined to moral order, the necessity to stop any form of resistance to police authority, as much as ethics of disobedience.

## 2. Resistances to violence

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**Image 3: Policeman attacked by paint-bombs (By Hansfoto)**

Police authority, police violence and preventive arrests are often resisted through a multiplicity of tactics that go from the creation of media scandals (in the case of Simon Stevinstraat, 2012), initiating court cases against the police (as in the case of Schijnheileg, 2011), or through direct action, but also through counter conducts and affective relations. Squatters' responses to police behaviour led to a readjustment of the relation between squatters and the police, and to the police having to reconsider their use of violence and of arrests as preventive tactics. In particular, an event marked an important change in the arrest policies, where squatters managed to bring a case of police abuse of violence to the public attention, which forced a reformulation of police strategy toward squatters.

On Sunday, May 13<sup>th</sup> 2012, a house on Simon Stevinstraat 25 was squatted. Simon Stevinstraat is a small street in Amsterdam Oost (Watergraafsmeer),

an area where the on-going process of gentrification led to many houses standing vacant. Indeed housing corporations have been massively dislocating local inhabitants from social housing, but during the process of privatisation many units remain empty before being demolished or renovated and sold. Many squats emerged in this neighbourhood in the last few years, to the point that between 2012 and 2014 most of the Amsterdam squats were actually located in this part of the city.

A few minutes after the squatters forced the entrance to the ground floor of Simon Stevinstraat 25, the police arrived, called by local residents who spotted the squatters from the windows of their apartments. As usual, the squatters' spoke-person approached the police to mediate between the squatters and the police. A group of about 50 supporters was standing in front of the door as to prevent the police from accessing the house. The police chief expected to enter the house as to check the state of emptiness. However, as common practice after the squatting ban, the squatters refused to let the police inside the house.

The police did not accept 'no' as answer to their request, and ordered the squatters to move away. As the squatters kept on refusing, the police called for reinforcement, and the special arrest unit armed with barking dogs arrived. While the negotiations were still taking place several policemen attacked the group with batons, hitting legs and arms. During the charge, the group of squatters maintained the formation of a compact block, for not being separated and individually arrested, and kept on shouting '*Stop met geweld*' (Stop the violence). 38 people were arrested and the house evicted. These 38 people were arrested because of interfering with a police operation, and resisting police orders. They were all released after identification, and none of them got charged. The article 138a, on the crime of squatting, was not mentioned at all.

Although this has not been nor the first nor the last instance of police abuse of power and violence, this specific event was filmed from several perspectives (Simon

Stevinstraat Video, 2012.)<sup>249</sup>, hit mainstream media and created a wide debate on police violence<sup>250</sup>. However, initially mainstream media provided a different version of the story, claiming that the squatters attacked the police with violence and portraying the police operation as a proportional reaction to the violence of the squatters. Several activists and supporters directly contested the media channels, in particular AT5, and posted videos showing how the sequence of events unfolded<sup>251</sup>. AT5 had to apologize and to correct their article. Moreover, the squatters involved identified the policemen responsible for the violence, and filed complaints against him<sup>252</sup>.



**Image 4: Screenshot from Simon Stevinstraat video**

In the aftermath of the events, many politicians and journalists discussed what happened. Laurens Ivens, chairman of the political party SP, publicly asked the Mayor for clarifications on the use of police violence:

<sup>249</sup> See the video: <https://www.youtube.com/watch?v=tAspMYXBgvo> and See: (“Kraker toont wonden, politie reageert,” 2012) [http://www.at5.nl/artikelen/81134/kraker-toont-wonden-politie-reageert&usg=ALkJrhioK7YRgYU0y\\_KwYfQZLfpPNy0kHQ](http://www.at5.nl/artikelen/81134/kraker-toont-wonden-politie-reageert&usg=ALkJrhioK7YRgYU0y_KwYfQZLfpPNy0kHQ)

<sup>250</sup> For a summary of the newspapers articles and discussions see: <https://www.indymedia.nl/node/4699>.

<sup>251</sup> See this video showing the occupation of the house, and the police violent reaction: <https://www.youtube.com/watch?v=fZvmCbzxKa4>

<sup>252</sup> See: <http://www.spitsnieuws.nl/binnenland/2012/05/krakers-doen-aangifte-van-politiegeweld>

“The police used brute force against a group of people who apparently did nothing. I want to hear from the Mayor what the nature of this police action was. Is it an eviction, which should be announced in advance, or were the officers trying to prevent people from squatting?” he asked<sup>253</sup>.

Mayor Van der Laan, faced with the public reaction provoked by those images, had to take responsibility for the events. He stated: "The police need to reflect on what went wrong, because here there is something wrong (...). This is not normal in the police." ("Van der Laan," 2012)<sup>254</sup>. These responses and the overall public debate turned around ‘incidents’, ‘mistakes’ and ‘rotten apples’ on the police side,<sup>255</sup> thereby not addressing the wider and structural abuses of power in police practices. The discussion led to a reformulation of the police strategies toward squatters: the so called ‘triangle’ (compose by the Mayor, the Public Prosecutor and the Chief of the Police) ordered several restrictions on police actions toward squatters, establishing that the local police officers should not take any initiative toward squatters, and that each action should be agreed with the Triangle itself<sup>256</sup>, who would have the responsibility of evaluating each situation

These evaluations often lead to the decision of de-escalation of the conflict and to find other ways of dealing with the situation. According to an interviewed policeman:

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<sup>253</sup> See: <http://amsterdam.sp.nl/kerngroepen/oost/berichten.php?itemid=4856> and [www.at5.nl/artikelen/81127/nog-14-krakers-zitten-vast&usg=ALkJrhR6j-4N-tHWxojmvxLo1wNCp9duw](http://www.at5.nl/artikelen/81127/nog-14-krakers-zitten-vast&usg=ALkJrhR6j-4N-tHWxojmvxLo1wNCp9duw)

<sup>254</sup> My translation from: [http://www.at5.nl/artikelen/81327/dit-ziet-er-niet-goed&usg=ALkJrhWD\\_0EeXpTIt1oUxL3P-GLhVaxdA](http://www.at5.nl/artikelen/81327/dit-ziet-er-niet-goed&usg=ALkJrhWD_0EeXpTIt1oUxL3P-GLhVaxdA) and <http://www.parool.nl/parool/nl/4/AMSTERDAM/article/detail/3326561/2012/10/04/Pas-op-met-geweld-bij-ontruimen.dhtml>

<sup>255</sup> See, for instance, a debate at the Amsterdam cultural centre ‘De Balie’ on police violence: <http://www.debalie.nl/artikel.jsp?articleid=471958>. The debate was recorded and it is accessible here: <https://vimeo.com/60702956> and further discussed here <https://www.indymedia.nl/node/13051>

<sup>256</sup> See (“‘Pas op met geweld bij ontruimen,’” 2012): <http://www.parool.nl/parool/nl/4/AMSTERDAM/article/detail/3326561/2012/10/04/Pas-op-met-geweld-bij-ontruimen.dhtml> and <http://www.at5.nl/artikelen/85852/politie-meer-overleg-bij-kraakacties>

“When squatting became a crime we thought we had full power in our hands, and that we could do anything we wanted against squatters. However, when the Mayor ordered these restrictions it became unclear how we can use this new law, we can just obey orders from above” (interview with JO, police officer).

Therefore, the new policy meant that the police could act simply as mediators between the squatters and higher authorities, thereby preventing them to use violence and arrest squatters. Yet, this did not lead to the police not arresting and evicting *in toto*, as these still took place on a regular basis. Yet, the relation changed, with the police holding less authority in conducting arbitrary arrests and evictions.

### 3. Stop and Search

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Besides the events narrated above, arrests and police violence are often followed by a direct response by squatters and supporters. Indeed it is not uncommon that direct action is taken in solidarity with the arrested ones, to protest against their detention, and to show disagreement with the police behaviour. Noisy demonstrations in front of police stations where the arrested are held, graffiti on the streets, smashing police cars, or throwing paint bombs against police stations are common counter-actions to police abuses of authority. The following box describes the circumstances under which a group of squatters were stop and searched, how they resisted arrest, the police reaction and consequent responses by other activists.

#### Box 1: Preventive Stop and Search and Counter-actions

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It was a calm Wednesday afternoon of mid-July in *De in Pijp*, a wealthy neighbourhood Amsterdam ‘Old-South’. Until a few years ago this was a working class and migrants neighbourhood. In the last few years it became object of mass privatisation and it is now largely gentrified. As in the rest of the inner city, the existing social houses were sold to private owners and wealthy middle class inhabitants or expatriates replaced the local population. Until 2010 many squats were present in the neighbourhood, and many new places were being squatted regularly during the process of gentrification. Since 2010, of all the squats and social centres

only a legalised anarchist social centre is left and rarely squatters are successful in occupying houses in this area.

That Wednesday afternoon three young men were walking on the street to keep an eye on the empty house that they were about to squat. They were waiting for the larger group of supporters to show up and squat the house. Officially they were just standing on the street, without engaging with any suspect behaviour. The police stopped them and asked for ID. As they were not willing to identify themselves, the police tried to arrest them. The rest of the group was called: about 20 supporters intervened in a few minutes, actively interfering with the arrests, distracting the police and successfully de-arresting the 3 men. Yet, a confrontation exploded, the police violently put on the ground 3 other people involved in the de-arresting action, and arrested them visibly wounding them<sup>257</sup>.

The rest of the group retreated to the local social centre, called for more support, and organised a noise demonstration in front of the police station: after a few hours, about 50 people showed up in front of the police station where the 3 arrested were held, shouting slogans, and using pans and whistle to make as much noise as possible. During the noise demonstration one person was spotted while provoking damage to the police sign outside of police station. The police intervened by charging the whole group, followed the suspect who was running away, threw her on the ground, pepper-sprayed her and arrested her. Another person, who was trying to help her, was grabbed into a chokehold by the police during the confrontation. While trying to get out of grip, unable to shout nor speak, he was trying to let the police understand that he could not breathe. The police did not let the grab go, violently dragged him inside the police station and arrested him.

