Criminalising Activist Spaces: Privatisation, Public Order and Moral Order.

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Abstract:

This chapter analyses the criminalisation of activist spaces and practices of resistance such as squatting. Criminalisation is intertwined with economic and political interests reinforcing processes of hyper-commodification of urban spaces and the protection of private property rights; furthermore, these laws are inscribed into a complex web of knowledge, 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. This way criminalisation seeks to domesticate radical subjectivities and communities, as to turn them into easy subjects to manage, to control and to govern.

Introduction

All over Europe squatting is a Do It Yourself solution to housing shortage, and entails the creation of autonomous and self-organised social and political spaces opposing gentrification and neoliberal urban policies (SQEK, 2012; Van Der Steen, 2014). In the Netherlands, vacant spaces are squatted on a regular basis to satisfy housing needs and for the opening of DIY autonomous spaces for both political and cultural contestation (Uitermark, 2011). The Amsterdam squatting movement engenders a multiplicity of practices and socio-spatial relations where the complex relations of power that govern social, political and economic life are actively contested and subverted (Dadusc, 2019).

When occupying a space squatters conduct actions of direct re-possession, making visible the harms caused by the neoliberal housing market and real estate speculation. Squatters 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 that are alternative to neoliberal rationalities. 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 and political contestation. This includes creating platforms for free and open access to basic needs otherwise available for profit, such as housing, food and education, as much as the constitution of autonomous cultural environments and Do It Yourself spaces for sociality.

In squatted spaces people can build a *milieu* where it becomes possible to un-learn the codes and norms that define traditional conducts, affects and desires. Different modalities of organising everyday activities and the creation of different urban spaces produce the conditions for different social relations and political practices. 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.

In the Netherlands, squatting has been tolerated and regulated for decades. However, in October 2010 a new law, named *Kraken en Legestaat Wet* (Law on Squatting and Vacancy), turned the occupation of empty properties into a crime punishable with up to two years imprisonment (Dadusc and Dee, 2014; Dadusc, 2019). Drawing on critical criminology, this chapter analyses how the criminalisation of squatting was intertwined with economic and political interests (Box, 1983; Chambliss & Mankoff, 1976; Scraton, 1987) reinforcing processes of hyper-commodification of urban spaces and the protection of private property rights. The criminalisation of squatting was a result of the decline of the Dutch toleration model, and was implemented within a political and economic context where the promotion of home ownership was going hand in hand with the hyper-commodification of urban spaces (Madden and Marcuse, 2017) and attempts to turn Amsterdam into a global financial capital.

Furthermore, the chapter argues that in the context of the criminalisation of squatting, security technologies were combined with moral landscapes (Lee and Smith, 2004):

namely regulatory strategies and legal–moral ordering practices (Coleman, 2005). Legal formations are strictly embedded within political, social, economic, and ethical relations (Valverde, 2006): namely, they work alongside techniques of discipline and governmentality (Tadros, 1998). The following analysis of the criminalisation of squatting in the Netherlands aims at uncovering the complex process of criminalisation of squatting alongside and beyond its juridical apparatuses, focusing on the complex interplay between the different forces mobilised to enforce legal, political and moral imperatives.

Discourses and campaigns informed by a populist rhetoric addressed the inviolability of right to property, as well as moral values around concepts of good citizenship and proper conduct. A new morality over the use of space encouraged by corporations and the tourist industry, created the conditions for modes of life and of conduct along the lines of ‘home, work, leisure’, and where the nomad, the homeless, the undocumented and the squatter are eventually defined as immoral and illegal (Cresswell, 1999), confined within specific spaces (Atkinson, 2003; Cresswell and Merriman, 2011; Sibley, 1998; Talbot, 2004) or forced into the sedentary existence (Cresswell, 1997; Scott, 1998). Therefore, I argue that the criminalisation of practices of resistance and of activists spaces 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, 2011), as to turn them into easy subjects to manage, to control and to govern.

Housing rights vs property rights

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) and which placed the right to housing above the right to property.

