

# ***"WE DON'T WANT JUST ONE CAKE, WE WANT THE WHOLE FUCKIN' BAKERY!"***

AUTONOMY MEETS REPRESSION AND INSTITUTIONALISATION

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*"How do we fight against property speculation and ownership, gentrification, and corporate public space with a legal social centre that has more in common with these things than not? How can we engender radicalism in our society if people's first point of contact with non-mainstream politics is a space built on compromise, which exists only because the state says it can?"<sup>1</sup>*

Squatting practices have been mostly excluded by urban development discourses, defined as illegal situations of social deviance, a problem to solve through a repressive or 'normalising' approach, fostering pacification of radical urban conflicts (Colin, 2010; Debelle, 2015; Dee, 2016; Rossini, 2016). Meanwhile, spaces for negotiation have multiplied, since 'particularly during periods of systemic capitalist crisis, a period of institutional searching and regulatory experimentation ensues in which diverse actors, organizations, and alliances promote competing hegemonic visions, restructuring strategies, and developmental models' (Brenner & Theodore, 2002). We ground our analysis of institutionalisation/co-optation in previous debates among activists and academics studying social movements in general (Castells, 1983; Piven & Cloward, 1979) and squatting in particular (Domínguez et al., 2010; Martínez, 2014; Pruijt, 2003; Uitermark, 2004). We argue that these inclusionary strategies are selective and, thus, always accompanied by their counterpart: repression of the excluded –by choice or necessity.

As seen in the previous chapters, the 'neoliberal restructuring project' (Brenner & Theodore, 2002) has been hegemonic over the past thirty years. Since the early 2000s, two main trends are relevant to understanding the different repertoires of action that both radical urban movements and the state develop. These trends have to do with the boundary between the biopolitical parameters of inclusion and exclusion of each political system, within the broader context of internationalised market economies. In other words, inclusion translates into legalisation or co-

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<sup>1</sup> *Space Invaders in Do or Die*, Issue 10, page 185-188, 2003.

optation strategies; while repression involves coercive mechanisms. In the framework of actually existing neoliberalism, this confrontation between conflicting interests has been resolved in favour of private interests due to discourses favourable to free market and private initiatives, the bankruptcy of local administrations, the on-going dismantling of public sphere, and the “need” for global urban competitiveness.

Since the mid-2000s, the protection of private property and particular interests of the elites has been strengthened against dynamics of grassroots collective action that proliferate in urban contexts. Conservative security policies have produced a large-scale, militarised and stigmatising offensive against oppositional and non-authorised actions of dissent (Manjikian, 2013). Squatting was previously treated as a civil conflict between owner and occupants, but several European countries recently recategorised it as a criminal offence, such as the UK in 2012 and the Netherlands in 2010. In short, there is a renewal of coercive urban policies and practices based on private initiatives, market pressure and social fabric replacement through gentrification and touristification, and criminalisation of the urban poor through the morality of debt.

Following today's umpteenth crisis and its drastic effects, new urban social movements are reclaiming squatting as a legitimate tactic of protest and civil disobedience. Different forms of 'insurgent urbanism' -- from the 'squares movement' to the new urban mobilisations against urban development initiatives, from squats as a collective housing strategy to political (such as for radical political groups or refugee's squats) or art/cultural squats, -- embody the exercise of the 'right to the city' and have developed different repertoires of action, ranging from more radical to more institutionally oriented ones.

Inclusionary strategies of co-optation often translate into the institutionalisation of movements. Indeed, the political and economic paradigm shift towards individualisation, decentralisation and the entrepreneurship ethos increasingly uses co-optation of these spontaneous autonomous practices under the rubric of territorial marketing, urban renewal, heritage management and welfare provisions. These policy efforts often aim at the selective inclusion of autonomous practices to discipline them into free market and profit-oriented initiatives; public/private entrepreneurialism; civic compliance with public spaces' norms; compensation to public social services disinvestment; privatisation of strategies of urban renewal and economic revitalisation; spatial precariousness and flexible 'open source' urbanism; and temporary strategies of self-made city. In short, (re)claimed urban vacant spaces often transform urban voids into thriving, vibrant, creative places, and thus into potentially attractive commodities (Shaw, 2005).

Rossini (2016) defines three basic institutional approaches to the issue of institutionalisation/co-

option and repression of squatting, basing her analysis on empirical data from several European countries such as UK, Netherlands, Germany, Italy, Spain, France, and Denmark:

**1 Selective neglect.** The state is not capable or is not interested in solving the situation of conflict. It implies the institutions pretending to ignore the latent problem or conflictual situation and relegate it to a 'back stage' position. This attitude provides temporary toleration of an illegal phenomenon or offers cover for an uncomfortable situation for institutions.

**2 Control over space.**

**2.1 Repressive strategies.** These strategies through normative and discursive repression, stigmatisation, criminalisation of these practices lead to waves of evictions, intensification of coercive policies, creation of anti-terrorist pools that deal with insurgent movements. This is the only possible institutional response in many countries. Often, it takes place during periods of negotiation in which an opposition between 'bad' and 'good' squatters is defined by institutional forces.

**2.2 Containment strategies.** These strategies are related to forms of legalisation, mostly temporary ('selective integration', temporal allocation, 'temporary uses') that are related to the technical-disciplinary normative field. On the one hand, it seems a reasonable choice for the squatters but, on the other hand, it requires the payment of costs that can be very high. Moreover, meeting all the new demands of the accompanying bureaucratic and economic requirements can become a full-time job, greatly reducing the time activists can spend in political activities, as well as their freedom to implement alternative strategies in the (now not so much) 'freed' space.