The rest of the group grabbed their bikes and quickly dispersed. Many policemen on motorbikes started following the group. Although about 30 policemen were following the activists for more than 30 minutes, nobody else was arrested. According to one of

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<sup>257</sup> <https://www.indymedia.nl/node/24257>; <https://www.indymedia.nl/node/24359>

those who were already in police custody, the police chief ordered to 'scare them away, but don't arrest anyone else'.

The atmosphere in the social centre where the rest of the group had retreated, was filled with anger, frustration and excitement: so many people had been arrested, the police used so much brutality, and the plan of squatting a new house had failed. 'What to do next?' It was 10 PM, everybody was exhausted, yet nobody was planning to sleep. Some silently left the social centre and spray painted the city with squatting and anarchist slogans. Many ACAB (All Cops Are Bastards) slogans appeared that night on Amsterdam walls. Others organised themselves to prepare paint bombs and attack the police station where the arrested were detained, thereby directly attacking the physical space that detained the other activists, but also damaging police cars and motorbikes. 'Destroy what destroys you' was spray painted in the surroundings of the police station. The damage provoked by this action were later on included in the files of those who that night were held in the police station. The police held them responsible for the damage provoked while they were into custody, and asked them to pay for the costs.

When the arrested were released, three days later, a large group of people welcomed them, offered them drinks and food, ready to listen to their stories and to support their emotions. The anger toward the police was evident, but in the narration of the events it was often unleashed in an amusing manner. Everybody made fun of the police authority, of the ways the group had been able to resist this authority, and of the little strategies used to cope with the infinite hours in custody. Some of the arrested will be charged with a fine for 'public violence' towards property and persons. Some will decide not to pay it, while others will organise benefit events to collect the money through donations.

These 'counter-actions' do not pass unnoticed on the police side. Although the police keep them silent so as not to give them publicity (as stated by a police respondent), they have important repercussions on the way the police organise their tactics and strategies. As a policeman argued during an interview:

“In most of the cases the best way is to talk to the squatters. Once I arrested some squatters for squatting a house, but that evening there has been a demonstration and police cars were smashed. My boss got angry with me, because we don't want to reach that level, we have to find other solutions. Often it is my personal decision to act in a certain way, but there are specific boundaries: we don't want police cars smashed as a solution” (Interview with police officer).

As another officer stated:

“You cannot arrest them. There will be a violent response. We need to find a balance between these problems and public order. Moreover they are not afraid of getting arrested. They are organized and they have lawyers. They are smart. When you arrest them you have to do it on a right ground because they know their rights very well. While for a while our priority has been to arrest and evict squats, now the priority is public order and identification of people”. (Interview with police officer).

While as soon as the law passed the police immediately made spectacle of their new authority by arresting people and evicting houses, in a few months these tactics were forced to change, to the point that arrests were not constituting a direct implementation of the criminal law anymore. Hence, the counter-actions of squatters had a large impact on the way the police organise their strategies. By provoking damages and disturbance to the public order, these actions managed to provoke a re-formulation of police priorities. As other policemen stated during interviews, on many occasions their task is to collect information leading to a proper evaluation of the different variables involved in a situation, according to the group involved and the urban areas in which the events take place. While in some cases the police still react with, or preventively use, violence, in most of the cases they need to evaluate what is convenient to do under the circumstances and how to better govern the conflict. Their priority turned around finding a political equilibrium between how the police react toward squatters and other matters of police concern such as public order and de-escalation techniques. Therefore the role of the police has shifted toward risk

evaluation and risk management, rather than intervention through violence and repression.

While using de-escalating techniques, the police kept on performing and abusing power in different discursive and embodied modalities, and using threats of arrest and violence for forcing people to identify themselves and for preventing certain actions. The text below is an example of a common interaction with the police that did not lead to arrest. They could have proceeded with arrest in first place, but it felt as if they were handcuffed. Their priority in that neighbourhood revolved around the maintenance of public order, not using resources for arresting squatters.

#### Box 2: Identification and threats

A few days after a building was squatted by the ‘We Are Here’ group, composed of 150 undocumented migrants, a fight exploded outside of the occupied building, and many people were violently shouting at each other. The squat, named *Vluchtgarage*<sup>258</sup>, was occupied in December 2013: it was a former office space owned by the municipality, left in disuse for several years and without electricity at the time of the occupation. The building was located at the outskirts of the city in ‘De Bijlmer’, Amsterdam South-East: a ‘ghetto neighbourhood’ as many define it, which was planned as a single project at the end of the 1970s to house immigrant workers from the former Dutch colonies. Since then it remained a low-income area populated by second-generation immigrants and new migrants, and presented high levels of social segregation (Smets and Uyl, 2008). The undocumented migrants’ squat was not well received in the neighbourhood, as many feared that it would bring more troubles in addition to the already existing ones. However, the local government tolerated the squat for one and half year, contrary to the other ‘We Are Here’ squats that lasted just a few months. This tolerance was rooted in two factors: the location of the building, namely at the geographical and social margins of the city and the fact that the building

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<sup>258</sup> Articles about the *Vlucht-garage* can be found here <https://www.indymedia.nl/node/20427>; <https://no-border.nl/tag/vluchtgarage/>; <http://wijzijnhier.org/news/our-moves-so-far/>; a short documentary about the undocumented migrants life in this squatted building can be found here: <http://wijzijnhier.org/news/zij-zijn-hier/>

was owned by the municipality rather than by a private company, which placed the local government under less pressure for eviction.

When the fight exploded the neighbours immediately called the police. As soon as the police cars arrived, all the undocumented people moved inside the building and barricaded the door. Only myself and David, another documented activist stayed on the threshold to negotiate with the police and for preventing an escalation. For the undocumented squatters indeed it would have been too dangerous to speak directly with the police, as they could have been arrested immediately for not possessing a valid ID. Two policemen got out of the car, and approached us. They started speaking to David in Dutch, asking him to let them enter the squat. They ignored me, acting as if I was not even there. They tend to ignore women, especially when they don't speak Dutch. We asked them to speak in English but they refused. They do not feel comfortable speaking a language they don't know. We replied that if they did not speak in English we would not be able to communicate and to understand what they wanted. In Dutch, they repeated that they wanted to get inside the building for investigating what just happened, and that if we didn't let them through they could have arrested us for obstructing a police operation. We kept replying that we didn't understand what they said. They got nervous and, in English, asked me where did I come from and to show them my IDs. We replied that they did not have the right to ask us our ID in front of our house, because, according to the European Court of Human Rights even squatters are entitled to the right of domestic peace: 'We can arrest you for not showing the ID, let us in! Move away from this door!' they shouted.

One of them extended his arm above us and placed his hand on the door. Our backs were against the door, and we could hear the rest of the group on the other side trying to reinforce the barricades, while the policemen stood just a few centimetres away from us, letting us little space to move. I felt trapped. They were two tall men with uniforms and guns. If I would not had been used to these situations, and if I were not aware of the legal limits to their authority, probably I would have succumbed to their pressure and I would have ended up obeying their illegitimate orders. After a few attempts to push us away, and after threatening us of arrest several times for not showing the ID and for not obeying to their orders, they decided to take a walk around the building and to try and get inside through the window. While David stayed in

front of the door, I decided to follow them, as to check on their next move. As soon as the officer saw that I was following him he stopped and screamed at me.

He was very nervous, the muscles of his face looked tense, as much as the posture of his body. Again, he threatened me of arrest: “If I want, I can arrest you!” I replied that I was just walking around my house, and that this was not a good reason for arrest. “Stop walking, or I will arrest you for annoying me”. Any argument seemed good for threatening me with arrest, although with no legal ground, but he seemed unable to actually arrest me. I always responded jokes to his threats. When they tried to get in through the ground floor window, I stood in front of it: ‘get out of my away! Move! Go back to your country! Show me your ID, or I will arrest you!’ He shouted at me, as if he would be shouting against a street dog. The more he shouted and threatened, the more I felt strong in resisting his authority. He was becoming ridiculous to me. His threats sounded like jokes. The more I ignored his orders and made fun of his authority, the more he became nervous. He seemed not used to a situation where someone would not respect his orders. Especially in the case of a foreign young woman whose body mass weighted half of his.

Eventually they gave up entering the house. They walked back toward their cars, and I walked back toward the main door. On my way back I stepped on the grass, the policemen came back to me, grabbed my arm and, arching his body over mine, screamed: ‘Here in The Netherlands you cannot step on the grass: now you are arrested because of stepping on the grass!’ I tried to get out of his grip and I shouted at him: “Yes, please, arrest me! Don’t only threaten me of it! And then explain to your boss that you have nothing better to do then arresting people who walk on the grass!’ His face became even more contracted, his grip more intense. Just before pushing me away and going back to his car, he looked at me with anger and whispered: “I will be watching you little girl”.

Policing priorities in relation to the undocumented migrants’ squat was to keep it under control, and not to provoke nor escalate the conflict. In this circumstances the police were constantly threatening of arresting me, but were unable to do it. However, they attempted to establish their power through different techniques and embodied

performances. Ignoring me and naming me ‘little girl’ in first place, speaking only in Dutch, telling me to ‘go back to my country’, and highlighting that ‘here in the Netherlands’ things work differently than ‘where I came from’, expressed sexist and racist attitudes aimed at reinforcing their alleged superior positions and at placing me where I should have belonged: at the bottom of their hierarchies. They could not accept that from my position of foreigner, woman and squatter I dared to make fun of them, and not to subject myself to their authority.

#### 4. Identification and monitoring

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In this context the priority, rather than arrest as a preventive and repressing technique, became security through monitoring and identification of the squatting population. Identification, rather than convicting became the priority. Stop and searches, as means of identification such as the one outlined in the previous section, are common toward squatters. Also arrests, such as the mass arrest of Schijnheileg, are used as a tool not for prosecution but for identification (See Annex 5).

“We have many tricks to identify them. They will try to resist, but we are smart. You put them under pressure. If they keep their anonymity we can keep them for 3 days. At the beginning they will not say anything, but after a few hours they will start leaking information. That time (Schijnheileg mass arrest) it was good to arrest so many people. Almost everybody was released immediately after identification, with no charges. But our priority is to identify them. Now we know who they and where they come from, are and we can keep an eye on them. We know where they live. Sometimes, we use crossed tricks. If someone walks out of a squat and cross with a red light, or cycles on the sidewalk, then we can stop them and ask for the ID on these grounds. We will not arrest them, but at least we have their names” (Interview with police officer).

