PROTEST, PROPERTY AND THE COMMONS

Performances of Law and Resistance

a GlassHouse book

ROUTLEDGE

Lucy Finchett-Maddock

Protest, Property and the Commons

Protest, Property and the Commons focuses on the alternative property narratives of 'social centres', or political squats, and how the spaces and their communities create their own – resistant – form of law. Drawing on critical legal theory, legal pluralism, legal geography, poststructuralism and new materialism, the book considers how protest movements both use state law and create new, more informal, legalities in order to forge a practice of resistance. Invaluable for anyone working within the area of informal property in land, commons, protest and adverse possession, this book offers a ground-breaking account of the integral role of time, space and performance in the instituting processes of law and resistance.

Lucy Finchett-Maddock is Lecturer at the School of Law, Politics and Sociology, University of Sussex, UK. Her research looks at critical legal, legal geographical and entropic explorations of law, resistance, property, aesthetics, and politics.

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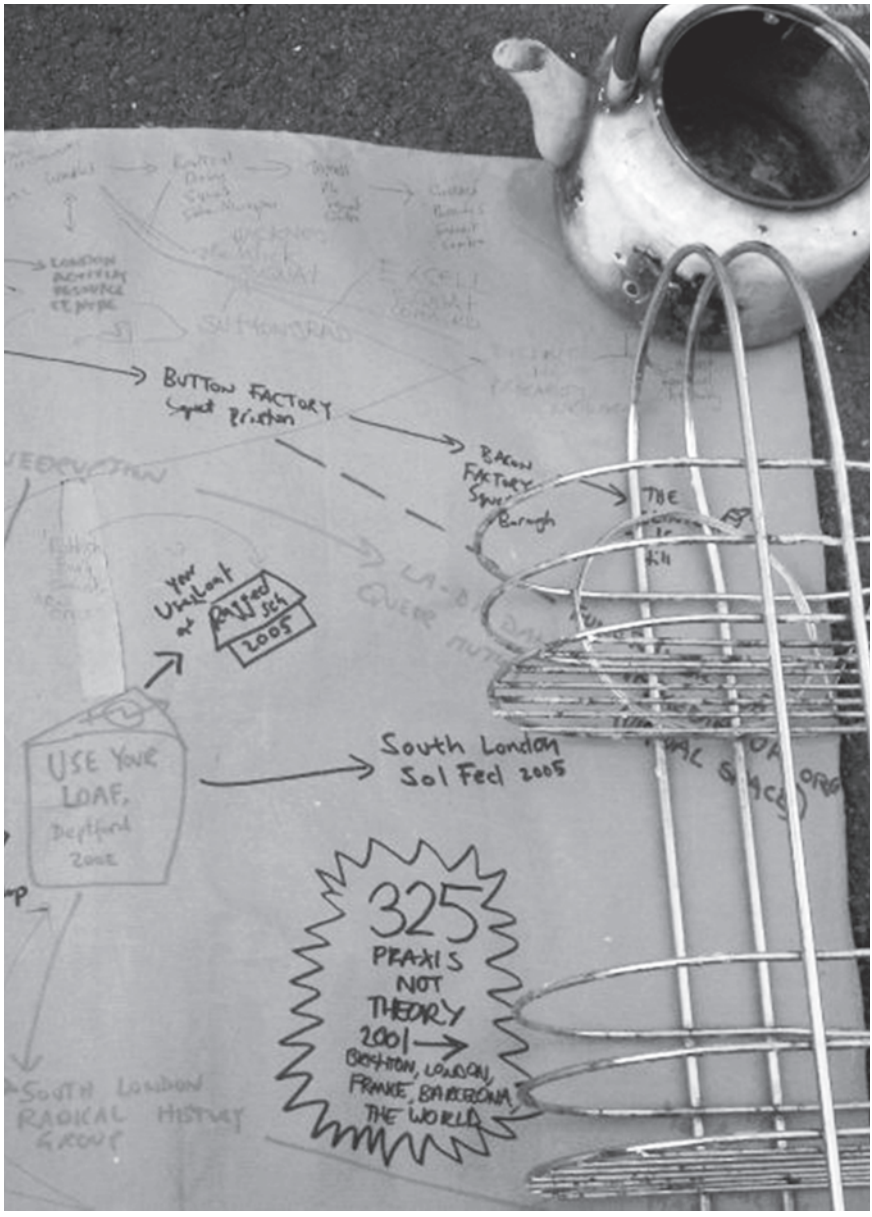
For Daddy Elephant
and 'Little Mollis'



Social centre timeline

'We live by ones and twos in the chinks of your world-machine.'
James Tiptree Jnr (Alice Sheldon) (1972), *The Women Men Don't See*

'If you see a house, take it and let the law do its damnedest.'
G. Dworkin (1988), *The Theory and Practice of Autonomy*

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Taming the Minotaur

Taming the minotaur,
is a difficult task.
He is such a beast,
so much does he ask.