In this context, squatting configured both an individual solution to the housing problem and a collective political action against the privatisation of urban spaces, the allocation of housing and processes of gentrification. Squatters operated through demands and campaigns, but mostly by direct action, namely occupying properties that were owned and left in disuse by real estate speculators and housing corporations. Starting from the 1960s, 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 and for the right to the city (Lefebvre, 2003; Uitermark, 2004). At the time, the political significance of these occupation led the creation of a new language: what before was referred to as *clandestien bezetten* (clandestine occupation) was turned into *kraken*, 'to break open', derived from the Amsterdam street language. Squatters became *de krakers*, hence political activists rather than 'clandestine occupants' (*bezetters*), and groups of squatters started being referred to as the *kraakbeweging*, namely the squatting movement.

At the time, Art. 138 of the Penal Code defined as illegal trespassing the access to the dwelling without consent of the resident, rather than of the owner. The law and jurisprudence stated that regardless of whether an occupant of a house was a tenant or squatter, they all had the inalienable right to domestic peace: namely, every person was entitled to respect of privacy in their own dwelling and to 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. When premises were empty and there were no immediate plans to use them, squatters had the right to use the space for living purposes without the permission of the owner. At the time it was politically and economically advantageous to let people take care for their own needs, while maximising the use of unproductive spaces (Dadusc, 2019).

Starting from the 1990s the city of Amsterdam had been subject to mass projects that led to the transformation of the city centre and the formation of new neighbourhoods at the edge of the city. Social housing stocks started being liberalised and privatized (Priemus & Kemp, 2004). This process created “urban ghettos”, spaces of segregation and marginalisation for low-income groups and ethnic minorities (Boterman & Gent, 2014). The privatisation of social housing went hand-in-hand with a strategic ‘revitalisation’ of the urban environment, which involved an intervention on what were identified as 'problematic neighbourhoods' and the socio-economic cleansing of

urban spaces. Housing corporations began getting increasingly involved in urban projects and started partnerships with project developers to change the image of these areas (Huisman, 2014): 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). This process contributed to the spatial segregation of income groups and increased homelessness among those groups displaced and not relocated (van Kempen & van Weesep, 1998). The displacement of low-income residents led to the repopulation of Amsterdam with a different social class, culture, income level, and lifestyle. Thus, since the beginning of the 1990s, together with the changes in the housing market, both the social and cultural geography of Amsterdam have been subject to one of the most intensive restructurings in Dutch history.

The housing problem, resistance against 'urban revitalisation', and the demolition of social housing became major issues for squatters' struggles (Uitermark, 2004) and their presence in the city, although still tolerated, started being regulated differently: new conditions of acceptability were set and squatting became partially criminalized. A new law for the regulation of squattingⁱ prohibited squatting in properties vacant for less than 12 months. This meant 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 (Dadusc, 2019).

The criminalization of squatting

At 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. The process to pass the law was long and contested in Parliament, as many were supporting the existing status quo, and considered it 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 15th 2009 the Dutch Parliament 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. From October 1st, 2010, squatting has been turned into a criminal action.

The criminalisation of squatting is part of a multitude of technologies for security and public order (Downes & Van Swaaningen, 2007; Hallsworth & Lea, 2011) established to ensure a smooth process of gentrification and to prevent any form of resistance to the modes of urban dispossession. Indeed, at the time of the criminalisation of squatting Amsterdam, in line with most of European cities, was subject to corporatisation and so-called ‘urban revitalisation’ (Van Gent, 2010; Hollands and Chatterton, 2003) increasingly turning urban spaces into commodities, leading to higher rents, the demolition of 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 Van Gent 2014; Van Gent 2013; Sakizlioglu and Uitermark 2014).

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).

Kraakverbod: The Squatting and Vacant Property Act

The law criminalising squatting is divided in two parts. The first part is strictly related to the regulation of squatting, Article 138a states that anyone who enters or stays in an empty building will be accused of squatting. 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, hence granting the police the power to intervene without previous complaint, and without previous authorisation by the Public Prosecutor. Indeed, Article 551a states that in case of *suspicious* of a crime of squatting every policeman can enter into a house without a warrant, arrest those present in the house and remove all their belongings. In other words, the aim of the 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 had actually been committed.