In this way squatters are often stopped and searched for not respecting a red light while cycling, for missing the front light on their bike, or just because carrying a backpack a hoodie, or anything that the police might define as suspicious. Stop and searches often happens in the surroundings of existing squats, and to people who, according to the police, ‘look different’ by wearing piercings, dressing in black, or having a particular type of hair-cut. Holding these characteristics classify these people as suspects in the eyes of the police. Moreover, stop and searches and attempts of

identification of people who are defined as ‘suspicious’, according to the police conviction to be able recognize squatters due to particular features, are much more common in the inner city than on the outskirts, and groups who are known for their radical and antagonistic character are targeted more than those who tend to engage in negotiations with the authorities. In the ‘stop and search’ in *De Pijp* described above, the squatters were not (yet) performing any suspicious activity, but they were stopped and searched because they looked different from the people who generally walk around the streets of that wealthy neighbourhood.



**Image 5: Squatters’ campaign addressing the politics of criminalisation and identification. Activists perform an identification procedure and hold a sign stating “I am also a criminal”. Performed at the squatted social centre Schijnheileg (Source: <http://hardhoofd.com/2010/11/08/ik-ben-ook-crimineel/>)**

Moreover, stop and searches are often carried also in preparation of evictions, where the police priority is to know what to expect, how to prepare and how to react, and not to leaving any chance for unexpected situations to emerge. As a police officer explained in an interview:

“Before each eviction we normally conduct researches to understand what kind of groups we are dealing with and what kind of reactions we can expect. Our priority is to identify them. Sometimes we cross information and we stop squatters on the street for other reasons. We know that they live in a squat in the neighbourhood. Maybe we cannot arrest them for squatting, but we can know who they are. Our priority is to know the names. Once we know the names we have them under control, and they know it. We follow people to know what networks they are part of and what they are up to. We need to

identify these people but not to arrest them: we don't want to burn our source of information" (interview with policeman GoA).

Identification and information gathering is considered as a more effective tool than conviction. Arrests have not been used as a mean for prosecuting and convicting squatters; rather, they are used as a means of prevention and identification. After identification those arrested are often released without charges. Moreover, what emerged from these and other similar events is that even when arrests took place, the police have not arrested squatters for the crime of squatting: Art 138a, which makes squatting a crime and a valid reason for arrest, is seldom mentioned. Squatters have been charged under the 138a law, mainly when squatting in association with public violence, namely when squatters have actively resisted an eviction order.

These techniques suggest an 'affective pressure' on squatters, 'to let them feel' that the police know who they are, that they are under control and surveillance. Activists who were subject to intense police attempts of identification described these experiences as 'harassment'. Indeed this entails the feeling of being constantly followed, listened and watched, and brings a certain extent of 'paranoia'. 'Paranoia' is not used here in its technical (medical) meaning, but as a mode of acting and thinking, common among activists, that the police are constantly observing the groups, and trying to gather information. This 'paranoia', provoked by police harassment, leads to strategies of secrecy and confidentiality. Although these strategies are necessary when planning illegalized actions such as squatting a house, these attitudes can also lead to lack of trust among activists, to incapacity of including new people, and of 'closing off' of the groups into a reactive mode, exclusive and 'suspicious' toward new people. Hence police practices of identification and monitoring do not just imply controlling people's names and nationalities, but also on affects and the power and capacity of radical action.

Hence, these soft tactics did not have lesser effect than convictions. They might have entailed less invasive but deeper modes of governing and controlling squatters' practices. Moreover, although in the last years, identification of people through 'stop and search' seemed to be privileged in the practice of arrest, this does not mean that

arrests stopped occurring. Rather, the two tactics coexisted: arrests are also aimed at identification and when people refuse to identify themselves often they are arrested (although in certain situations squatters have been arrested, held in custody for three days and the police had not been able to identify them).

#### 4.1 Resisting identification

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Squatters and activists have been resisting not only arrests and police violence, but also identification practices by systematically refusing to identify themselves, both on the streets and in case of arrest. As James Scott (1998) argues, state mapping and naming practices, emerged as a practice of state control and (both internal and external) colonisation, related to the administration of justice, finance (taxation) and public order. Linking bodies to characteristic features (a scar, or a tattoo), fingerprints and other biometrical features, pictures, passports, social security numbers, residence certificates are all necessary for state observation, legible vision, and surveillance of the population. This is a tool to reduce multiple and complex social realities to a legible, visible and observable body, and amenable to state intervention. Squatters, by resisting identification, counter the modes of government that need identification as a tool of monitoring and management of the population, as much as its criminalisation.

‘Remaining anonymous’ and concealing ones nationality and mother tongue is a common practice for avoiding identification and, consequently for avoiding charges giving individual responsibility. While the police use cameras to film conflictual situations to identify and keep record of those involved, squatters often respond by holding cameras back: as much as the police aim at identifying activists, activists try to identify policeman to hold them responsible for their abuses of violence. There is a sort of short circuit of control, where the enforcers of order, and those who resist, use the same control mechanisms to pursue opposite goals.

Those who refuse identification can be arrested and kept into police custody up to 6 hours for ‘identification purposes’ (the time between 9pm and 9am is not counted in the 6 hours) and up to 3 days if charged with any offence but not yet identified. Once under arrest, the police will collect fingerprints and multiple identification pictures. If the arrested is known by the police, or owns a Dutch passport, then the identity will be

found in the police database. If the arrested is not known, then the police will push the arrested to disclose their identity by other means, will use different tricks, and will try to figure out at least one's nationality (see Intermezzo IV). In many cases, if they do not manage to identify the arrested within a few hours, they will let them free anonymously.

Yet, the fingerprints and identifications pictures are registered and are associated with a so-called 'anonymous number'. If, in a different occasion, the same person is identified through other means, then the previous files related to the 'anonymous number' will emerge from the database. If the police suspect that those who are refusing to identify themselves have an illegal status, then they can transfer them to the custody of the 'immigration police' and place them into foreign detention centres for up to 6 months. Activists arrested during both the Schijnheileg and the

In 2011, during the eviction of the social centre Schijnheileg 150 people were arrested. According to interviews with the police, this mass arrested created many administrative troubles, but had been useful for identifying a large amount of people at once. The identified ones were released without charges a few hours after the arrest, with the exception of five people accused of public violence. Yet, in that occasion eight people refused to identify themselves in resistance to the police abuses of power and to the identification politics, but also as an act of solidarity toward undocumented migrants. Those who refused identification, and were put into custody of the immigration police, and spent up to two months in the foreign detention centres of Zaandam and Rotterdam<sup>259</sup>. After the arrested appealed against this mode of detention, a ruling decided that the police was not allowed to use foreign detention as a way for letting activists identify themselves<sup>260</sup>. Although after for several years after this ruling documented activists have not been placed in foreign detention centres, the police kept on using it as a threat. In 2015, those arrested during the Spuistraat evictions were transferred into custody of the immigration police. Just a few hours

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<sup>259</sup> <https://abcamsterdam.wordpress.com/category/nn-ers-van-5de-juli-2011/>

<sup>260</sup> <http://wob.artikel-140.nl/wp-content/uploads/2012/01/2012-02-01-raad-van-state-uitspraak.pdf>  
<http://wob.artikel-140.nl/vreemdelingenbeleidactivisme/>

before being transferred to a foreign detention centre, they eventually decided to identify themselves.

An additional strategy to resist identification by the police is to wear black clothes and cover the face. If someone is arrested during direct actions, such as squatting a property, it will be difficult for the police or witnesses to identify who did what, as everybody looks the same. In October 2011 the Mayor posed restrictions on the demonstration against the squatting ban: according to the Special Law he issued just before the demonstration, it would not be allowed to wear protecting clothes nor masks (Article 5 of the Law on Public Demonstrations)<sup>261</sup>. During the demonstration several protesters had been arrested for the very fact of wearing masks and protective clothes. However, during the court-case they had all been acquitted, as the judge ruled that it is not in the powers of the Major to issue these kinds of special regulations and to decide on how people should dress<sup>262</sup>.

Although eventually the protesters were acquitted, the demonstration had been stopped, the protesters arrested and identified: besides the official punishment, both the Mayor and the police abused a ‘special regulation’ for identifying activists and for reacting to their strategies to keep anonymity (See Introduction). In these circumstances the police often threatens of mass arrest. However, with the exception of particular cases, they give up for lack of the resources needed to deal with large numbers. Although in other circumstances bringing forward multiple different tactics and heterogeneity is a successful mean to create confusion and escape modes of control, in these cases, responding as a compact, anonymous block successfully resists police tactics of identification and individualisation

## 5. Discussion

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Preventive arrests and violence seem to perform an intervention to address the ‘moral danger’ entailed by these very modes of thinking and of feeling toward the police,

<sup>261</sup> <http://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBAMS:2012:BY6335>

<sup>262</sup> [http://zoeken.rechtspraak.nl/resultpage.aspx?snelzoeken=true&searchtype=ljn&ljn=BY6334&vrije\\_tekst=amsterdam+demonstratie](http://zoeken.rechtspraak.nl/resultpage.aspx?snelzoeken=true&searchtype=ljn&ljn=BY6334&vrije_tekst=amsterdam+demonstratie)

rather than an actual threat to public order. As the experience narrated above let emerge, what upsets the police is squatters' unwillingness to respect the law, and their loud and clear unwillingness to subject themselves to police authority. Laughing in a prison, standing up to authority and ignoring threats of arrest, entail the mobilisation of affects that differ from the ones that allow smooth government of the population, and are the very aspect that policing strategies try to neutralise. Uitermark and Nicholls (2013), drawing on Foucault, argue that *policing* is inscribed into the governmental technologies and rationalities developed to align subjects with the state<sup>263</sup>, to monitor subjects and maintain social order (Foucault, 2009a) so that the social field is eventually inscribed into an invisible web of governance, rather than constituting "an uncontrollable site of multiple resistances" (Uitermark and Nicholls, 2013: 976). In this context criminalisation works as an attempt of moral and affective control toward squatters, aiming at conducting and governing not only how one should act, but also how one should feel.