**3 Integration/co-optation.** While containment strategies are basically implemented to contain the size of an unwanted phenomenon, this approach entails the inclusion of bottom-up strategies in dominant strategies. Among them the 'city branding' policies, such as 'temporary uses'; or the urban renewal strategies, such as the policies to allocate spaces for self-managed maintenance. Municipalities use it to gentrify districts, attract tourists or provide social and cultural services (Uitermark, 2004). In the case of the 'self-help' or 'self-maintenance' policies, this approach serves to manage public or private assets with free costs for the owner while avoiding the degradation of parts of the city and the reduction of their exchange value. It also helps to temporarily pacify conflicts over the lack of housing or public services at affordable prices.

In the following sections we first compare three Northern and Central European cities (Berlin, Copenhagen and Paris) and then analyze three Southern European cities (Madrid, Barcelona and Rome). We have selected the six cities whose chapters included sufficient data about their long history of institutionalisation and legalisation of squats as well as the squatters' resistance and other policies developed by the authorities. The main difference to note is that in the Southern cities, the complete 'legalisation or repression', well achieved in the northern central cities, never took place. Despite that, the strategies do differ from city to city, from place to place and from time to time. They very much depend on the political circumstances at a particular time. It is difficult to identify one common strategy adopted by authorities, despite some of the normative tools and strategies developed to repress or institutionalize squatting during the last decades, became circulating techniques among different European countries. What emerges is a clear tendency to make squatting, in its subversive dimension, increasingly difficult and therefore less likely to happen while co-opting its vibrant dimension.

## **Northern and Central European cities**

### ***Berlin***

The red decade (1968-1978) was the scene for the emergence of the first squatters' movement. From the beginning of the Berlin squatting movement, two different approaches to the legalisation issue emerged. On one side, in West-Berlin squatters did not hesitate to negotiate with authorities (two of the first squatted spaces, *Georg von Rauch-Haus* and *Thomas Weissbecker Haus*, gained legal status quickly). On the other side, with only 14 spaces squatted in 9 years, a planned strategy was not required, and authorities could consider legalisation on a case-by-case basis.

Squatting in neighbourhoods such as *Kreuzberg* was, at the beginning of its first big wave in 1979, the last desperate step in a 10-year defensive community and tenant-organising endeavour to stop the deterioration, forced vacancies and speculation carried out by private landlords and developers (Kranz and Mayer, 1983). The beginning of the eighties brought a shock in Europe, unleashing a wave of squatting in several countries and metropolises like West-Berlin, Zürich, Amsterdam, Copenhagen and London. New anti-authoritarian and autonomous movements arose and merged with social movements to conquer and expropriate massively urban spaces and buildings to create alternative utopias to the existing society.

Within this framework, the squatting movement in West Berlin erupted after the 1980 *December riots*<sup>2</sup>. In only two years, 1980 and 1981, thousands of people participated in squatting and 180 houses were squatted. The *December riots* resulted in many arrests, including imprisonment and lay the foundations for a big solidarity movement. As early as March 1980 a 'squatters' council' was set up. In the first phase, it refused any negotiations with authorities, demanding the release of all arrested activists, the end of criminalisation of squatting, and the resolution of conflicts over all the squatted houses. But movement cohesion did not last very long. Evictions and demolitions repeatedly destroyed the results of the squatters' self-help works, so that more and more squatters began looking towards establishing some kind of mediating agent to represent their interests to the local state.

In May 1981, when the new elected conservative government (CDU) developed the strategy of 'integrating and repressing', the squatting movement slowly split into those who supported legalisation and those who did not want to negotiate. The strategy implemented by the Berlin Senate prompted the eviction of more than half of the 287 squatted places from 1979-1984, while the rest were legalised. The squatters' movement was weakened and lost its unity due to endless disputes over the appropriate response towards the government policies.<sup>3</sup> The faction of squatters who rejected any type of legalisation finally lost all its spaces, with no exception; the last eviction took place in winter 1984.

Evictions were made easier by the introduction of the hard-line policy *Berliner Linie* (Berlin Rule) in 1982, and, in 1983, with the *Behutsame Stadterneuerungsprogramme* (cautious urban renewal programs). The latter offered public funds to legally register non-profit organisations and cooperatives and (officially) to support DIY maintenance and repair (Vasudevan, 2011).<sup>4</sup> The squats unable to secure legal sanction were cleared out. For many that was the sign that such a program was tantamount to a form of 'pacification'.

The second big squatting movement in Berlin, which took pace from 1989-1991, was based on a strong autonomous approach. During the unification process between West and East Germany, around 214 squats emerged, mostly localised in former East Berlin. Despite the *autonomous* orientation, during this period the squatters' movement did not split over the legalisation issue like the movement of the eighties did. Most squats were willing to accept an institutionalised solution, but not on an individual basis. The movement formed a wide Berlin squatting council

<sup>2</sup> The december riots refer to the 12th of december 1980 when the police evicted one squat in Fraenkelufer and were confronted with fierce resistance on the streets of the district Kreuzberg.

<sup>3</sup> It is worth stressing that some squatters, who wanted to negotiate, got evicted and some, who refused legalisation for a long time, eventually signed a leasing contract.

<sup>4</sup> Until 2002, 80–85 per cent of costs were subsidised for non-profit builders.