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 turning point revolves around the fact that under the new legislation the state has become the representative of the owner. 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.

The criminalisation of squatting marks a political and cultural turn around the meaning of private property: whereas the Netherlands used to be characterized 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 and the right to property, regardless of its uses, has priority over the need for housing. This happened during a time of privatisation of the housing market and financial crisis, where next to high unemployment rates, renting prices became unaffordable, the availability of social housing was diminishing and the amount of buildings left in disuse was constantly increasing.

On the one hand, the law that criminalises squatting is not used for convicting squatters. Squatters are arrested for not showing an ID, for resistance to police orders or disturbance of public order, rather than for squatting. On the other hand the new law granted more authority to the police and enabling evictions. It enabled 330 evictions just in the first two years of its application, and to quick eviction anytime a

new squat would emerge. This led to the spatial confinement of the few squats left, easy to control and geographically segregated, '*kettled*'.

These forms of confinement enabled the police to monitor the squatters' population, creating both individualized and group profiling, recording the political backgrounds and the connections between groups. Rather than convicting squatters, the priority is to gather information about individuals and groups as a means of control of their activities, as well as to evaluate the alleged risks they might pose to the public order. Thus, the punitive power of this criminal law is not expressed much through convictions for the crime of squatting: rather quick and cheap evictions, risk prevention, and organisation of public order had a priority. The aim is not to imprison squatters but to manage them, and to contain subversive and allegedly 'dangerous' spaces within a controlling gaze: namely, to make them governable.

The commodification of 'vacancy': property guardianship

The second part of the Squatting and Vacancy Act aims at regulating vacancy differently than before. 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 Amsterdam presented a large number of vacant apartments and offices, generally owned by housing associations and real estate investors who could not afford renovations, or who waited for the market value to increase before selling their properties. According to the *Centraal Bureau voor de Statistiek* (CBS), in 2011 4, 2% of houses in the Netherlands were in disuse, around 300.000ⁱⁱ. In 2012, according to a survey conducted by the Amsterdam 'Wijksteunpunt Wonen Centrum' (WSC), there were 12.000 vacant housesⁱⁱⁱ in the central district.

Yet the second part of the Act does not provide clear guidelines around vacancy, and instead places responsibility on municipalities for the implementation of local practices to address vacancy. In place of an active vacancy policy most municipalities, including Amsterdam, delegated the management of unused properties to so-called property guardianship companies (among others: *Zwarte Key*, *Alvast*, *Ad Hoc* and *Camelot* - also referred to as anti-squatting companies). These are private companies for temporary real-estate management, which secure vacant spaces on

behalf of the owner. Real estate owners engage these private companies for placing 'live-in security guards' in their properties with the aim of preventing squatters from moving in. Both property owners and the live-in security guards pay fees to the anti-squatting company (Priemus, 2015).

Although the practice is promoted as a form of temporary housing, anti-squatters, or property guardians, are hired as security guards. Yet, they do not receive any salary as security guards, nor they any tenancy right. Instead of a tenants contract, they receive 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 400 €/month. Moreover, so-called anti-squatters have to make sure that the property is well-maintained and anti-squatting company regularly checks the cleaning conditions of the building.

Anti-squatting contracts often prohibit the user to leave the property for longer than three days. Both the owner and employees of the anti-squatting company can enter the property at any time, without previous notice and fine the anti-squatters if they are not complying with the conditions of the contract. If they do not comply with these conditions, their contract can be terminated after just one warning. When the owner needs to use the property, anti-squatters are noticed only two weeks in advance before they have to leave their homes, and, although the anti-squatting company offers to find them another building to secure, this is often not the case.

For live-in guards to be eligible to an anti-squatting squatting agreement, it is necessary to have a personal recommendation from someone who is already holding one. If the recommended person should not comply with the terms of use, the responsibility would extend to the reference person, and both could have their agreement terminated. For most 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 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. Those who would protest or not comply with the agreements, lose their home.