In this context, the role of the police becomes not only the one of arresting, of monitoring, of calculating and identifying squatters, but also the one of rectifying their supposedly immoral behaviours. Yet, while the police aims at exercising their power by subjecting the squatters population, at creating docile and obedient subjects, police authority in neither obeyed nor feared by (documented) squatters, but constantly challenged and reversed. While the police try to induce fear and respect for their authority, as a response squatters keep on contesting, and organise themselves to collectively challenge the physical and affective forces that the police try to inflict upon them: namely by expressing different affects and modes of action than those that criminalisation is trying to mobilise. The multiple responses of squatters to police use and abuse of authority, which varied from legal action to direct violent actions, managed to affect the actions of the police. These direct counter-actions by squatters

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<sup>263</sup> In his *Lectures Security, Territory, Population*, Foucault (2009b) outlines what he defines a 'secret history of the police' analysing the emergence of the police institution starting from the 16<sup>th</sup> century: here the police are not yet intended as state agents engaged in the enforcement of the law and in arresting criminals: rather, their role revolves around the management of the population in time of urbanisation and population growth: the police managed many aspects of social life, including public health, social welfare and the marketplace. Under liberalism, the role of the police is aligned to the security techniques of the time.

aimed at bringing the message that arrests and police abuse of authority would not pass unnoticed and would not happen without a response.

Theories of surveillance inspired by Foucault tends to place little focus on the possibilities for resistance and the capacity of countering these practices. Yet, the democratization of access to technology have implied the increasing appropriation and counter-use of these very technologies by citizens. Increasingly, political activists using these practices and technologies to make visible the abuses of power and use of violence by the police during demonstrations: “through the use of surveillance technologies such as video cameras, cell phones, and the internet, activists created an environment of permanent visibility in which the behaviors of police were subjected to public scrutiny” (Bradshaw 2013: 495). In the situations narrated above, while the police use cameras to film conflictual situations to identify and keep record of those involved, squatters often respond by holding cameras back: as much as the police aim to identify activists, activists try to identify policeman to hold them responsible for their abuses of violence. There is a sort of short circuit of control, where the enforcers of order, and those who resist, use the same control mechanisms to pursue opposite goals.

Haggerty and Ericson (2000) have argued that previous hierarchies of observation have become *rhizomatic*, entailing not only vertical observation by the powerful toward the population, but a more complex system where those who are regularly surveilled both by the state and by private companies became able show and reveal abuses of power, to ‘guard the guards’ and to challenge their authority. Gary T. Marx (Marx, 2003) claims that these practices of counter surveillance are increasingly reversing the usual vectors of power.

Rather than addressing only ‘surveillance’, as a mode watching and scrutinizing from above, Mann and Ferenbok (Mann and Ferenbok, 2013), developed a framework addressing the power relationships entailed through ‘veillance’, the observing gaze, they eye of power and of resistance, thereby embracing both surveillance (‘to watch from above’), as well as what they define *sousveillance*, namely a ‘crowd-sourced’ gaze which tends to be more rhizomic and heterogeneous (Haggerty and Ericson 2000). *Sousveillance* resonates with the Situationist practice of *detournement* (Debord

1994), namely the tactic of hijacking and appropriating tools of the controllers and resituating these tools in a disorienting manner (Mann et al. 2002: 333).

Although *sousveillance* challenges authority by “capturing its image and mirroring it back at itself” (Bradshaw 2013: 495) it might be problematic to argue that surveillance has been ‘democratized’. Indeed while access to technology has enable more people to record, film and distribute data to denounce violence and abuses of power, these practices are not able to overcome the pervasive power exercised by surveillance practices. Indeed, as Mann and Ferenbok (2013) argue, resonating the arguments of Deleuze’s ‘Control Society’ (Deleuze 1992), “sur-veillance has become more of a matter of collecting and analysing information rather than merely looking down at people” (Mann and Ferenbok 2013: 23). The control gaze is not only aiming at the production of docile bodies, but entails forms identification and monitoring for the creation of detailed database (Cole 2009). The collection of identification data entails that bodies become “linked to a specific file or record (a.k.a. identity) that can be scrutinized and targeted for intervention” (Haggerty and Ericson 2000: 606).

As it emerged both from the situations narrated above, as much as other direct experiences, informal discussions and interviews with the police, the identification of squatters a police priority. Although squatters resisted this mode of power by avoiding and subverting identification, by escaping surveillance, by enacting *sousveillance*, by countering authority and making it ridiculous or absurd through different performances, this penetrated the everyday life, the modes of thinking and the modes of acting of squatters.

Identifications and monitoring are both invasive and pervasive modes of governing and controlling squatters’ practices. These techniques of intrusive surveillance of suspect communities (Hillyard 1993) relay on the police holding databases with personal identity details of squatters, their finger prints, recognition technologies and biometric data, irrespective of criminal conviction (Pantazis and Pemberton 2009). In face of squatters’ attempts to resist identification, and their capacity to successfully maintain anonymity, these database create a link between finger prints and body features and previous histories of arrest, hence linking bodies to themselves across time and space (Cole 2009).

Therefore, not only the new law criminalising squatting, but also by by-laws and regulation enable the governance and control of the squatting population. Laws obliging anyone to show identification (See Annex 5) give the police the authority to stop and search people on the streets with the excuse of monitoring public order, or simply by recognising them as suspicious individuals (Williams and Johnson 2004). Therefore, in the Netherlands, as much as in the rest of Europe, the war on migration, otherwise called ‘migration crises’ is being used as a ‘reasonable suspicion’ which allow to extend police powers, to monitor and to control any part of the population that is questioning and threatening to the 'normal running of things', to control dangerous bodies (Cole 2009).

As Andrew Johnson puts it: “The police are an extension of the state, but also autonomous, exceeding state-control. The police are not a punishing mechanism attempting to create docile citizens, but a liberal mechanism designed to protect against threats, to manage and not simply to control populations, and to foster economic expansion.” (Johnson 2014: 11). In this context, the police are not simply responsible for the enforcement of the law, but they also have the role of calculating and preventing 'risks', and the danger associated to specific populations or activities: the function of the police is not only to repress, but to still to *manage* the circulation of events, as to limit the negative externalities of certain acts (Foucault 2010: 253): the logic is to ‘let things happen’ within a prescribed field, as to monitor, manage and govern the general circulation of people, practices, and activities.

This mode of governing does not have to be confused with a way of governing less, but as a way of governing less, but as a way of governing more effectively (Read, 2009). Indeed, as Simon and Feeley (1992) drawing on Deleuze argue, this mode of governing entails a “shifts away from a concern with punishing individuals to managing aggregates of dangerous groups”. This, is not through convictions and incarceration, but by “identifying classifying and managing groups according to their dangerousness” (Feeley and Simon 1994: 173) *individuals* in their relation within a mass in a modality of power that individualizes and masses together (Deleuze 1992).

In the context of pervasive surveillance and monitoring, the relation with the police, whether or not feared and resisted, became a pervasive element of the everyday squatting lived experience, together with the possibility of identification or arrest. These modes of interaction activate reactive affects. Anger toward the police is turned into enmity, emerging not only from a theoretical anarchist rejection of police power, but from lived experiences and embodied everyday relation with the authorities. This entails that squatters constantly have to think about the police, to act as if the police would be watching and listening, as much as elaborating a multiplicity of strategies to resist against the police.

Thus, the policing of squatting has led to a shift of focus, in squatting politics and ethics: from active and creative practices addressing and resisting the multiple relations of power that govern our societies, affects, and conducts, into a reactive mode, trapped into a reactive battle toward an enemy. In other words, criminalisation turns counter-conducts into the form of 'social movement', acting through protest and reactive resistance. Criminalisation re-shaped the counter-conducts that were taking place through squatting into the form of a 'social movement', a unitary and governable subject, easier to control, to channel, to eliminate.

While squatting politics and ethics aim at creating un-expectable, un-confined and therefore uncontrollable modes of action, criminalisation is trying to confine, reduce and control this multiplicity, by turning active, singular and multiple forces into a reactive, identical and homogenous force, easy to subject to surveillance, to predict and to govern. Arrests and identification require defensive modes of resistance, and reactions focused on hiding, concealing, 'becoming the same' and looking the same, rather than creating difference. Politics of identification go hand in hand with the geographical mapping of 'hot spots' to gather information and survey activities within these spaces, but also working toward the (in)visibility and observability of resistant practices.

The politics of identification, combined with evictions, have the effect of channelling squatting into limited and often peripheral urban areas, as much as to limited modes of struggle (see Chapter 7). Hence, the criminalisation of squatting works as a

technology that targets not only protest and resistance but that aim at normalising those forms of life that subvert modes of subjection by making different political and affective relations possible. The logic of public order and security that motivates criminalization can be understood as extending to a mode of governing over life, lived experiences, affects and conduct. Thus the criminalisation of squatting in the Netherlands is inscribed not only on the political and economic relations that lie at the heart of urban politics and private property rights, but served also as an intervention on the ethical relations in which one should constitute oneself as subject, on affects and conducts: namely on its micropolitics.

## Chapter 9

### Conclusion

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This research set out to examine the criminalisation of squatting in Amsterdam works and how it is resisted. Criminalisation has been analysed as a contested process involving heterogeneous and hybrid forms of power and counter-power where legal formations, governmental and disciplining techniques intersect in complex ways. When squatting was criminalised in 2010, many activists and supporters looked back at the ‘old way’ of doing things with a romantic eye. However, as discussed in Chapter Two, squatting under the regime of ‘regulated tolerance’ was not as free as it is often portrayed. The previous tolerance of squatting entailed a mode of governance where, in order to squat successfully, it was necessary to follow a specific procedure and to move within the limits prescribed by the law. This often meant working toward the social and political legitimisation of squatters’ projects, which normalised these practices, often depoliticising them, reducing them to ‘nice projects for the city’, rather than spaces for radical politics and autonomous modes of life. The previous way of regulating squatting often turned a mode of resistance into a useful and acceptable practice from the perspective of local governments.