(*B-Rat*), in which most squats participated. With the goal to gain solutions for all squats, it sought to find space to negotiate with the authorities. After the violent eviction of 12 squats in *Mainzerstraße* in November 1990 provoked a fierce three-days resistance by the squatters, most squats were slowly legalised, in separate negotiations with the city-districts, in order to pacify the highly volatile situation. All other squats were evicted. Only one house, the *Marchstraße/Einsteinufer* lasted for 7 years (from 1989 to 1996), becoming the longest ever existing squat in Berlin squatting history.

Since 1992 more than 107 spaces were squatted, but only 14 of those squats had been legalised; the rest were evicted within hours, days or weeks (Azozomox, 2014), even if the majority of squatters were willing to negotiate. Besides general repression the authorities made concessions to squatting only when the movement was supported by political and public pressure high enough to approve single individual exceptions like in the case of *NewYork/Bethanien* (squatted in 2005 and legalised in 2009) or potentially the occupied *Gerhart-Hauptmann Refugee School* (squatted in 2012 – evicted in January 2018).

### ***Copenhagen***

As in many other European cities during the 1970s, in Copenhagen the social-democratic-led city council had begun a process of displacement for 'relocation' of working-class people living in the poor old boroughs surrounding the city centre of Copenhagen. The process involved the demolition of large parts of those neighbourhoods. The process resulted in the exclusion of the weaker classes from the city since the new houses often became too expensive for those very people to live in. This gave rise to a growing anger towards the city council, driven by the perception of being excluded from the decision-making process over the future of the city and the people who live there. The city's plans left many old and worn, but still useful, buildings empty, while the rate of youth unemployment and homelessness was increasing.

Within this context, the Copenhagen squatters' movement started with the '*Slumstormer Bevaegelse*' (Slumstormer movement) in the early 1970s. From the beginning, they adopted a peculiar strategy based on abandoning their squats as soon as they were threatened with eviction. It allowed them to avoid major conflicts, while occasionally still negotiating with authorities. The result was the creation of stable community centres and culture houses such as *Huset*, the *Christianhavn Beboerhus* and *Folkets Hus*. By 1971, a 'squatter clause' was adopted enabling the lawful occupation of buildings intended to be demolished. That same year, *Freetown Christiania* got squatted.

After a decade of authoritative urban transformation in Copenhagen, the early 1980s represented another peak in squatters' activity with the emergence of the *BZ* movement (Squatting movement). This period was marked by episodes of high confrontation (demonstrations, barricades, arrests, wounds) with the state-institutions (police), associated with the eviction of the squat *Byggeren* in 1980. The use of tear gas in 1981 by the police, for the first time in post war period, caused heavy controversial debates within the Danish society.

By 1982, Copenhagen's squatter scene was highly confrontational mainly due to the 'rejecting attitude of the Copenhagen city council combined with heavy-handed policing' (Karpantschof, 2009, p.35). That same year saw the largest number of new squatted social centres with the occupation of 12 new houses. Despite the hostile institutional attitude, the municipality - after serious confrontations in the streets - surrendered and signed an agreement in 1982 with 'the users' concerning the management of *Ungdomshuset* (Youth House) on Jagtvej 69 as a social centre. The resistance organised against the eviction of the *Mekanisk Musik Museum* shows that squatters adopted a new confrontational stance and repertoires of actions against the police.

In 1983, over 1.000 police officers were deployed to evict 5 squats. Confrontation became increasingly antagonistic, and by 1985, Copenhagen's police had declared a state of civil war. This period saw the *Slaget om Ryesgade* (Battle of Ryesgade), a nine-day series of street fights in mid-September 1986, the most violent event in a long-standing conflict between the Copenhagen city council and the city's squatters. Facing an ultimatum to leave their occupied housing or face eviction, the squatters instead heavily fortified the streets around their building, creating a 'cop-free zone'. Hundreds of citizens and many news reporters supported the resistance. The 700 defenders experimented with a confrontational stance with flexible resistance; after several days of fierce and tactically organised resistance, they surprised the police by leaving the buildings unexpectedly. Meanwhile, some sectors of the movement were also engaging in negotiations with authorities. Since 1988, squatting started declining in response to the enhanced police powers to evict squats, as in the case of 'Berliner Linie'. Despite the fragmentation of the *BZ*-movement in the nineties, the squat *Bornehuset* was legalised.

In 2008, one year after the violent eviction of *Ungdomshuset* in *Jagtvej 69* in 2007, which led to enormous riots in all Denmark, a new and legal *Ungdomshuset* in *Dortheavej 61* was established and handed over by the authorities. Later, *Freetown Christiania* would demand and obtain the possibility of buying the land they were squatting, thus becoming owners through a debt-based purchase of the land. Christianites now face a complex financial situation.

The recent history of the development of the new *Youth House*, *Candy Factory* and *PB43* shows

self-managed social centres being incorporated into the contemporary neoliberal city 'as state-controlled semi-autonomous creative zones' (Katzeff, 2014). Paradigmatic is the case of the City of Copenhagen giving empty factory buildings at *Ragnhildgade* to a group of Candy Factory activists through 'temporary use' contract. The site offers space for a range of non-commercial cultural activities, as well as clandestine living, while, at the same time, the municipality hopes to use these activities to set off a process of urban regeneration in the surrounding area. It may be used by politicians to pursue their goal of presenting Copenhagen as an attractive and 'creative' city.