But once he is groomed,
there is easily room,
for internal desires,
and future perfumes.

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List of abbreviations

ALPS	Association of Law, Property and Society
ASS	Advisory Service for Squatters
AWA	Anarchist Workers Organisation
BBM	Blackberry Messenger
CASCO	Office of Art, Design and Theory
CBoR	Community Bills of Rights
CIRCA	Clandestine Insurgent Rebel Clown Army
CJA	Criminal Justice and Public Order Act 1994
CLS	Critical Legal Studies
CSOA	Occupied Self-Managed Social Centres
CUS	Convention on the Use of Space
DiY	Do It Yourself
DRO	Displaced Residential Occupier
ECtHR	European Court of Human Rights
EMA	Education Maintenance Allowance
ESRC	Economic and Social Research Council
GDP	Gross Domestic Product
HAMAS	arakat al-Muq wamah al- Isl miyyah
HRA	Human Rights Act 1998
IAD	Institutional and Analysis Development Framework
ICTY	International Criminal Tribunal for the Former-Yugoslavia
IRA	Irish Republican Army
IPO	Interim Possession Order
LARC	London Action Resource Centre
LASPO	Legal Aid, Sentencing and Punishment of Offenders Act 2012
LNS	London New Squatters
LRA	Land Registration Act 2002
MoMA	Metropolitan Museum of Modern Art
MST	Movimento dos Trabalhadores Rurais Sem Terra
NCAFC	National Campaign Against Fees and Cuts
NEET	Not in Employment, Education or Training

NPPF	National Planning Policy Framework
NUS	National Union of Students
OM	Occupy Museums
OM	Observatario Metropolitano
ORA	Organisation of Revolutionary Anarchists
PAH	Plataforma de Afectados por la Hipoteca
PO	Possession Order
PIO	Protected Intended Occupier
RAF	Red Army Faction
RTS	Reclaim the Streets
TAA	Temporary Autonomous Art
TAZ	Temporary Autonomous Zone
SCN	Social Centre Network
SI	Situationist International
SNCC	Student Nonviolent Coordinating Committee
SOAS	School of Oriental and African Studies
SQEK	Squatting Europe Research Kollective
SSP	Safer Space Policy
UCL	University College London
UCU	University and College Union
WSF	World Social Forum

Introduction

> They explode through the cracks in the system and when they are crushed – often forcibly – they leave pieces of themselves everywhere, in the hearts of the people who went there, in new behaviour, new alliances, new thoughts. They are a practical attempt to get free from the state, to be free from the compromises and creeping obedience of a legal space.
>
> Text Nothing (2004), *All and Nothing: For Radical Suicide: Towards Some Notes and Confusion on 'You Can't Rent Your Way Out of a Social Relationship: A Critique of Rented Social Centres' … and to continue the dialogue.*

Imagine a 25-year-old girl, just arrived from another country or another town, settling into her newly found home with her squatter friends in a social centre. She sits and has lunch at a scratched unwanted mahogany table, in the sunny, newly transformed allotment space formerly a rubble pile. She discusses with her fellow cohorts the way in which to manage their space, given time to speak and the opportunity to disagree as she sees fit. They collectively concur to continue their outreach to the local community; they determine the parameters through which they will do this. Her face illuminated by the midday sun, she commits herself to creating the social centre, as a public space. Sipping her coffee and deftly rolling another cigarette, she understands the meaning her role has and the project she is part of. She is allowing the apparitions of the commons to come through, paving the way for the encounters and the possibilities of the future.

These perceptible memories, specifically of a female squatter, are conjured from a visit to 'The Library House' social centre in Camberwell, London back in 2009. It had been a warm sunny day as I remember, and the passion and commitment of the half dozen or so inhabitants I met had inspired me. Their vitality summed up the energy and life force I personally felt towards not just my research, but the powerful movements between law and resistance these communities were symbolising, and in fact creating. It might sound a little over the top and somewhat clichéd to recall such motifs, as hopefully any academic invariantly should be connected with their work in such a way. However, remembering the

squatter silhouette and the practical philosophy that those social centre members conveyed, redoubled to me the human fervour and zeal that connects us all; when we feel to the core of our souls, when we realise a way of life, whether collectively or singularly striving for something. It is this audacity that at the very least connects life with law (as Agamben would concur).