Criminalisation emerged in the context of changing forms of political, economic and moral organisation of the city, where the protection of private property rights and capital investments was fostered at the costs of housing rights and socially-oriented use of space. In this context not only public, but also private and semi-private companies such as housing corporations and anti-squatting agencies, had a strong role in pursuing the criminalisation of squatting. This marked an important shift in Dutch politics, where pragmatic ways of governing conflicts and difference, which used to let squats multiply as to capture their productive elements, were replaced by a new morality and political economy of space: here the state intervened not as a mediator between different interests, according to the neoliberal logic, but as the enforcer of public and moral order.

In this research attention has been given not only to what the new criminal law prescribed and repressed, but also how it produced new fields of relations of power, conduct and subjectivity. Following Foucault, relations of power have been

conceptualised as all those devices, tools, techniques, and apparatuses that enable to shape and act upon individual and collective conduct (Foucault 2009a). From this perspective, power is understood as exercised upon and through the microphysics of our everyday life, our bodies, the way we relate to ourselves and each other, as much on and through the spatial and temporal relations that frame our experiences (Crampton and Elden 2007).

From this perspective this research analysed the *micropolitics* of criminalisation of squatting, operating as modes of government through legal techniques, modes of subjection and affective relations; it questioned how criminalisation operates not only as a tool for repression, but also as a productive force, where specific modes of thinking, acting and experiencing are constituted. Attention was paid to how criminalisation of collective practices of resistance such as squatting can be resisted and what kind of relations of power and resistance operate in this process. It was argued that this process has operated both as public and moral ordering technique. The following sections will unpack the above statements, and will provide an overview of how these modes of power are enforced and resisted.

### 1. The Micropolitics of squatting

Throughout this research, attention was given to the *micropolitics* and to the contested and pervasive relations of power and resistance taking place through squatting and its criminalisation. As argued in Chapter Three, examining the criminalisation of social movements simply through the lenses of the policing of protest is problematic, as a social movement's activities cannot be reduced to protest events. Instead, the power of the ethical praxis of social and political struggle was highlighted. The main fields of social movements research were outlined in order as to find an adequate theoretical framework for understanding the criminalisation of the squatting movements in the Netherlands. Many studies of social movements often limit their focus to the visible and confrontational aspects of struggles, and infer a deterministic and dialectical understanding of power and resistance. Moreover, these studies, by focussing either on protest events (POS) or on meaning formations and collective identities (NSM) have paid little attention to the relations of power and resistance inherent in different modes of life, conduct and affect.

In order to understand the relations of power and resistance circulating in the context of the criminalisation of squatting, their ethical and political dimensions cannot be separated. Instead, this project has attempted to bridge the macro and micro dynamics occurring in each struggle, and the multiple modes of government operating through conducts and affects. The theoretical and conceptual framework of micro-politics and counter conduct was proposed as a tool to reach a more comprehensive understanding of social movements and their criminalisation, and for acknowledging the complexity, multiplicity and intensity of relations of power and of practices of resistance, as much as the strict interrelation between politics and ethics.

Squats are spaces where people try to show that difference is possible, not only by imagining difference or by transgressing the norm, but by practicing and embodying difference. By producing difference, these practices have the capacity to make visible and perceivable those relations of power that tend to remain unquestioned and taken for granted. In other words, these practices of resistance show the contingency of the 'normal', revealing the games of power that define our existence and our experience. The way these spaces work and how they are organised allows for the constitution of social, political and ethical relations that differ from, and counter, the modes of life supported by neo-liberal politics and ethics. While under neo-liberalism life is governed by attempts to create responsible, governable and individualised subjects, through squatting it becomes possible to create new webs of relation, and to experiment with modes of existence that exceed the forms of confinement and coding that control and order one's experience. In squatted spaces normative boundaries are blurred through the constant experimentation and encounter with difference, where dialectical relations that define subjects and spaces are queered, countered and subverted.

Therefore, the practices that take place through squatting operate within a specific field of forces, tactically playing with and reversing the relations of power in which they are embedded. These operate as modes of resistance that do not necessarily oppose and fight *against*, but entail active and creative processes of making *difference* possible, through a multiplicity of struggles that lead to the transformation of urban, political and ethical spaces. Thus, what is at stake is not simply a movement of

subtraction and negation, but a multiplication of difference. Squatting is not simply a *reaction*, as it leads to a process of creation, breaking opening fixed norms and exploring possibilities for difference. These modes of resistance are not moved by hatred and anger, but by the joy produced through the affirmation of the power of *action*.

Therefore, the counter-powers (*potentia*) of the Amsterdam squatting movements are expressed not only by way of protest and opposition to private property and urban policies, but are also performed in those fields where the effects of power are more pervasive, namely, at the level of ethics. Squatted spaces bridge politics and ethics and create active forms of resistance, including the production of different urban spaces, or counter-spaces, socio-political relations and modes of life resisting those modes of power governing life and subjectivities. Here, the pervasive and capillary forces of governmentality are resisted by squatters through micropolitical practices, experimenting with counter conducts and different affects.

However, the squatting scene is not a utopian world, detached from the conflicts, paradoxes and tensions that characterise any other social group. The process of criminalisation often placed divergent segments of the movement in the position of making strategical choices and to find consensus on the modalities of action: a consensus that is never reached due to the heterogeneity of 'the movement' itself. These conflicts often weakened the capacity of action of its different elements and have been exacerbated by criminalisation.

## 2. The micropolitics of criminalisation

The law that criminalises squatting is not much used for punishing squatters in the traditional legal sense, but as a new mode of government has re-coded the relations between different actors without necessarily recurring to traditional modes of punishment. By defining squatting as a crime, the law strips squatters of any rights, granting more authority to the police, and enables quick and cheap evictions. Yet, squatters are not convicted for squatting. Since the squatting ban squatters are arrested mainly for not showing an ID, disturbance to public order, resistance to police order, preventing the police from carrying out their tasks, damage to property and public

violence. During the demonstrations of May 1<sup>st</sup> 2011 and October 1<sup>st</sup> 2011 activists were arrested for covering their faces and wearing protective clothes. As one narrative illustrated (Chapter 8, Box 2), the police officer was trying to find any excuse for arrest, including ‘walking on the grass’; Art. 138a, which defines squatting as a crime and a legal ground for arrest, was not even mentioned.

Squatters were charged with Art. 138a, namely for the crime of squatting (Chapter 7), only in association with public violence charges, namely when squatters actively resisted an eviction order, refused to leave the space and actively confronted the police. Indeed, the criminal law itself was explicitly used only when *certain*, anarchist and non-Dutch, squatters actively resisted evictions. The criminal law was kept as a threat in the background, making it easier for owners to have their properties evicted, granting the State the ability to push its power of action (*potestas*), over the squatters by using the criminal law when the limits were crossed. Overall, there is a tendency to avoid criminalisation in the traditional sense - namely judgement by a criminal court and conviction of accused – with the tactical use of the law removing the possibility of using the court-room as a stage for protest.

Therefore, the criminal law is used tactically, not to punish individuals, but as a threat in the background, and as a tool to re-shape relations of power. This tactical use of the criminal law required the police to operate ‘outside’ of the law, with violent uses and abuse of power, arresting squatters by ‘stop and search’ and forcing people to identify themselves. Moreover, the politics of evictions led to the spatial confinement of squats, and the reduction of the squatting population to a few groups of activists, geographically segregated, ‘*kettled*’ (contained in a small space), and easy to monitor. The police monitor the squatter population, creating both individualized and group profiling, identifying nationalities, and understanding the political backgrounds and the connections between groups. These practices are used as means for control and prevention, both for the everyday organisation of public order in the neighbourhood and for knowing what to expect from the groups before an eviction. In this context the criminalisation of squatting has facilitated preventative and pre-emptive actions such as arrests and identification based only on what the police define as ‘reasonable suspicion’ (Hallsworth and Lea, 2011). The priority is to gather information about individuals and groups as a means of control not only of their activities, but also on

the risks they are suspected to pose to the public order. Therefore, aim of the police is not to convict squatters, but to manage them, to channel and contain squatters within a controlling gaze: namely, to make them governable.

In this thesis, policing techniques, evictions and mechanisms of urban governance have been analysed according to the affective dynamics through which they operate. Evictions of squats do not only aim at monitoring and surveillance, but also pushing undesired practices and unwanted sources of perceived 'disorder' into invisibility, disciplining bodies and conducts, creating the condition for certain modes of conduct to exist within urban and squatted spaces. Urban authorities and the police selectively manipulate the visibility and invisibility of evictions according to the political agendas of the moment: these techniques, whilst insuring their surveillance, forced squats into invisibility.

Squatted spaces contest, resist and counter the morality of authority through their very presence across Amsterdam's neighbourhoods, exposing the politics that define which social relations are considered possible or impossible, which ones are allowed to be visible and invisible, to the public (Katz 2001b). Practices of resistance, in this context, are performed not only through explicit techniques of *sous-veillance*, but also through the creation of resistant bodies and resistant spaces, of counter conduct and the production of heterotopias *despite* surveillance, thereby countering the normative order these aim at establishing in the city. Squatters resist and contest the aesthetics of authority (Ferrell 1995) by actively constituting a 'disturbance' to the visual order of Amsterdam's neighbourhoods by making visible the violence of the power that constitute a specific urban landscape. With the spectacular power of evictions, where state military-like forces are exercised, and with squatters amplifying this spectacle to counter their power, evictions were turned into events for resisting the very aesthetics and ethics of authority and of governmentality, expressing both antagonistic and playful modes of resistance.

Thus, criminalisation exercises these modes of power through space and spatial dynamics, bringing to life a very complex interplay and struggles of visibility and invisibility. Yet, this analysis revealed that criminalisation figures not simply a top-down mode of governing and a smooth process where power is exercised upon

passive subjects, but is a contest dynamic and there is a mutual relation between criminalisation, its resistances and the way squatters subject themselves to criminalisation. Attention was paid to the possibilities for those criminalised to resist criminalisation, its techniques and its rationalities. Resistance to criminalisation took place in the court room, on the streets and through the production of counter-discourses, as well as through the bodies, affects and counter-conducts, inventing and experimenting different relations with those forces aimed at governing lived experiences in the context of criminalisation. Not only did they oppose criminalisation, they countered and re-coded the very way it operates. Therefore, the power relations constituted through criminalisation do not figure as a vertical and top-down mode of domination, but as a dynamic assemblage of relations, the balance of which is the very field of struggle.