Despite these conditions, according to the *Bond Precaire Woonvormen*^{iv}, a union for precarious forms of housing, in the Netherlands there are between 20.000 and 50.000 anti-squatters^v. This is an international trend that is not only understudied (with the exception of Ferreri et al. 2107) but also underestimated: indeed, this practice does not simply affect squatters' capacity to occupy a building, as the name would suggest, but it represents the ultimate erosion of housing rights and an extreme form of labour exploitation of those in urgent need of housing.

Anti-squatting, therefore, is a tool for keeping part of the population under strict control both through constant monitoring practices and by creating further precarity in their living conditions. Though anti-squatting, the lack of affordable housing in made acceptable for those that otherwise would be at risk of homelessness. 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. In this way, these are turned into governable subjects rather than potentially resistant actors. As Priemus (2015) has argued, commenting on the large amount of people using anti-squatting as a housing strategy: yesterday's squatter is today's anti-squatter.

The moral economy of the Squatting and Vacancy Act

The criminalisation of squatting in the Netherlands, is embedded not only into an economic but also into a moral shift in Dutch society, rejecting previous tolerant and pragmatic attitude in favour of a 'law and order' modes of government. The criminalisation of squatting led to reinforcement of private property rights, as well as to a definition of how one should conduct oneself properly. There has been an increasing moral discourse on how spaces should be used, by whom, and for what purposes, and previous levels of acceptability of those actions and behaviours that deviated from allegedly 'normal' moral standards have changed.

The target of criminalisation was not the practice of squatting as such, but mainly the actual mode of existence of squatters, the ethics, the conducts, allegedly posing a threat to the moral values and norms of that sustain Dutch neoliberalism. The

discourses created around squatting have turned squatters into moral monsters, and 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, conduct themselves differently, and have different relations to the main values and institutions that govern society.

The main arguments against squatting and squatters' conduct were expressed by politicians in two official documents: the Explanatory Memorandum to the anti-squatting bill (Tweede Kamer 07/08, 31 560 nr.3)^{vi} and in the 'Black Book on Squatting' (*Zwartboek Kraken*, henceforth ZBK) published by the Dutch Liberal Party VVD (Van 't Wout, 2008). Both documents contain several overlapping arguments that express the main discourses that framed 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., 2014).

In first place both documents argue that squatters and their motives have changed in the recent decades: The bill denies the existence of a housing problem, and argues that while squatting used to be considered a solution to housing shortage contemporary squatters are not activists fighting for common goods, but squat to avoid paying rent and pursue a lazy lifestyle while living in the city centre (Tweede Kamer 07/08, 31 560 nr.3, page 7). This discourse claimed that squatting should be prohibited because it is "unfair and unjust". 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 caused by the government's failure to implement policies to provide affordable housing and its support of large gentrification projects, these discourses framed squatters as a cause of the problem.

Moreover, housing is here framed as a commodity and a privilege that only 'good hard working citizens' can deserve, rather than as a basic need. Notions such as *laziness*, 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, for creating alternatives to capitalist and neoliberal modes of life, is not addressed as a political action or as a radical ethic, but as a moral monstrosity. Therefore these discourse address the conducts of squatting as a form of social enmity that breaks the moral order of society, and that needs to be repressed and brought under control.

These documents argue that squatting constitutes not only an infringement of property rights, but 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, 1997). There are references to the conduct of squatters, and how these different modes of living, of appearing and of using urban spaces threaten the public and moral order of Dutch society. This implies 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 healthy and wealthy image of the city. This discourse argues that urban areas should be designed to maximise the profit of property owners, rather than accommodate social needs and facilitate encounters with diversity (Raco, 2003).

Resistant practices are considered both aesthetically unpleasant (Ferrell, 2002) and morally outrageous, and as such justifying criminal sanctions (Harcourt, 2001). These discourses resonate with the neoliberal ‘Broken Windows Theory’, which calls for zero tolerance responses, aimed at dispersing ‘disorderly’ urbanities whose presence conflicts with the desired ends of gentrification (Beckett and Herbert, 2008; Herbert and Brown, 2006). From this perspective, criminalisation becomes a mean to reinforce the orderly and the disorderly, and implicitly constructing wrong-doers as evil people who deserve banishment (Harcourt 2001). According to this morality, changing the law regulating squatting would be necessary to protect the security of the local communities from violent enemies, to contain undesired presences and to prevent any threat to moral values and to the desired order.