Mural, Brighton 'Temporary Autonomous Art' 2008

Through a life-changing opportunity to become a doctoral student at Birkbeck College School of Law, I became enmeshed in a unique intellectual community of legal academics who were as passionate about critiquing the law as much as I was. Certainly with more experience and acumen than myself, as then a humble PhD student preferring to *write* her castigations of the law down, as opposed to *speak* them. Despite the problematising of law in which each critical legal thinker partakes, if none of us had that paradoxical inveterate belief and fascination for the possibilities of which law as a system can hold, then the collective project of critique and conjecture would not have happened at all, whether at Birkbeck or anywhere else.

It is this ambiguity of law that still bewitches me. As may become clear over the coming pages, there is at once a resounding distrust of law appearing as a critique of property, capital and individualism, coupled with the forgiving embrace of possibility and hope that comes from a deep-seated underlying belief in some sense of justice – or at least a knowledge of *in*justice. The trouble with the kind of law we have been critiquing in the critical legal studies (CLS) movement, whether in the UK, the US or elsewhere, is that it has some specific characteristics that are all too clear an ugly reminder of the least attractive traits in the human superfluity. We sit around berating the law for its integral egoism, selfishness, its discrimination, exclusion, its violence, avarice, because quite frankly, it is probably through these very peculiarities that it manages to survive in the reified form that we know as the state law justice system, at all.

Yet what if we were to think of a form of law that tries to avoid falling into the trap of letting power go to its head, so-to-speak? We all know how important ownership and property are to our social relations, we have been recounting the virtues of assets (whether material or otherwise) since time immemorial. Property is a distinctive trait that we can relate across all societies, whether through our individual addiction to its immediate hit, as in capitalist economies, or a mindful aversion to its material seduction and destruction in societies that retain their preference for community. If there is an abstruse nature to law and the relation that we have with it, it is because of this eternal feature of property that hinges together all these inconsistencies and insecurities. Whether through the trauma and destruction of endless war of one claim to territory over another, or the indignity felt by a soiled and rain-soaked homeless gentleman, or a McDonald's window smashed in protest, from the consensus decision-making of a social centre, to the far-removed minutiae of a deceased's estate – the presence of property is all-enduring.

What occurs in our crisis-ridden post-neo-liberal society is a co-dependent dance of law and resistance that the compulsion for accumulation cannot do without, where the division between justice and injustice ultimately rests as a result. It is this limiting line that property draws that creates a distinction between instantiated rapture for the legal form on the one hand, and the scornful bruise of a slighted norm on the other, with claims over soil and earth as arguably the core of all perturbations in between, to echo notorious jurist Carl Schmitt's

postulations in his *The Nomos of the Earth* (1950). Perhaps it is this allodial quality of justice and injustice, and its transpiration from the earth, which connects with this legal academic (as an increasingly born-again hippy), admiring the authentic connection with the land the movements I will be discussing invariably have.

Agamben asks in his *Highest Poverty: Monastic Rules and Form-of-Life* (2013): 'What is a rule, if it appears to become confused with life? And what is a human life, if, in every one of its gestures, of its words, and of its silences, it cannot be distinguished from the rule?'. Thinking back to that visit with The Library House collective, it was as though life itself was postulated in each of their conversations, each of their utterances, their movements and intentions. At the same time, you could say the same thing for law – legality, existence and resistance coalesced in a quixotic expression of collective dialogue and mannerism that very South London afternoon. To assimilate law and life might be the quest for Agamben, and whether the vernacular flipside of the force of law we call 'community' is being saturated by biopolitical imposition or not, it is this adamantine energy *of* and *for* legality, which drives this work on protest, property and the commons; the performances of law and resistance.

In recent years (and indeed, as always), there have been national and global expressions of protest and resistance all over the planet, with legal and illegal responses in return. During 2011 alone, proclaimed as the 'Year of the Protestor', there was the advent of the Arab Spring, student and worker-propelled upheavals followed by the smouldering Summer Riots, the year then ending with the global conversation and spectacle of the Occupy Movement. Since 2014 and 2015 we have seen a growing prevalence of occupation resistance exemplified by networks such as 'Focus E-15' whereby the congenital role of property in both law and protest is demonstrated in the coming together of direct housing and the occupation, as a form of opposition.