Criminalisation became a technology of power for governing practices of resistance, not simply by coercion or repression, forcing movements to do or not to do what the government wants. Rather, there is a more subtle dynamic, between techniques that coerce and repress, and processes through which the squatting 'movement' both resisted criminalisation and acted upon itself. Indeed, in the very context of resistance *to* criminalisation, the multiple and active counter-conducts that were expressed through squatting were reduced to the form of 'a movement', an oppositional and unitary force with a specific agenda. These techniques intervened on those aspects related to the everyday life of squatting, the capacity of squatters to create not only different social and political relations and urban spaces, but also different modes of resistance: namely those aspects of squatting that constituted the more active, creative and multiple modes of resistance.

While the counter-power expressed through squatting practices is mainly related to the *creative and active* practices of resistance, with criminalisation squatters have been forced to enter into a defensive/reactive mode where the 'counter' aspect of counter-conduct had become a sort of 'anti' mode and where opposition and defensive reactions became the main drive of the struggle. Practices and ethics of resistance were channelled into a closed field of reaction to criminalisation. In order to squat it became necessary to fight a war. In this way criminalisation played on the level of affects, as it led to a constant enmity toward the police, and hatred of the state

institutions as opponents to constantly fight against. This process is increasingly keeping activists busy with their own squats and leaving little time and space for acting in other struggles, as practices of criminalisation itself become the main field of resistance.

Although a constant critique of the state and of its apparatuses is necessary and vital for social and political struggles, in the context of criminalisation counter-conduct is reduced to protest and opposition to the state in a battle between reactive forces. Reactive, rather than active, modes of resistance reduce rather than increase powers of action, the creative power and the possibilities for different modes of organization, experience and existence that squatting entails. Therefore, these dynamics turned active power into reactivity where instead of creating difference, squatters needed to defend themselves in reactive modes. This separated the movement from capacities of creative action.

The struggle has then become a battle between reactive forces that try to limit each other's powers, and squatting became mainly a movement *against* something rather than a movement capable of creating, embodying and enacting difference. Moreover, criminalisation reduced this heterogeneity, diversity and complexity of the various practices and groups converging in the squatting movement. While the creative power of this heterogeneity lies in the capacity to act in unexpected, undefinable and therefore uncontrollable modes, the process of criminalisation aimed at turning diverse and divergent forces into an homogenous reactive force to be predicted, mapped, and monitored. Therefore, the ungovernable and un-expectable practices of resistance have been re-absorbed into a unitary, and, as such, governable, subject.

While the actual practices of criminalisation worked by means of individualising the responsibility of collective actions (by arresting, identifying, accusing, and punishing individuals), its discursive practices held 'the movement' as such responsible for the actions of the single, so that so that what was done by one affected the whole. As discussed above, the so-called squatting movement is not a homogeneous body: this is a claim of the state and of the discourses that created squatting as a subject. The discourses circulating around squatting eventually created a definition of 'the squatters movement' that reduced heterogeneous and often diverging practices to a

homogeneous category. Describing squatters as a unitary movement is a categorization that gives the authorities the impression of controlling and understanding the phenomenon (Taylor, 1981; Wilder, 1986): thus helping actors such as police and politicians to show that the ‘problem’ might be understood, handled and removed (Schneider and Schneider, 2008).

### 3. *Potentia and potestas*

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If the power of a movement has to be evaluated according to its capacity to mobilise opposition, then in the context of criminalisation the squatting movement has reached one of its peaks. Indeed, since discussions around criminalisation started emerging, hundreds of direct actions, campaigns and demonstrations have been organised. For many, this has constituted an important moment of politicisation and radicalisation of the struggle, unsettling previous norms, breaking ‘gentlemen’s agreements’ with the police, and literally setting the city on fire. Yet, if the power of a movement has to be evaluated in terms of capacity of action, namely counter-power, in the context of criminalisation this was strongly reduced, although not eliminated. Criminalisation has operated through spatial and temporal relations, has affected the modes of experiencing squatting, operated on affects, ethics, and allowed counter-conduct to emerge and counter-power to be constituted. Criminalisation, evictions and modes of policing have taken away the joy of resisting and creating, and often turned the struggle into enmity and resentment.

The criminalisation of squatting works as a mode of power that targets the *potentia* of counter-conducts by turning the active forces of counter conducts into reactive ones: a radical shift from counter-conduct to protest, from creation to negation, from active into reactive. To use Spinoza’s vocabulary, this understanding of resistance implies *potestas*, rather than *potentia*: namely, power over something, a force aimed at reducing the power of action of other forces. In this context the nature of resistance is negation and antagonism, often mobilising affects of hatred and rage. In these terms, resistance is conceptualised as negation, as a reactive force. In Nietzsche’s thought the mobilisation of these sad, passive affects is what constitute the mentality and the morality of the slave, which reacts, instead of acting, which negates, instead of affirming, and which is moved by resentment, fear and hatred, rather than joy. These

are the very affects that make a slave of the one who refuses, who wills nothing, who can be subjected.

Given reactive forces mobilise resentment and sad affects, such as enmity, hatred and fear, they separate us from our power of action, and are the very tools that lead to one's subjection. Here, an important problem emerges: namely, to what extent is one, when resisting, actually reproducing the logic and mechanisms of power one is trying to subvert, by creating an 'other', an enemy to oppose and destroy? How to mobilise active and joyful passions in spite of bad encounters, and keep on multiplying our power of action? How to enable *potentia* over *potestas*? How to not focus the struggle on an external other to fight against, but understanding the dynamic of specific relations of power and play with these forces in order to transform them? And, more specifically: how to resist within criminalisation? This means questioning how not to reproduce the relations of power one is trying to resist, and questioning the effects of power relations on our actions, practices and conduct.

#### 4. Squatting continues: 'Kraken gaat door'

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While many squatters have been scared away by the threats of criminalisation, some have attempted to learn how to move under the new conditions and, as explained in Chapter 5, squatting had continued. In this way squatters have kept on making different modes of experience possible, using the encounter with criminalisation as an opportunity for new modes of resistance to emerge, breaking the fixity of previous relations and liberating new lines of flight. With tolerance of squatting, there was a negotiated balance and somehow squatters have always had something to lose. With criminalisation the existing limited fields of acceptability were erased. Therefore, previous modes of conduct could be redefined and the pre-existing relations of power could be re-shaped. While on the one hand this new legal framework was meant to make squatting impossible, some activists have argued that this might have also 'liberated' the practice from previous rules and regulations, and opened new conditions of possibility. Indeed if squatting is defined as illegal, then previous distinctions between legal and illegal, acceptable and un-acceptable faded away, and previous distinctions lose their value.

Indeed, the process of transition of criminalisation removed previous norms and created a space 'out of the ordinary', intended both as 'criminal' and not subject to specific regulations, a field that is not imposed by government's policies and rules, although governmental policies and interventions still have a very strong role in the definition of what is possible and what is acceptable. This also entailed not only trying to legitimise squatting to restore the previous conditions of regulated tolerance and claiming 'squatting is good and we are normal people', but using criminalisation as a platform for something different to emerge, breaking the previous fixities and norms, embracing its abnormality, multiplying it and turning it into a political tool. This experimentation with alternatives, exploring new possibilities of thought and action, transforms and counters existing relations of power.

Those who kept on squatting under the new conditions, did not only focus on 'how to resist criminalisation', but how to squat in the face of criminalisation: this has not meant focussing on external targets to be destroyed and opposed, nor reforming the law, nor fighting against the police, but learning how to resist and how to exist within and despite the new context. Despite the evident anger and enmity toward the police, the state and urban authorities, and despite the tendency to turn active forces into reactive one, squatters kept on subverting the existing relations by opening and creating a multiplicity of heterogeneous spaces and showing that, under the new conditions, active, creative, resistance is still possible.

Those who, down the years, kept on squatting, were able to understand how criminalisation works, and how, under the new conditions, squatting is still possible. These practices of resistance enabled critical reflections on the relations in which they are embedded and problematised their effects, actively bringing attention and confronting mechanisms of power that exploit, conduct and produce specific affects and subjectivities. In this context resistances did not create an 'other to fight against', but encouraged 'becoming other'.

This thesis has entailed a reflexive work on affects and ethics, trying to understand how not to be trapped into the logic of criminalisation, how to avoid speaking its language and its affective dynamics, and how not to be simply reacting to it. Instead, the focus has been placed on how to increase, instead of reducing, powers of action

and on trying to understand how to turn reactive forces into active ones. In other words, resistance to criminalisation does not only take place in the court room, during evictions and demonstrations, but through bodies, affects and counter-conduct: namely by inventing and experimenting different modes of experience and different relations to those forces that aim at subjecting and governing the lived experiences of squatters in the context of criminalisation.

The process of criminalisation and its resistances involves an intervention on the relations in which one should constitute oneself as subject. Accordingly, the counter power of those who kept on squatting consists of a transformation in the way one is affected by the forces that make people desire subjection and that separate them from powers of action. From here exploring the circumstances under which difference could become possible. This constituted an intervention in the affective, sensate field: to put it in Nietzsche's terms, this involves becoming active, in the context of criminalisation, creating another sensibility, another way of feeling, another way of being affected, and another way of evaluating the world. It entailed the activation of joyful passions despite bad encounters. The struggles, therefore, took place at the level of subjectivities, moving ethical and affective relations to resist the formation or the reproduction of reactive and subjected forces.

Despite the constant evictions of squats and the harassment by the police, the process of criminalisation has failed to disrupt the micro-political and ethical modes of resistance of those that made of squatting an everyday political struggle. These unexpected active forces might not resist the eviction of a specific squat, but made it possible to challenge criminalisation at the level of affects, ethics and conduct, and to make squatting continue. These kept on engaging with multiple unpredictable and uncontrollable modes of action that criminalisation is not able to capture.