Furthermore, the bill argues that squatting gives the opportunity of living illegally and that many seek anonymity in the squatting scene (Tweede Kamer 07/08, 31 560 nr.3), because “the squatters’ identity cannot be traced” (Tweede Kamer 07/08, 31 560 nr.3 p. 6). As in squats it is possible to live anonymously, without a fixed address, registration and contracts, according to the bill squatters could be hubs hiding individuals who seek anonymity, due to their involvement in organized crime or terrorist organisations. Accordingly, squatting would allow the proliferation of terrorist cells within Dutch cities, and it should be prohibited for matters of national security.

Squatters, by not having a fixed domicile nor contracts create spaces outside of the government’s gaze: namely, outside and against technologies of identification, monitoring and trace-ability of individuals. 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 work and pay rent. In this way squats evade techniques through which a *responsible conduct* is assured (Cole, 2009; Scott, 2009). Yet, the presence of squatting is depicted as generator of *risk*, as it might attract other forms of criminality. As squats are outside of the security gaze, spaces where little control can be exercised and where the police has no access, they are portrayed and perceived as dangerous and ‘illegal spaces’ where the lack of control would lead to the proliferation of criminality: a virus that contaminates neighbourhoods and multiplies disorder.

Therefore, the criminalisation of these practices constitutes an intervention on public order and security, as well as a technology of government aimed at achieving a moral ordering of urban life, intervening on the condition of possibility for subversive subjectivities to emerge. Hence, criminalisation became an apparatus for controlling and containing squatters, but also for the protection of neoliberal values, re-establishing moral and social order. The appeal to these values has been allied to the belief that criminalisation would put an end to squatting and left unspoken and untouched the underlying causes of housing shortage, including the hyper-commodification of urban spaces, vacancy, housing policy and gentrification.

Discussion

The title of the law, *Kraken en Leegstand Wet*, 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*, an explicit political action, becomes a crime. Therefore, the law explicitly addresses the political movement that use squatting as a tool for resistance and their actions as criminal. Often, the process of criminalisation of political struggles aim at depoliticising movement's actions and motives by framing them as criminal threats (Sraton 2007). Through criminalisation people and practices become subject to laws and discourses that define them 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.

Through the criminalisation of squatting, the attention was directed away from the social and political issues that the practice of squatting challenges, and addressed squatters' conducts as *the problem* to be solved. 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. Accordingly, 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).

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 techniques of responsabilisation. In this logic the squatting scene constitute an *un-governable* 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.

Therefore, the criminalisation of squatting, and the consequent promotion of anti-squatting, are embedded in a political and economic context, as well as into a moral discourse, aiming at capturing spaces and parts of the population that would escape governmental control and morality, as to turn them into governable spaces and responsible conducts. The promotion of private property rights and the constitution of new subjects requires the intervention of the law, the state and new forms of policing, that addressed forms of (direct and indirect) resistance to the power relations of their times (Scott 1992, Foucault 2009).

The criminalisation of squatting, is aimed not simply at facilitating the consolidation of private property but, more subtly, to a moral of reorganisation society, which could not happened simply through the imposition of new laws: these laws are inscribed into a complex web of knowledge, 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 squatters are criminalized and stigmatised a threats to the re-organisation of modes of production, as well as to the moral values that sustain it.