Within each of these instants of insurrection, is the tearing down of time, the occupation of space and the destruction of regimes of 'enclosure' and categorisation.

These forms of enclosure are, as will be described in the coming pages, depictions and manifestations of law, property, methods of coding, recording and naming that allow social organisation in the society that exists today, to happen. What creates enclosure is arguably one of the central questions in legal philosophy, i.e. whether there are laws that exist prior to our comprehension of legality, or whether we create those laws, categories and methods of measurement, in order to comprehend and organise life at all. A prevalent example of legislative enclosing has been the criminalisation of squatting in residential buildings (s. 144 Legal Aid, Sentencing and Punishment of Offenders Act 2012, hereinafter 'LASPO'). This is a move that from the perspective of some of the squatting and social centre communities we will be discussing, symbolises the championing of enclosure and individual proprietary rights over the rights of the community and the common good.

A not entirely separate questioning of the origin of law (enclosure) would be thus: which comes first, law or resistance? If there is an innate understanding of the origin of law, that preceding life and being, then what do we do with our conception of democracy and democratic law? Without explaining the variant streams of rule of law jurisprudence, law does not always have to be conceived as coming from a higher power. The people, the resistant, the *polis* can be perceived capable of ascribing form to a normativity, whether in the name of a greater being, the law itself or themselves. So, similarly, when thinking of the role of law in resistance, whether manifested temporally and spatially as this work seeks to argue, the separation of the two becomes quite blurred. The character traits of both law and resistance can be found within each instance of the other, this work referring back to the question of who came to the monopoly of power first, what legitimately constitutes law and what legitimately constitutes resistance, the similarities and that which demarcates them as distinct (if they are such). This work on law and resistance specifically sees these 'chicken and egg' processes placed in space and time, in a parallel but not exactly the same way as what speculative realist Martin Hägglund (2011) would call 'árché-materiality' – agitations between law and resistance creating the matter of time, in space.

If there are to be divisions between what is law and what is resistance, then how do these differences manifest themselves *materially*? The occupation of space is a material linkage to protest and insurrection that may appear obvious, even to the point where the reasoning for this as a tactic can be self-evident such as blocking access or symbolically contesting the supposed misuse of a building. A good example would be the 'Bank of Ideas' occupation during the Occupy encampment at St Paul's in London where the old UBS building on Sun Street was taken over by protestors, the space transformed into an alternative educational zone, where classes and events were put on throughout the heightened period of protest at the end of 2012. The occupation of the former offices of the financial behemoth occurred to contest the space and symbolically reclaim it from capital, whilst simultaneously opening it up for free and open education. In 2015, 'Radical Bank of Brighton and Hove' social centre appeared with the same ethos where an empty and disused branch of Barclays was occupied to create a space to nurture capital-free value, as opposed to value typically associated with the monetary variety. Likewise, G8 and G20 protests of the past used 'blockade' mechanisms to stop the leaders of each country from meeting and continuing with their summits.

This preference for space in legal theory in recent years, to highlight the spatial context of law and thus protest, is not the sole concern in this work. Perhaps even more so this work speaks to the *timely* element of resistance and law, the way in which they interact and innovate within and without each other in a motion situated in time *and* space or 'space-time'. If we are to see law and resistance each as one part of the other, then there are (without assuming the lexicon is automatically correct here), what appear to be *processes* occurring, hinting to both spatial occurrences of law and resistance, and also those happening over a duration of time. These processes and their temporal enactions are, I argue, 'performances'

of law and resistance where we can see that the law of the state and resistance intermingle with one another, and that protest will occur at a given juncture in time and space in response to the line of law that has been drawn divisively by the state. In Philippopoulos-Mihaloupoulos' 2015 *magnus opus Spatial Justice: Body, Lawscape, Atmosphere* he talks of there being nothing outside of law, the law being part of every 'assemblage' of everything else that makes up ourselves and our reality around us. This moveable feast of atomical structuring and re-structuring demonstrates law's 'becoming', echoing Deleuze and Guattari (2004), Latour (2007), de Landa (2000) and Johnson (2001), *'whereby the actions of multiple agents interacting dynamically and following local rules rather than top-down commands result in some kind of visible macro-behaviour or structure'* (Escobar, 2003a: 251). Similar and yet quite distinct from the argument in this text, Philippopoulos-Mihalopoulos states that at times the material evidence of law is more 'brittle' than at others, demonstrating the *visible* presence of state law as opposed to the *withdrawn* and *invisible* pervasiveness of law as a given. What this work seeks to highlight, through thoroughly agreeing with an 'emergent' understanding of law and resistance as contingent of one another, is that moment at which state law becomes brittle, to use Philippopoulos-Mihalopoulos' terminology, and determine the spatio-temporal juncture of the archive in which this occurs.