## 5. Contributions and further research

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This thesis has contributed to the squatting struggle by bringing an in-depth analysis of how the process of criminalisation works, and to academic theorisation by developing epistemological tools for the study of social movements and their criminalisation. These contributions can be summarised as follows. Firstly, while analysing the

criminalisation of squatting, attention was paid to the governmental modes of power circulating in this process, and how squatters resist this governmental power through the constitution of spaces and modes of life where the conduct of conduct is resisted. This perspective contributes to the study of social movements and of practices of resistance by elaborating on the affective dynamics of resistance. The affective differentiation between active and reactive modes of resistance was proposed as an analytical tool to evaluate the relations of power constituting and circulating through these struggles. It was argued that criminalisation has turned the practices of resistance of the squatting movement from active into reactive forces, thereby extended existing conceptualisation of power, resistance and counter-power (*potentia*).

Secondly, this project provided a new analysis of criminalisation from the perspective of micropolitics. While existing studies in the field of cultural and critical criminology focus mainly on the political economy of legal formations and the symbolic construction of deviancy and criminality, this study paid attention to micropolitics, intended as relations of power and resistance circulating through ethics and affects. Moreover, criminalisation was analysed beyond consideration of its forces of repression or exclusion: instead of focussing on its repressive effects, this project aimed at analysing what criminalisation produces. The focus was placed on the power of criminalisation to *create* relations, conducts and affects.

The criminalisation of squatting, indeed has been addressed a mode of government that targets not only protest events or actions of resistance, but aims at normalizing and enclosing those practices that refuse to subject themselves to the neo-liberal logic, and that actively experiment different mode of life and socio-political relations. Criminalisation has been defined as a technique of government inscribed within a constellation of power relations that lead to the production of specific modes of existence and of experience: these relations work as tools both for the production of public order, through the management of space and of the population, and of moral order, through intervention on modes of life and modes of experience, namely, conducts and affects.

Moreover, this project has also contributed to the study and conceptualisation of the criminalisation of social movements by focussing on how, and to what extent,

criminalisation can be resisted. This entailed an analysis of how relations of power and resistance circulated through spatial and temporal dynamics, as much as the spectacular and visual elements of power and resistance. The modes of power expressed by, and circulating through, the criminal law were discussed and, and the role of the state and of the police have been considered as coercive powers, working both by means of eviction, as much as through identification, monitoring and surveillance techniques. All these techniques were analysed in relation to the practices of resistance that emerged in this context, and it has been argued that criminalisation is a contested process, where there is a mutual relation between criminalisation and its resistance.

Therefore, criminalisation is part of a wider assemblage of modes of government and governance, which define the fields of possibilities of acting, thinking and feeling. The logic of public order and security that motivates criminalisation extends to a moral ordering of life, intervening into bodies, affects and conducts. Therefore, the analysis of the criminalisation of squatting in The Netherlands has shed light on the political and economic relations that lie at the heart of urban politics, as this is configured as an intervention in the ethical relations in which one should constitute oneself as subject. Thus, criminalisation and its resistances cannot be evaluated by addressing how many squats have been evicted, nor to what extent the law has been reformed, but how it became possible to continue experiencing and experimenting counter-conduct in the context of criminalisation.

Last but not least, this study engaged with alternative and collaborative methods for social movements research and for critical criminology, developing critical ethnography through collaborative research methods, and experimenting with a practice of 'queering methodologies', placing the focus on lived experiences, affect and on events as *haecceities*, understood as assemblages involving affects and power. Therefore, this research had a collaborative nature, and has been used as a platform where different people discussed and reflected on the lived experience and micropolitics of the criminalisation of squatting. Therefore this is not a research *about* squatting in Amsterdam, trying to define what squatting in Amsterdam is, to speak on its behalf, to define cause-effects relations, and to reduce its complexities to a few fixed categories. Instead it has been collaborative research of the practices of

criminalisation of squatting in Amsterdam drawing on singular and collective lived experiences of criminalisation.

Yet, the results presented in this research has limits. In first place, it is has not been the aim of this research to provide general theories about micropolitics of power and resistance, nor about criminalisation and social movements as such. Rather, the results and the theoretical conclusions are very specific to the context analysed through this project. As there is very little existing literature addressing the micropolitics of social movements and criminalisation, it is necessary to conduct further studies from this perspective, to better understand how the historical, political and spatial contingency and singularity of the relations of power analysed with this project.

Moreover, the events narrated, discussed and analysed in this thesis constitute only a part of the experience and of the research I conducted during these years. Indeed, much of my experience as an activist and as a researcher revolved around the undocumented migrants movement 'We Are Here'. Since 2012, in Amsterdam, groups of undocumented migrants have organised themselves to resist and protest against the current migration, borders and documentation regimes and border system. Collectively, squatting large vacant buildings constitutes a mode of struggle that affects the everyday lives of undocumented migrants, providing an open collective space where it becomes possible to constitute counter-powers, to intervene in the way undocumented migrants lives are governed by way of criminalisation.

These experiences problematized the political, ethical practices as much as theoretical consideration in relation to squatting, counter-conducts and practices of resistance. Yet, the scope of these experience goes beyond the purposes of this study, and these would require the presentation of further empirical materials as much as new theoretical frameworks. Discussing this struggle would require a whole new project addressing the practices of resistance of undocumented migrants, the relation between documented and undocumented squatters, as much as the politics of differentiation enacted by the authorities toward these groups. Moreover, many of the practices of resistance mentioned in this work have very different dynamics for undocumented squatters, as confronting the police, rioting and even squatting itself, places undocumented migrants at risk of arrest and deportation. This does not mean that undocumented migrants are

incapacitated in their struggle, but that different dynamics and relations of power are at stake. While I have started analysing these experiences in a separate project (see Dadusc, 2016), more research needs to be conducted.

#### **138a** - Criminal Code

1. Any person illegally entering or illegally dwelling in a home or building, whose use is terminated by the owner, is guilty of squatting, punished with imprisonment not exceeding one year or a fine of the third category.

2. If she makes use of threats or violence, she shall be punished with imprisonment not exceeding two years or a fine of the fourth category.

3. In the first and second paragraph, imprisonment may be increased by a third if two or more persons commit the crime.

#### **Art. 551A** - Code of Criminal Procedure

In case of suspicion of an offense as defined in Articles 138 , 138a and 139 of the Penal Code, any police officer has the authority to enter the appropriate place. They are all authorised to remove any person who is illegally occupying the place and all the objects that are found on the spot.

#### **Art. 8** - European Convention on Human Rights

1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

#### **Art. 13** - European Convention on Human Rights

Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.

### **a. March 23<sup>rd</sup>, 2011**

Nieuwe strafrechtelijke ontruiming - Arrondissementsparket Amsterdam

Een aantal kraakpanden in Amsterdam zal binnen acht weken worden ontruimd. Dat is de bewoners van deze panden vandaag per brief medegedeeld. De bewoners krijgen de mogelijkheid tegen de voorgenomen ontruiming een procedure aan te spannen.

De volgende adressen zullen worden ontruimd:

- Van Hogendorpstraat 100 1hoog en 2hoog,
- Ten Katestraat 53, 55 en 57,
- Muntplein 7,
- Schoolstraat 13huis, 17 3hoog en zolder en 19 2hoog,
- Vechtstraat 5huis,
- Heintje Hoeksteeg 8,
- Wijde Heisteeg 7 2hoog, 3hoog en 4hoog,
- Wilhelminastraat 195 1hoog, 2hoog en 3hoog.

Iedereen die in die panden woont of verblijft, maakt zich **schuldig** aan huisvredebreuk en kraken. De exacte datum van ontruiming kan niet worden meegedeeld. Het is mogelijk dat er panden op deze bijkomen. Naast deze strafrechtelijke ontruiming wordt ook een aantal panden ontruimd op basis van civiele vonnissen van de rechtbank.

[http://www.om.nl/algemene onderdelen/uitgebreid zoeken/@154918/amsterdam kondigt/](http://www.om.nl/algemene Onderdelen/uitgebreid zoeken/@154918/amsterdam kondigt/)

<http://www.parool.nl/parool/nl/3764/KRAKEN/article/detail/1830350/2011/02/01/Ontruiming-kraakpanden-weer-op-de-rol.dhtml>

### **b. September 9<sup>th</sup>, 2011**

Nieuwe strafrechtelijke ontruiming - Arrondissementsparket Amsterdam

Op woensdag 7 september en op vrijdag 9 september 2011 wordt bij een aantal kraakpanden in Amsterdam een brief bezorgd waarin staat dat die panden binnen acht weken, dus voor 2 november 2011, ontruimd zullen worden. Iedereen die in die panden woont of vertoeft, wordt aangemerkt als verdachte van overtreding van artikel 138, 138a of 139 van het Wetboek van Strafrecht (huisvredebreuk, kraken van een leeg pand, kraken van een voor openbare dienst bestemd lokaal). De bewoners krijgen de mogelijkheid om binnen een week na aankondiging een procedure aan te spannen tegen die voorgenomen ontruiming.

Het gaat om de volgende adressen:

- Uiterwaardenstraat 285, 287, 289 en 291
- Sloterdijkstraat 4
- Amstelveenseweg 270B
- Emilie Knappertstraat 47
- Hasebroekstraat 81huis
- Sumatrastraat 160A, 162A en 224huis
- Swammerdamstraat 12-1hoog
- Admiraal de Ruyterweg 215a-219 (begane grond)
- Leeuwendalerspad 6
- Jacob van Arteveldestraat 27huis
- Saxenburgerdwarstraat 9huis
- Elisabeth Boddaertstraat 39
- 3e Oosterparkstraat 56-1hoog, 60-1hoog en 64huis
- Vrolijkstraat 278 en 290
- Linnaeusstraat 70-1hoog, -2hoog, -3hoog
- Linnaeusstraat 72-2hoog
- Van Spilbergenstraat 51-1hoog en -3hoog
- Adele Opzoomerstraat 1huis Westelijke Merwedekanaaldijk 4 en 5  
Rustenburgerstraat 424huis

De precieze datum van ontruiming kan niet worden meegedeeld. Het is mogelijk dat er panden van deze lijst af gaan of er nog bijkomen. Het betreft hier aankondigingen van ontruiming die volgens vast beleid van het OM worden gedaan. Onverminderd geldt dat onder bijzondere omstandigheden deze panden of nieuwe panden die gekraakt worden, zonder voorafgaande waarschuwing ontruimd kunnen worden.