References

- Atkinson, R. (2003). Domestication by cappuccino or a revenge on urban space? Control and empowerment in the management of public spaces. *Urban studies*, 40(9), 1829-1843.
- Beckett, K., & Herbert, S. (2008). Dealing with disorder: Social control in the post-industrial city. *Theoretical Criminology*, 12(1), 5-30.
- Box, S. (1983). *Power, Crime and Mystification*. Routledge.
- Boterman, W. R., & Van Gent, W. P. (2014). Housing Liberalisation and Gentrification: The Social Effects of Tenure Conversions in Amsterdam. *Tijdschrift voor economische en sociale geografie*, 105(2), 140-160.
- Chambliss, W.J. and Mankoff, M. (1976). *Whose Law? What Order?: A Conflict Approach to Criminology*. Wiley.
- Cole, S. (2009). *Suspect Identities: A History of Criminal Identification and Fingerprinting*. Harvard University Press.
- Coleman, R. (2005). Surveillance in the city: Primary definition and urban spatial order. *Crime, media, culture*, 1(2), 131-148.
- Cresswell, T. (1997). Weeds, plagues, and bodily secretions: a geographical interpretation of metaphors of displacement. *Annals of the Association of American Geographers*, 87(2), 330-345.
- Cresswell, T. (1999). Embodiment, power and the politics of mobility: the case of female tramps and hobos. *Transactions of the Institute of British Geographers*, 24(2), 175-192.
- Cresswell, T. and Merriman, P. (2011). *Geographies of Mobilities: Practices, Spaces, Subjects*. Ashgate.
- Dadusc, D. (2014). Power, knowledge, and resistances in the study of social movements. *Contention*, 1(2), 48-60.

Dadusc, D. (2019). Enclosing autonomy: The politics of tolerance and criminalisation of the Amsterdam squatting movement. *City*, 1-19.

Dadusc, D. and Dee, E.T.C. (2014). The criminalization of squatting. Discourses, Moral panics and resistances in The Netherlands, England and Wales. In O'Mahony, F., O'Mahony, L., and Hickey, R. (Eds) *Moral Rhetoric and the Criminalisation of Squatting Vulnerable Demons?* Routledge, 109–132.

Downes, D., & Van Swaaningen, R. (2007). The road to dystopia? Changes in the penal climate of the Netherlands. *Crime and Justice*, 35(1), 31-71.

Duivenvoorden, E. (2000). *Een voet tussen de deur: geschiedenis van de kraakbeweging (1964-1999)*. De Arbeiderspers.

Evans, G. (2003). Hard-branding the cultural city—from Prado to Prada. *International journal of urban and regional research*, 27(2), 417-440.

Federici, S. (2004). *Caliban and the Witch*. Autonomedia.

Ferreri, M., Dawson, G., & Vasudevan, A. (2017). Living precariously: property guardianship and the flexible city. *Transactions of the Institute of British Geographers*, 42(2), 246-259.

Ferrell, J. (2002). *Tearing Down the Streets: Adventures in Urban Anarchy*. Palgrave Macmillan.

Foucault, M. (2009). Alternatives to the prison: Dissemination or decline of social control?. *Theory, Culture & Society*, 26(6), 12-24.

Gemert, F., Dadusc, D., & Visser, R. (2014). Rituelen in krakersverzet-Rituals of resistance in the squatting movement. *Tijdschrift over cultuur & criminaliteit*, 4(1), 50-66.

Harcourt, B.E. (2001). *Illusion of Order: The False Promise of Broken Windows Policing*. Harvard University Press.

Herbert, S., & Brown, E. (2006). Conceptions of space and crime in the punitive neoliberal city. *Antipode*, 38(4), 755-777.

Hollands, R., & Chatterton, P. (2003). Producing nightlife in the new urban entertainment economy: corporatization, branding and market segmentation. *International Journal of Urban and Regional Research*, 27(2), 361-385.

Hallsworth, S., & Lea, J. (2011). Reconstructing Leviathan: Emerging contours of the security state. *Theoretical criminology*, 15(2), 141-157.

Harcourt, B.E. (2001). *Illusion of Order: The False Promise of Broken Windows Policing*. Harvard University Press.

Huisman, C. (2014). Displacement through participation. *Tijdschrift voor economische en sociale geografie*, 105(2), 161-174.

Lee, R. and Smith, D.M. (2004). *Geographies and Moralities: International Perspectives on Development, Justice, and Place*. Blackwell.

Lefebvre, H. (2003). *The urban revolution*. University of Minnesota Press.

Marcuse, P., & Madden, D. (2016). *In defense of housing: The politics of crisis*. Verso Books.

Merrifield, A. (2014). *The New Urban Question*. London: Pluto Press.

