

Review - Securitization of Property Squatting in Europe

Written by Lorna Fox O'Mahony

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LORNA FOX O'MAHONY, JUN 13 2013

Securitization of Property Squatting in Europe

By: Mary Manjikian

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The introduction of the offence of 'squatting in a residential building' in section 144 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 marked an important turning-point in the UK state's relationship with practices of unlawful occupation. By directly criminalising the unlawful occupation of residential buildings (including vacant buildings), section 144 – widely regarded as 'criminalising squatting'[1] – has changed the legal character of squatting, from a conflict over private property between the owner and the squatter, to be resolved using the civil law of enforcement of private property rights, into a crime against the state, requiring public punishment, retribution and censure. The use of criminal law to address what has long been established as a civil dispute has been widely criticised, not least because of the amount of state resource it is likely to require. Furthermore, the difficulties which the Government faced in producing a convincing, evidence-based assessment of the financial implications of section 144 followed criticisms that the Ministry of Justice had failed to establish that the problem it purportedly sought to address was of sufficient scale to justify criminalisation, leading *The Telegraph* to report that: 'Criminalising squatters seems a bonkers waste of effort for no great result'.[2]

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Securitization of Property Squatting in Europe offers an explanation for changing state attitudes towards squatting that reveals the unstated security agenda behind section 144, and places the UK's move to criminalise squatting in a broader European context. The book explores four European case studies – the UK, Denmark, France and The Netherlands – to weave a fascinating analysis of the emergence of shared international norms against property squatting. Manjikian draws on a wide range of sources, including policy-maker, media and public discourses, to consider how constructions of the threats posed by the (often hidden) squatter population have coincided with growing anxiety towards 'outsiders' since the 11th September 2001. From earlier conceptions of squatters as vulnerable homeless people making a housing choice of last-resort, alternative 'lifestyle' squatters or (legitimate) protesters, squatting in Europe in the twenty-first century has been conflated with a range of threats to the community and to the state (criminality, drugs, gangs, terrorism), while the hidden, lawless, ungovernable territory of the squat has been cast as an extra-ordinary 'threat' to the nation-state. Manjikian's analysis of the (re-)framing of official discourses relating to squatting maps these changes onto the securitization paradigm, and demonstrates how the emergence of a securitization discourse around squatting has been deployed to justify right-wing governments taking swift, undemocratic, 'securitised' responses to address the 'threat'. Furthermore, as the race to secure property (and, by extension, communities and the state) against the 'threat' of squatter populations has spread across Europe, Manjikian argues that 'all nations have been pressured to participate in enforcing' (p185) if they are to avoid becoming uniquely vulnerable to transnational squatting.

This book draws on social histories of squatting practices and state responses to these practices across the four jurisdictions to offer new insights into the processes by which anti-squatting (or, she posits, anti-foreigner, or anti-poor (p183)) agendas are driven forward through securitization, with more or less success. While Manjikian signals to evidence of homogenization in the way that European states perceive and respond to securitized threats – the political shift to right in many European states supplanting more traditionally tolerant or inclusive models of citizenship, for example, in Denmark and The Netherlands – she also reveals the importance of the nation state's individual political, historical and cultural context, as well as wider European norms, in determining the success of securitization. A key example here relates to the failure of securitization in France, where President Sarkozy's campaign against squatter camps populated by Roma people was viewed as racist and reminiscent of Nazi practices both within France and in the wider European community. The French experience is presented as evidence of the increased role for the international community in sanctioning securitizing practices, and its ability to curtail the excesses of the nation-state.

One minor quibble relates to the presentation of the project's methodology. The arguments advanced in the book draw on analyses of articles identified through searches of major national newspapers in each nation between 2000 and 2012 (p32), as well as 'interviews with those engaged in debates today about the dangers of squatting and its relationship to security politics more generally' (p35). It was not clear what form these interviews took, how they informed her analysis, nor what was the scale of the sources yielded through newspaper searches in each of the four case study areas. It would have been interesting and helpful to see an overview of the methodological approach, either in the Introduction or in an Appendix. Thus, while a few selected statistics are provided to illustrate how media discourses have shifted between competing frames over time (for example, figure 1.2 at p60), the data was not consistently presented in this form, making it difficult to obtain a sense of the scale of the project or to evaluate the nature and extent of the data underpinning the claims.

On a more substantive note, while the book taps into a rich and diverse range of sources and theoretical traditions, the breadth covered sometimes leads the author to skim the surface of potentially important issues. For example, while the processes of domestic policy-making are explored in considerable detail, and reference is made to the role of inter-state relationships, less attention is given to the detail of the structural (political and legal) changes that have supported or undermined securitization strategies, such as the coordination between the UK and Europe (pp83-84) or France and Europe (148-152). Looking forward, these areas seem likely to be of particular importance for 'de-securitization' strategies, particularly in light of the emphasis on the 'Europeanisation' in the conclusions (184-5).

The result is that, while the author is generally critical of the imposition of the securitization paradigm, and appears sympathetic to the strategy of 'dialling back' from a state of exception around squatting to 'politics as usual', the conclusions tend towards the passive: 'changes might occur in the international system so that the threat is no longer

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seen as quite so dangerous' (p183); or 'the context changes' (p183); although 'it is difficult to see how changes in the international system might occur such that squatting is no longer seen as threatening' (p184). The prospects for de-securitization thus appear (perhaps realistically) bleak. Since 'de-securitization' can be equated with a process of re-locating squatting within an 'ethic of care' for society's most vulnerable members, as well as the general context of human rights for citizens and migrants, one might ask whether greater attention might be given to a potential role for institutions such as the European Court of Human Rights, for example, in countering states' use of 'anti-squatting' measures to advance 'anti-poverty' or 'anti-foreigner' or 'anti-ethnic minority' agendas.

It is perhaps unfair to criticise a book for struggling to find much cause optimism in the field of contemporary European squatting politics and policies. Manjikian endeavours to set out constructive and realistic evaluations of potential strategies from a securitization perspective, and in doing so casts considerable new light on the changing attitudes of the UK, Danish, French and Dutch states towards the perceived threat of the squatter. As such, this book does much to advance our understandings of the political discourses relating to squatting, and particularly their transnational character. It is an invaluable contribution to the literature on squatting, and will be a primary reference point for those exploring the regulation of squatting across Europe and elsewhere in the world. It deserves to be widely read.

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Lorna Fox O'Mahony is Professor of Law at Durham University. She has published widely on a range of property problems, particularly relating to housing and home, and including critical analyses of the role of moral rhetoric in shaping the use of law to govern squatting and adverse possession.

[1] Ministry of Justice, 'Homeowners protected, squatters criminalised' (Press Release, 31 August 2012), <http://www.justice.gov.uk/news/press-releases/moj/homeowners-protected,-squatters-criminalised>.

[2] V Woods, 'Nobody's ever believed squatters have rights' (*The Telegraph*, 31 August 2012), <http://www.telegraph.co.uk/news/uknews/crime/9511869/Nobodys-ever-believed-squatters-have-rights.html>.