<http://www.om.nl/algemeneonderdelen/uitgebreidzoeken/@156873/nieuwe/>

### **c. April 24<sup>th</sup>, 2012**

Amsterdam kondigt ontruiming aan - Arrondissementsparket Amsterdam

Een aantal kraakpanden in Amsterdam zal binnen acht weken worden ontruimd. Dat is de bewoners van deze panden vandaag per brief medegedeeld. De bewoners hebben een week de gelegenheid om tegen de voorgenomen ontruiming een procedure aan te spannen.

De volgende adressen zullen worden ontruimd:

- Ceintuurbaan 262 begane grond
- Cruquiusweg 86
- Cruquiusweg 104
- Dongestraat 4huis en 4-1hoog
- Ferdinand Bolstraat 6huis en 6-1hoog
- Jacob van Lennepstraat 9-1hoog, -2hoog en -zolder
- Kadoelenweg 360
- het gekraakte gedeelte van Lange Leidsedwarstraat 35 en 37 (achter)
- Marnixstraat 216huis en -1hoog
- Oostenburgervoorstraat 67 en 69

- Pleimuiden 10f
- Portsmuiden 33-35
- De gekraakte gedeeltes van Ruysdaelstraat 89
- Ruysdaelstraat 77, 79, 81, 83, 87
- Solebaystraat 97huis en -1hoog

Iedereen die in die panden woont of verblijft, maakt zich schuldig aan huisvredebreuk en kraken. De precieze tijdstippen van de ontruiming worden niet meegedeeld.

Onverminderd geldt dat panden die gekraakt worden terwijl ze in gebruik zijn of waarvan de kraak gevaar oplevert, zonder voorafgaande waarschuwing ontruimd kunnen worden. Het is onder omstandigheden mogelijk dat er nog panden van de lijst af gaan of bijkomen.

<http://www.om.nl/actueel-0/nieuws-persberichten/@158779/amsterdam-kondigt/>

#### **d. October 5<sup>th</sup>, 2012**

Amsterdam kondigt ontruiming - Arrondissementsparket Amsterdam

Een aantal kraakpanden in Amsterdam zal binnen acht weken worden ontruimd. Dat is de bewoners van deze panden vandaag per brief medegedeeld. De bewoners hebben een week de gelegenheid om tegen de voorgenomen ontruiming een procedure aan te spannen.

De volgende adressen zullen worden ontruimd:

- Ombilinstraat 8 huis
- Sumatrastraat 162A
- Aalsmeerweg 85 gehele pand
- Verlaatstraat 16 (woning op begane grond)
- Bellamystraat 33 huis
- Dirk Sonostraat 63
- *2e Jan Steenstraat 50 en 52 (telkens alle woonlagen)*
- *Valentijnkade 58 huis*
- *Czaar Peterstraat 135, 137 en 139 (telkens alle woonlagen)*

Iedereen die in die panden woont of verblijft, maakt zich schuldig aan huisvredebreuk en kraken. De precieze tijdstippen van de ontruiming worden niet meegedeeld.

Onverminderd geldt dat panden die gekraakt worden terwijl ze in gebruik zijn of waarvan de kraak gevaar oplevert, zonder voorafgaande waarschuwing ontruimd kunnen worden. Het is onder omstandigheden mogelijk dat er nog panden van de lijst af gaan of bijkomen.

<http://www.om.nl/actueel-0/nieuws-persberichten/@159540/amsterdam-kondigt/>

**Open letter to Mayor Van der Laan by a group of squatters-** (My translation)

Posted on February 23, 2012 - <http://kraakverbod.squat.net/?p=172>

*"Well ... when you take those two facts, then you have to say, 'Well, we want to evict it twice.' "So if you evict a squat and it becomes vacant, and it is resquatted, because of scarce police resources we can not really go back to evict the place. Then you come to at the bottom of the list. "*

Dear Mr Van der Laan,

You may recognize these words - you have them decided more than a year ago in a nationwide television broadcast Clair Polak. I know it's a long time ago, but I guess that among the thousands of people who saw it then, and the thousands who have seen it on YouTube, there are some people who still remember. Many people assume that a leading politician like you will follow up with his words. Now, something called television commits you to nothing. In fact, we have seen that you have to make more use of PR strategy. Your enhanced strategy have already been perfected: you cover up more and more the discrepancy between your words and actions behind an impressive cloud of PR stunts and media tricks. On the last October 1, you will order to the police to attack peaceful protesters, because they did not respect an appointment with the police. Shortly afterwards you gave them the "free choice" between going into a bus leading to the Stopera and going to prison (...).

Now I want to talk about something else, namely the threatened eviction of five squatted Rochdale buildings in Amsterdam, including the property located at Jan Hanzenstraat 84. In the past five years residents, including tenants, had a distress experienced due to the practices of Rochdale and its speculative friends. They had to leave the property, and subsequently it was boarded up and there has only been further dilapidation. Last year, you bet your "scarce police resources", under the pretext that Rochdale would sell the house quickly (...). That was never the real plan. Said her lawyer, at the time: 'Rochdale has the right to freely dispose of its property and to make use of it as it seems appropriate'. " As it seems appropriate " has been clear from the state of its premises and its well-known practices, which you are all too well aware (...).

Rochdale undertook unusual steps to ensure that the house would be sold: they hired a demolition crew to make the property uninhabitable and boarded it up. Electricity, gas, ceilings, floors, pipes, toilets were hammered away... Really everything was ruined. The squatters came back, and with recharged enthusiasm we have made the home habitable once more time. We do not see why we have to

watch the house while it is unoccupied and neglected until the only remaining options are demolition and rebuilding.

Thanks to the demolition team the home is still uninhabitable for anti-squatterd and impossible to sell; Rochdale has neither plans nor permits nor money. Yet you threaten to evict again our cozy cottage. (...). Do not you realize that the is subjected to the whims of Rochdales practices? That the entire community bear the cost?

You apply this law selectively: when it coincides with private interests. From this we understand that this has nothing to do with "maintaining the national legislation." In addition, remember that we are talking about the "Law Squatting and Vacancy \* \*." Should we be surprised that you maintain only half of the requirements of the law? In short, Mr Van der Laan, why - really, why - you threaten Jan Hanzenstraat 84 with eviction? And, since this letter is widespread on the internet, perhaps you can use this opportunity to clarify your earlier statements about your housing policy - no need, of course, but appreciated by those of us who are not senior politicians.

Sincerely, Valentin Ducharme

In the case of Ellermanstraat 31, in February 2014, the speed-eviction was announced one day in advance. The building, located in an industrial area at the outskirts of the city, had been squatted just a few days earlier and stood empty for almost one year. During this time it used to be for rent, but the owner withdrew the building from the market a few days before the occupation. Hence, there were no legitimate grounds for a speed-eviction. Exceptionally, the speed-eviction was pre-announced, the squatters had the chance to discuss how to react, and decided to resist by remaining inside the barricaded building and facing arrest. Also this group has been largely affected by speed-evictions, as in the last months many of their squats had been evicted the same day or after one or two weeks. According to the group all the previous speed evictions did not have any legal basis, and speed evictions as such should be illegal, as they violate basic housing rights. The group, together with other groups of squatters, talked to the lawyer about the possibility of challenging speed evictions in court. However, as nobody had ever been arrested nor officially resided in the squats, nobody could start a court case as an 'interested party' and claiming that his or her housing rights had been violated. Hence, in this occasion the residents of this squat decided to face arrest in order to be able to challenge the speed eviction in court.

After the eviction notice, the squatting group made a large call for support, asking other people to join their group before and during the eviction. That night a large group of supporters gathered in the squat and made it 'eviction-proof', blocking every access to the building, every door and all the windows of the first floor. The group decided to barricade also building next-door, Ellermanstraat 33, which was squatted one week after Ellermanstraat 31, just in case the police would have decided to speed evict both squats. After spending the whole night barricading the buildings, to the extent there was no way out except a rope hanging from the roof, someone sarcastically commented: 'this is a real fortress: we have built our own prison'.

Early in the morning, after collectively discussing how to react when the police would arrive, most of the group retreated inside Ellermanstraat 33, and only two people remained inside Ellermanstraat 31. The police decided to evict only the latter, and it took them more than one hour to get through the barricades and access the building. The two squatters were arrested, removed from the building and immediately released without charges<sup>1</sup>. Paradoxically the squatters were disappointed for being released without charge, as this denied them the opportunity to show that they lived in the building, and to challenge the legality of speed evictions in court. (<http://www.at5.nl/artikelen/121064/krakers-opgepakt-bij-illegale-ontruiming-kraakpand>)

## Annex 5: Identification

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In 1993 in the Netherlands it became compulsory to carry identification documents. In 1998 access to social services became dependent on a residence status, and it became compulsory for migrants to collaborate with her own identification and deportation (i.e., the Law on Identification and Benefit Entitlement Act). Since 2003 it has become clear that the Dutch government intended to address the so-called “migration problem” by means of criminal law. The Compulsory Identification Act (*Identificatieplicht*) came into force on 1 January 2005. This law entailed that it became compulsory to be able to carry an original — not a copy — valid identity document and a valid Dutch residence permit. Failure to produce a valid identity document became a criminal offence. However, public officials need to present a valid reason for asking proof of identity on the street. These valid reasons include: traffic management (for instance, if a cyclist rides through a red light); the maintenance of public order; or the investigation of criminal offences.

Since 2010, people without a legal resident permit found on the Dutch territory are obliged to leave the Netherlands within 48 hours. Violating this ban would entail imprisonment in foreign detention centres for up to six months. Yet another law was passed on the 1st of March, 2014<sup>1</sup>. This law puts an end to the right of domestic privacy: when the police, the immigration police (IND), the military or other state agencies suspect that so-called “illegal aliens” are present, then they are allowed to enter any house, search it, and arrest people without any warrant. The persons present at the address may also be body-searched, including the contents of bags and clothing, personal correspondence and any other personal data such as that carried in mobile phones. Furthermore, according to this law the police are allowed to ask for identification of people on the street that raises the “suspicion of illegality” (by appearance, or by speaking a foreign language, for example), and to arrest them.

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