### ***Paris***

During the early 1970s, different squatters' groups emerged. On one side people from the anarchist and autonomist movement, 'squatting the popular districts of Paris in order to develop radical alternatives to capitalism and to claim the re-appropriation of urban spaces as a utopia', opposed any negotiation and used direct action to resist evictions. On the other side, the *Occupants-rénovateurs* (renovators squatters) occupying abandoned public buildings and accepting negotiations, were sometimes supported by national and local representatives 'who tried to gain advantage from the positive image they get from the neighbourhood' (ibid.). Although the two groups had a different approach to the legalisation issue, most of these squatters were evicted in 1979, by the Mayor of Paris, Jacques Chirac.

By the 1980s, the autonomous movement in Paris had been significantly reduced by repression. From them emerged a 'spin-off movement' -- the artist squatters (the Art Cloche Collective), which between 1980 and 1990 opened almost forty squats. In the 1990s, a third group of squatters emerges -- the *Housing Movement*, e.g. *Droit au Logement* (DAL) and since 2006 another housing-group, *Jeudi Noir*. They have always been willing to negotiate to find a legal solution for their issues. In the case of DAL, who uses squatting to rehouse homeless migrant families, the state and municipality often responded by rehousing the families. From DAL's point of view, their squatting practices proved quite successful.

Unlike Berlin, in this context, the anarchists and autonomous squatters continued to reject any negotiations or deals with public authorities and kept strongly criticising all the other squatters doing so. Their criticism covers a wide range of different arguments besides their clear anti-capitalist viewpoint: 'Squatting is against social peace in the sense that squatting is against the sacrosanct private ownership' (quoted by Aguilera). Furthermore they criticise the leadership

and hierarchical structures within DAL and *Jeudi Noir* and point out that some activists of *Jeudi Noir* became politicians and part of the establishment themselves, elected as Regional or Municipal representatives for the Green or Socialist parties. Some of the attitudes and beliefs of *Jeudi Noir* towards other squatters could be seen in one interview (2010) released during a squatting action: 'We are different, we are not punks with dogs' (quoted by Aguilera,). The groups of the housing movement and the artists are accused of lacking solidarity with the autonomous and anarchist squatters, of not questioning capitalism, of promoting co-option and contributing to dividing squatters into 'good' and 'bad'.

As a consequence, autonomous squatting mostly disappeared in Paris and had to find space outside the city like in *Montreuil* or other Eastern suburbs in order to survive.<sup>5</sup> Last, but not least, we have the left out/left behind squatters, who are mostly migrated persons without legal permission to stay in the country, who can either be repressed or managed through a 'selective neglect' approach by institutions. The camp in Calais (in a different French region) is a paradigmatic example of this mix of militarised repression and racialised zones of exception where precarious dwelling is not allowed to become permanent, without ever being properly addressed by institutions (Mudu & Chattopadhyay, 2017).

Since the end of the 1990s, some artists' squats publicly requested the French Ministry of Culture to legalise them with temporary leases. In 2001, the first artist squat was fully legalised (the *59 Rivoli* art-squat). In the following years, more artist-squats have been legalised since most of the artists made public their preference for legalisation-oriented agendas during the shift towards 'creative city' urban policies.

For the autonomous activists this final cycle represents the de-naturalisation of squatting on the one hand, and a strong period of repression on the other. Yet again, if we look at the broader French context, the multiplication of squatted spaces under the concept of ZAD (Zone to Defend) shows that antagonist trespassing is reviving. The 1,650 hectares of land of Notre-Dame-des-Landes, on which a second airport for Nantes is planned, and its failed eviction in 2012, is an example of squatters' determination. Although now evicted, the ZAD of Testet, where an exceptional ecological site is to be flooded for a dam, was also significant. Thus, it could be argued that the French state has managed to expel and diminish radical squatters in urban contexts, only displacing these antagonistic practices.

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<sup>5</sup> As proved by eviction of *Le Transfo* squat (23rd of October 2014), autonomous squats are not immune by eviction in the suburbs, but since properties in the suburbs suffer less market pressure some autonomous squat lasted for long despite the general repression.

## Southern European cities

### *Rome*

In Rome, since the end of the 1960s, due to segregation patterns of urban development and serious housing crisis, the occupation of empty buildings has become an increasingly popular form of protest. At its beginning, squatting of public housing was supported by the Italian Communist Party (PCI - Partito Comunista Italiano) to claim both housing rights and the adaptation of poor city districts to decent urban standards, within a long cycle of struggles of thousands of migrants and homeless concentrating in the Italian cities.

Since the second half of the 1970s, Italian left radical movements replaced the PCI in the use of squatting practices (Balestrini and Moroni, 1997). Yet, at the beginning of the 1970s, hundreds of families experiencing housing crisis or very precarious living conditions occupied thousands of vacant private apartments. Even if this movement was willing to negotiate while the other opposed negotiation, both squatting issues were part of wider struggles and cannot be isolated from the climate of military repression and social violence being enforced in Italy. At the end of the 1970s, after this long cycle of struggles, the movement achieved the introduction of the *Equo Canone* law (Law No. 392/1978), which regulated the rental market at a national level by imposing affordable prices for low to medium-income tenants.