Muncie, J. (2008). The theory and politics of criminalisation: John Muncie argues that a critical understanding of criminalisation remains crucial. *Criminal Justice Matters*, 74(1), 13-14.

Musterd, S., & Gritsai, O. (2013). The creative knowledge city in Europe: Structural conditions and urban policy strategies for competitive cities. *European Urban and Regional Studies*, 20(3), 343-359.

Owens, L. (2009). *Cracking under Pressure: Narrating the Decline of the Amsterdam Squatters' Movement*. Amsterdam University Press.

Priemus, H. (2015). Squatters in the city: new occupation of vacant offices. *International Journal of Housing Policy*, 15(1), 84-92.

Priemus, H., & Kemp, P. A. (2004). The present and future of income-related housing support: debates in Britain and the Netherlands. *Housing Studies*, 19(4), 653-668.

Raco, M. (2003). Remaking place and securitising space: urban regeneration and the strategies, tactics and practices of policing in the UK. *Urban Studies*, 40(9), 1869-1887.

Raco, M., & Imrie, R. (2000). Governmentality and rights and responsibilities in urban policy. *Environment and Planning A*, 32(12), 2187-2204.

Read, J. (2011). The production of subjectivity: From transindividuality to the commons. *New Formations*, 70(70), 113-131.

Sakizlioglu, N. B., & Uitermark, J. (2014). The symbolic politics of gentrification: the restructuring of stigmatized neighborhoods in Amsterdam and Istanbul. *Environment and Planning A*, 46(6), 1369-1385.

Scott, J.C. (1992). *Domination and the Arts of Resistance : Hidden Transcripts*. Yale University Press.

Scott, J.C. (1998). *Seeing like a State: How Certain Schemes to Improve the Human Condition Have Failed*. Yale University Press.

Scott, J.C. (2009). *The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia*. Yale University Press.

- Scruton, P. (2007). *Power, Conflict, and Criminalisation*. Routledge.
- Sibley, D. (1998). Problematizing exclusion: Reflections on space, difference and knowledge. *International planning studies*, 3(1), 93-100.
- SQEK (2012). *Squatting in Europe Radical Spaces, Urban Struggles*. Minor Compositions.
- Tadros, V. (1998). Between governance and discipline: The law and Michel Foucault. *Oxford Journal of Legal Studies*, 18(1), 75-103.
- Talbot, D. (2004). Regulation and racial differentiation in the construction of night-time economies: A London case study. *Urban Studies*, 41(4), 887-901.
- Uitermark, J. (2004). Framing urban injustices: the case of the Amsterdam squatter movement. *Space and Polity*, 8(2), 227-244.
- Uitermark, J. (2009). An in memoriam for the just city of Amsterdam. *City*, 13(2-3), 347-361.
- Valverde, M. (2006). The sociology of law as a 'means against struggle itself'. *Social & Legal Studies*, 15(4), 591-597.
- Van Der Steen, B. (Ed.). (2014). *The city is ours: squatting and autonomous movements in Europe from the 1970s to the present*. PM press.
- Van Gent, W. P. (2010). Housing context and social transformation strategies in neighbourhood regeneration in Western European cities. *International Journal of Housing Policy*, 10(1), 63-87.
- Van Gent, W. P. (2013). Neoliberalization, Housing Institutions and Variegated Gentrification: How the 'Third Wave' Broke in Amsterdam. *International Journal of Urban and Regional Research*, 37(2), 503-522.
- Van Kempen, R., & Van Weesep, J. (1998). Ethnic residential patterns in Dutch cities: backgrounds, shifts and consequences. *Urban Studies*, 35(10), 1813-1833.

Endnotes

ⁱ 429/1993 - Article 429 sexties, Criminal Code

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

ⁱⁱⁱ <http://www.wswonen.nl/2012/12/centrum/wswonen-centrum-onderzocht-leegstand/>

^{iv} <http://www.bondprecairewoonvormen.nl>

^v <http://bondprecairewoonvormen.nl/2013/10/master-scriptie-de-precaire-situatie-van-anti-kraak-door-warren-van-hoof/> ; <http://www.mugweb.nl/nieuws/9247/>

^{vi} 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>