Since the mid-1980s, the first CSOAs (Self-Managed Occupied Social Centres, SSCs), such as '*Hai Visto Quinto?*' or '*Blitz*', had to confront mainly repressive strategies (eviction and demolition). The growing movement of social centres had to confront with this approach until the mid-1990s because institutions were mostly opposing legalisation as well as many activists. In 1993-1994, a series of violent confrontations between urban guerrillas and the police over the eviction of SSC *La Torre* and the subsequent destruction of many SSCs provided the crucial impetus for discussions of legalising squats. This discussion among SSCs produced a bottom-up resolution. Moreover, the resolution was legitimised by the SSCs' resistance to the selling off of public assets occurring since the early 1990s. Eight SSCs were legalised through this resolution approved by local authorities (Resolution 26/1995). This provided legalisation through a temporary lease contract (at a very low rent) for the formal association's right to run socio-cultural activities in the occupied premises. Yet, whether to accept or reject relations, negotiations and/or agreements with local authorities always remained a problematic issue for

the movement.

Since the mid 1990s, when the first tools for regularisation were defined, the ‘selective neglect’ and the ‘containment strategies’ were generally those that best describe the way the local institutions deal with these radical practices. Because of both organised resistance and a relatively tolerant attitude from the institutions, illegal occupied spaces never disappeared and became an important part of the city’s geography.

During the 1990s the housing movement also grew together with the number of people affected by the housing crisis due to neoliberal privatisation of housing policies and liberalisation of the rental market. Despite the institutional urge to confront with the squatting for housing issue, the problem was never really addressed. The Regional Law No. 36/1998 on ‘*Autorecupero del patrimonio immobiliare*’ (‘Self-recovery of the real estate’) passed in 1998, implemented just in 11 spaces since then, is the only normative tool developed to regularize the situation. Since the late 1990s some of the leaders of the housing movements inaugurated the entry of movements into institutions, when two of the leaders of the housing movements became city councillors. This fragmented the housing movement: the *Action* housing movement is willing to negotiate with public authorities while others, such as *Coordinamento di Lotta per la Casa* and *Blocchi Precari Metropolitan* tend to strongly oppose legalisation, but have nevertheless taken part in some negotiations.

In a framework of intense private speculation and exploding real estate prices, increasing since the early 2000s on, movements pushing for new institutional answers against homelessness and repression convinced the mayor to approve a ‘Protocol on emergency housing’, which funded the purchase of some occupied buildings for use as public housing. In 2006, after the eviction of a housing occupation located in the city centre (Angelo Mai), hosting thirty-five homeless families and an artists’ squat, a new Resolution (No.110/2006) was approved, mildly addressing the problem. Artists’ squats, intended as SSCs with a cultural vocation, emerged since the early 2000s (e.g. Rialto Occupato, Angelo Mai). Their activists showed a tendency to negotiate with authorities and were awarded temporary leasing contract (Resol, 26/1995) for public properties in the gentrified city centre.

The 2008 financial crisis worsened the unequal conditions suffered by an increasing number of people in the city. A new wave of occupations for the ‘right to housing’ took place in this transformed context. This new wave, the so-called ‘*Tsunami Tour*’ (30 housing occupations in one year), was intended to force new spaces for negotiation with local authorities. Despite the majority of the squatted houses were evicted, it pushed the authorities to negotiate a temporary

truce with the movements.

The city is now reviving its use of ‘repressive strategies’, which are producing many eviction orders (including historical SSCs and artists’ squats that have regular leases) for repossession and monetisation of public assets from the municipality, justified by the adjustment of national and local budgetary frameworks. Due to this repressive situation, new networks between SSCs are emerging (e.g. DecideRoma) to negotiate with local authorities or discuss new strategies for the future of the movement itself. New constituent and legal strategies are emerging. Despite cycles of repression and integration, Rome still counts many occupied spaces and most of them are illegal. Nevertheless, the historically strong speculative interests that stand on Rome city, antagonising occupation practices, have pushed the movement to rely on different repertoires of action, depending on the historical period and political conditions, in order to survive.

### *Madrid*

Madrid, with more than 150 SSCs since the late seventies, has had very few cases of legalisation after negotiations with local or regional authorities. Squatting started during the post-Francoist regime by the citizens’ movements, which had taken around 500 dwellings between 1976 and 1978, and trade union anarchists, who recuperated their buildings confiscated during the dictatorship. Neither group defined themselves as squatters though. *Ateneos Libertarios*, as pioneering SSCs, emerged and linked themselves with the anarchist movement. In 1984-1985 the second wave of occupations started, with a clear identity as political squatters following the rising squatting movement across Europe. Legalisation was not an option but, nonetheless, there was at least one recorded attempt (*Argumosa* in 1987). It took a long time before the first squats got finally legalised. In 2001 *Prospe* and in 2007 *Seco* (both occupied in 1991), in addition to the autonomous feminist squat *Eskalera Karakola* in 2004, were legalised, surprisingly by the conservative party *Partido Popular*. Two other attempts at legalisation failed. With very few exceptions, like *La Casika* (since 1997), most squats could not last and have been evicted throughout the years.

As in Barcelona, the *15M/Indignados Movement* from May 2011 had a strong impact on the Madrid squatting movement<sup>6</sup>. Scores of new squats rose as never before, as new 15M Groups, neighbourhoods’ assemblies together with the forces of the housing movement PAH ((Plataforma de Afectados por las Hipotecas, Platform for People Affected by Mortgages, founded in 2009), occupied more and more buildings. But unlike the squatters of former

<sup>6</sup> The 15M movement consisted in the occupation of Spain’s main city squares for a prolonged period of time.

decades, the PAH did not hesitate to negotiate with the banks or the local authorities in order to find concrete long term solutions for the tenants and families who had lost their homes due to neoliberal and austerity policies implemented by the state. The policy of the PAH 'influenced substantially the generations of political squatters which increased the diversity within the squatting movement, grouped political squatters and enhanced the public legitimacy of squatting at large (Martínez).

In this period, one SSC, *Montamarta*, was legalised and another space which was never occupied before, *Tabacalera*, was ceded in 2010 to an association in which some former squatters participated. The new housing movement and particularly organisations like the PAH had relations with the mainstream press so the media coverage about squatting changed from a stigmatised image to a generally more positive view. However, despite more social tolerance and legitimisation of squatting, there were no more significant examples of legalisation. Even the municipal elections of May 2015, when the progressive citizen platform *Ahora Madrid* came to power (with the support of the Spanish Socialist Workers' Party PSOE - *Partido Socialista Obrero Español*), did not bring the change some squatters had hoped for<sup>7</sup>. On the contrary, the municipality tried to limit the autonomy of the squatters by bureaucratising and imposing restrictions. The squat *La Enredadera* explains the new type of repression: 'The institutions decided to change to a less visible form (of repression), which is not seen on the street, which has no social repercussion. The new type of repression is based on regulations that must be complied with, asking for permits and concessions of our activities, bureaucracy and fines, where no one seems responsible for, everyone receives orders from their desks'. *La Enredadera* calls this new type of repression *buro-represión* (bureaucratic repression) and 'authoritarianism, disguised as common sense -to oppress us'. In the Meanwhile, other squats such as *La Dragona*, *El Eko* or *La Casa Roja* received eviction notifications or threats of evictions.

In November 2016, the collective of the *Patio Maravillas*, which had hoped for legalisation, decided to squat a municipal building in the street San Mateo, in the neighbourhood of Chueca, a very gentrified area of the city centre, but were evicted within hours. As a response they organised demonstrations against the city-government. Now in the streets you could see posters with messages like *Ahora Mierda (Now Shit)*, the face of the mayor *Manuela Carmena* and the symbol of the squatters. In addition, the mayor also declared her strong opposition to the

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<sup>7</sup> Despite four ex-squatters from *El Patio Maravillas* joining the new elected government and becoming councilors, the several- times- evicted SSC failed to find a legal space after numerous negotiations. In contrast, another group, EVA, comprised of some former squatters from La Traba, among others, succeeded in their application and were granted a municipally-owned space in 2017.

squatting of houses by PAH groups, which was not shared by other members of her municipal government with an activist background.

### *Barcelona*

The squatter scene in Barcelona also emerged after the end of the fascist regime. Since the late 1970s, squatting has been used as a political tool, since the early experiences of the movement that revived the libertarian Catalan tradition and the residents' organisations in the working class neighbourhoods.

In the late 1980s and early 1990s, squatters' movements in other European countries and punk culture generated an oppositional and antagonistic political scene. The criminalisation of squatting in the mid-1990s brought about a strong reaction and was unable to bring the movement to a halt. On the contrary, from the 2000s onwards the movement attained maturity, while the initial 'okupa' identity faded into the background. Anti-globalisation struggles expanded the use of squatting to new movements that started creating SSC following the early squatters' example.

An example of this new way of enacting squatting practices without recurring to the previous identity is *Can Masdeu*. *Can Masdeu* overcame the eviction through enduring non-violent resistance. This squat advocates a vague identity, avoiding the squatter stereotype created by the media during the 'golden age' of the movement. In 2001 the Catalan police tried to evict *Kasa de la Muntanya*, a military fortress squatted back in the 1980s. Although the police successfully evicted the squat, they did so facing a fierce active resistance in the streets, where confrontations were held, while squatters inside the house actively defended it. In fact, the officer in charge of the operation made the illegal decision to evict the neighbouring squat *Can Nyoki*, which also resisted the police forces. As a result, the intervention was deemed invalid by a judge. More recently, the May 2014 riots and protests that took place after *Can Vies*' eviction managed to bring the eviction to a halt, bringing forth a new episode in which street resistance made successful non-legalisation possible. The SSC *Can Vies* is now over 18 years old, while *Kasa de la Muntanya* is arguably the oldest non-legalised squat in the city.

The housing movement gained momentum in 2006 with several protests against soaring property prices, real estate speculation, and debt. Shortly after that wave of protests, some squatters decided to engage in negotiation strategies to expand and de-stigmatise the practice of squatting. In the context of a wider housing mobilisation movement, they tried to sidestep

stigmatisation by arguing that everyone has the right to be a squatter. This was the case of the *Espai Social Magdalenes (ESM)*, squatted in May 2005. These activists' initiatives generated internal conflicts in the squatters' movement, as other sectors opposed them on several grounds. Besides fearing that this move would enhance the 'good/bad squatter' divide, many squatters drew on libertarian thought and practices to criticise institutionalisation, negotiation and legalisation. Meanwhile, the social-democratic government consulted politicians in Northern European countries on how to create divisions between squatters' groups (according to one interviewee). Interestingly, police investigations have also acknowledged the capacity of those countries to neutralise the squatters' movements of the 1980s (Piqué, 2009).

In short, criminalisation, heavy repression, and internal conflicts decreased the SSCs movement visibility. Also, movements' critical reflection on the issue of legalization allowed for the highly articulated legitimacy discourse of the PAH to emerge in 2009. The PAH uses squatting as a tool for self-help but also as a wedge for negotiation with real-estate owners. By articulating clear demands and obtaining concrete results, the PAH enjoys a great deal of legitimacy amongst the population. Indeed, this organization, created in Barcelona, became a political referent throughout Spain after the 15M movement. In turn, the squares' movement challenged the political assumptions of many, bringing many new activists to engage in self-managed practices (Flesher, 2015), which translated into new squatting practices (Collectif Mauvaise Troupe, 2014)<sup>8</sup>.

Besides the PAH, the 15M gave birth to another movement using squatting as a tool for negotiation. The 'institutional squatters' movement is deeply associated with the renewal of the neighbours' movement, which institutionalised in the 1980s. In practical terms, neighbourhoods containing certain historically listed buildings and spaces started self-organising to get access to them. *Can Batlló*, to which neighbours were granted access legally shortly after the 15M, is a paradigmatic example of how popular initiatives have used squatting (or the threat of squatting) to put pressure on municipal power and obtain concrete results. The 15M was preceded by a new wave of SSCs located in banking offices, which intended to preserve radical principles while adopting an inclusive identity. *El Banc Expropiat* became a reference point for SSCs in general, as this squat combined a strict non-negotiation stance with decentralised direct action against the property owners, the bank *Caixa Catalunya*, an infamous real estate speculator.

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<sup>8</sup> Spain's squares' movement took place shortly after the Arab Spring uprisings, and has been designated as the "Indigados" movement by the media.

The recent eviction of *Banc Expropiat* (May 2016), under the new progressive mayor *Ada Colau*,<sup>9</sup> shows that non-institutionalised sectors are still very much active and inventive in Barcelona. Squatters have subsequently made multiple attempts to re-squat the space after eviction, notwithstanding the successive layers of metal who were added to the facade. But, since the 15M these sectors face repression from the combination of the exceptionally broad Spanish repressive laws and the militarisation of the Catalan police.

## Discussion and conclusions

Referring to repression and co-optation we can summarise the cycles in Northern European cities as follows. During the emerging of the phenomenon in the 1970s, the authorities had no planned strategies to implement and so acted depending on case to case. During the 1980s, the growth of squatting produced a more organised state response. New laws and policies were developed mainly in order to pacify squatters and to implement more advanced tools for the 'control over space'. The fierce resistance of squatters was met with harsh repressive measures and a rapid development of crowd control techniques, specialised police units and enhanced riot gear. During the 1990s and 2000s, squatting in Berlin, Copenhagen and Paris was increasingly co-opted. Especially since the early 2000's, movements and practices of occupation of public and private spaces have been partially harnessed into the 'creative city' urban development policies and city marketing discourses. Co-optation can also lead to a strong repression directed towards non-negotiators. It can undermine the authenticity of such alternative projects focusing on the exchange value central for the market and not on the use value produced for the community or for wider political goals (anti-capitalism, feminism, direct democracy and so on). Finally, it triggers another level of conflict based on the resistance and opposition to strategies that co-opt these radical projects.

Despite that, some of the legalised spaces maintained a form of 'flexible institutionalisation'<sup>10</sup>. Sometimes, legalisation (and the subsequent inclusion in the dominant system of rules) did not prevent these spaces from remaining hubs for groups and repertoires of actions that are not in themselves institutionalised. Yet, legalisation thorough leasing contract does not protect the

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<sup>9</sup> Who was a former spokesperson of PAH and also a squatter of *Miles de Viviendas* back in 2006.

<sup>10</sup> Flexible institutionalization occurs 'when conventional tactics complement disruptive ones' (Pruijt, 2003, p.136). The terminal one 'implies that, in the repertoire of action, convention replaces disruption' (ibid.). Co-optation occurs when the squatters, usually the less radical or the leaders, are absorbed into institutional leadership.

houses from future eviction.<sup>11</sup> The price and costs of legalisation and institutionalisation, which of course differ from place to place, always exist, and can be very high. ‘Mortgages, loans, investment, property development, licence applications, accountancy, endless legislation, business plans, backbiting, membership lists, the dead time absorbing activists and the debt’<sup>12</sup> are just a few of the bureaucratic and economic measures which have to be opposed.

According to our estimates, in Berlin from 1969 to 2017, there are 200 legalised ex-squats from more than 650 total squats, which is about 1/3 of the total. Copenhagen offers several cases of legalisation from the 1970s until now, including the biggest squat in Europe, *Freetown Christiania*. In Paris, with a broad legalisation for artists’ squats or a relocation/rehousing of people who squatted in the context of the housing movement (DAL and Jeudi Noir) took place, only a very few legalised ex-squatted projects still exist since most of the spaces were cleared.

The Freetown Christiania had to pay 10 million Euros, a big chunk of money, to buy their own houses and land, which they had been already occupying for over 40 years. This is not an exception –many other squats have been purchased by their squatters/tenants becoming owners of their house (in Berlin itself we can count more than 40 purchased ex-squats). What these cities have in common is that they no longer allow illegal spaces besides a very few spaces managed through the ‘selective neglect’ approach.

In Paris, when some squatters accept a preferential treatment from the authorities, it serves to establish a boundary of what is acceptable and what is not. In other words, the inclusion of some squatters into legality legitimates tougher criteria of exclusion for those who refuse to comply with the ‘good squatters’ stereotype. The policy of institutionalisation implemented by the Paris-authorities caused divisions among different groups using squatting, as the Berlin case also showed.

In Southern European cities legalisation has not being the main strategy adopted by the state because repression is a means to not recognise such practices and also because there is a more tolerant approach connected to different cultural, political and social conditions. Local

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<sup>11</sup> The Ungdomshuset (Copenhagen) is a good example. In 1982 Ungdomshuset was squatted, then legalised by the municipality. In 2000-2002 it was sold to a Christian sect and was violently evicted in 2007. Even an offer by the foundation Jagtvej 69 to buy the building for 2 million Euros (13 million Danish Kroner) was refused. In Berlin, since 1990, ‘five squats have been evicted after being issued legal rental agreements and contracts, despite there being in existence as a house-project or political community for 11, 16, 17, 20 or even 22.5 years’ (azozomox, 2014), like, for example, Liebigstraße 14, which was squatted in 1990, legalised in 1992, and evicted in 2011; Brunnenstraße 183, squatted and legalised in 1993 and evicted in 2009; or the art-squat Tacheles, occupied in 1990 and finally evicted in 2012.

<sup>12</sup> Do or Die under the title *Space Invaders* (2003).

institutions generally adopted 'selective neglect' and the containment strategies to deal with these radical practices. In fact, the attempts to regularise unofficial housing strategies (mostly maintained in a state of illegality) and SSCs were actuated more as 'containment strategies' than as an institutionalization process, attempting to limit and normalise these practices within the current system of rules. The development of tools for regularisation depended on the growing phenomenon and the intensification of the antagonistic dimension. The 'selective neglect' can be understood as a latent form of co-optation from local authority, since it allows alternative forms of housing policies and regeneration of space to support 'official' public policies - in a non-official but significant way.

For instance, in Rome squatted spaces have historically provided a set of services and activities not provided by institutions in many peripheral areas. Therefore, the temporary 'selective neglect' condition was seen as convenient for both sides. On the one hand, local institutions keep them as an unofficial provisional resource and a tool of social pacification without recognising them as legitimate; on the other, autonomous spaces could experiment and develop immediate, alternative and vibrant solutions thanks to their non-institutionalised status (avoiding bans and rules) (Rossini, 2016).<sup>13</sup>

Barcelona and Madrid squatters' general refusal of to negotiate has been a crucial factor for the movement's longevity and creativity. Indeed, the existence of a squatters' movement ultimately depends on the practical reproduction of the act of trespassing while negotiation depends on having bargaining power, something that presupposes the existence of a movement. Radical squatting maintains tension about the limits over what is deemed to be acceptable, thus allowing for less risk-demanding actions to emerge and prosper.<sup>14</sup>

As such, the issue of legalisation comes out regularly in a squatter's life, mostly between squatter movements using squatting with competing goals, attitudes and resources. 'Institutionalised' wings use squatting as a tool more than an end while autonomous squatters that oppose institutionalization view squatting as an end itself. Starting from the paradox of the persistence of Dutch squatters who accepted legalisations but still exist, Pruijt (2003) shows that when the squat is used as an end itself it is more difficult to negotiate and to be legalised, while it is easier if squatting is used as a tool.

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<sup>13</sup> Although the tools for integration have been applied in only a few cases, mostly addressing Social Centres and only very rarely housing occupations, today Rome counts more than 30 active SSCs and between six and seven thousand people living in about 50 buildings taken after collective squatting actions. Today most of the squatted spaces under threat of eviction are ones that had been legalised in the past.

<sup>14</sup>Likewise, Springer (2014) and Day (2005) note that rights are never a gift but instead a conquest.

Instead of focusing on the conditions obtained by concrete collectives, studying non-legalisation requires an understanding of the broader dynamics of protest that allow squatters to mobilise crowds to challenge evictions, and thus enact an exception within the property regime. Furthermore, as the movement's slogan 'resistance is victory' promises, losing a building might not be a sign of defeat if a consistent response is given to the eviction process. Squatters' mobilisation destabilises and subverts the norms of public space, and it is met with a strategic response of the police that aims to enforce law and order without breaking social peace (Krøijer, 2013; Kurik, 2016). It is this power relationship that shapes the possibility of those who use squatting as a bargaining tool and the authorities, who are interested in maintaining social peace. In other words, non-negotiation is best understood through collective processes of resistance and confrontational episodes.

This chapter has argued that it is crucial to take into account the antagonistic potential of squatting to fight against capitalism and private property. By buying the house, signing the contracts, paying the rent, negotiating with the owner or the state, squatters do accept and agree to certain conditions, to a higher or smaller degree depending on the situation and particular case: the rules and logic of the capitalist system and market, based on private ownership, exchange of economic market values (money) and legislated by the constitutions. On the contrary, each new squatter who expropriate private property and is not willing to negotiate, to get co-opted or to get institutionalised by any means, will clash with the rules and logic of the capitalist system. Squatters have shown that trespassing is a powerful tool to promote and set living examples of utopias based on solidarity, collective ownership structures and the practice of mutual help.

Finally, it is worth noting that the possibility to oppose negotiation or the necessity to claim negotiations should take into account the city context, which is characterised by different subjects involved in occupations, different social political issues (such as the housing crisis), different local and national institutional culture, and level of repression. More in general, the necessity or will to negotiate varies strongly among different groups enacting squatting: people or families experiencing homelessness and housing crisis, those who choose to experiment alternative ways of life opposing capitalism and new urban social movements using squatting as a tool to oppose the privatisation of parts of the city considered a 'common good'. As a rule of thumb, whatever works best to increase class conflict and individual and collective autonomy should be deemed desirable.

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