With further explanation later on, we will seek to understand how this spatio-temporal element can be understood through philosophical considerations of time, the two diverse strands of 'temporal realism' and 'temporal idealism' that seek to explain the existence of time as a separate entity on the one hand, and time as measurement and duration which cannot be decoupled as anything more than human-made referent, on the other. By considering these traditions, the study of law and resistance will be exposed to not only the spatial, the temporal, but also the *spatio-temporal*, a broad spectrum of scientific and philosophical persuasion that sees time and space enmeshed as one.[1] Interestingly, in the last few months of drafting this book, I have become familiar with the work of recent radical shift in philosophical thought 'speculative realism' and how this may skew the perceptions of real and ideal space and time.[2] Speculative realism moves towards a 'new materialism' that understands, in Žižekian terms, the reality we see is never 'whole', which he argues is not because there are parts that elude us but because there is a space we cannot see, a zone that is ourselves (2006). This is a move away from the mind–body 'correlation' and towards accepting the

1 The most famous of these, and after a great tradition dating back to ancient Greece at the very least with Aristotle supporting an idealist understanding of temporality, followed by Leibniz and Kant, is the Einsteinian explication of space as 'space-time' (Einstein, 1916), space and time enmeshed as one.

2 Thank you so much to philosopher Aetzel Griffioen for introducing me to speculative realism just in the latter stages of writing this book, the relevance this unravelling area of philosophy has to conceptions of necessity and contingency such a gift to discover through Aetzel and partner Agnes, whilst staying with them in Rotterdam as part of Adelita-Husni-Bey's 'White Paper: The Law' art and law provocation.

existence of multiple realities outside of the bounds of our own perception, and similarly within it. This new understanding of realism can give an interesting twist to the way in which we understand the contingency and necessity of law and resistance and the congenital role of time and space within this. In considering variant understandings of time and temporality and how these effect and *affect* conceptions of law, I hope to contribute to an understanding of the importance of both space and time within traditions of property, whether real, ideal, individual, collective or otherwise.

Given the propensity for occupation that protest seems to have, and similarly state law with its concern for courtrooms and the austere atmosphere of authority that it seeks to project, the combined importance of space with time is elemental to this explanation of the mechanics of law and resistance. It is a nod to the role of reified walls (space) and time as memory (recordings and archives of legislation and common law jurisprudence) through a crystallisation of legal architectures, whether material or immaterial. In light of a *loci* of law and resistance, the dimensional nature of landed property lends itself well to the spatial and temporal placement of protest and law, or as public law professor David Mead (2010) would describe, the anomaly of 'occupation protest'. For the same reasons, this book seeks to discuss the role of both individual and collective property within state law and resistance, where the existence of an 'oppositional property narrative' (Davies, 2007: 126) is exemplified in the 'social centre' movement. This concern for occupation highlights the central place of land and space-time in not only protest, but also property and state law in general.

The *collective* property of social centres operates very differently from the *enclosing* nature of state law. For it to be understood specifically within the rhetorical ambit of property is to demonstrate where enclosure has a tendency to operate most noticeably, as property is essentially the setting of limits to the exclusion of others, semantically the same as the garrison effect of encroachment on land. *Social centres* give us a hint as to how resistance and property can be re-informed and re-worked through re-thinking the divisions, differences and similarities between law and resistance, time and space, whereby enclosure is countered by an opening up, and a 'taking back' of time and space from private property's processes of closing in, and creating opportunities for 'commons'. The commons means (amongst other definitions) a way of managing resources, based on communal sharing. Supportive of a Marxian vision of property, which is universal to all (2011, [1844]), I argue that the version of property that social centres offer is a similarly collective understanding of property and one that sees no limits. To promulgate a proprietary character of social centre organisation is to intimate the existence of a version of legality, and this is of pivotal concern for this journey into the character traits of traditional and alternative forms of social organisation.

In order to understand these performances of law and resistance, the taking back and the enclosing, 'performativity' is used, describing a process and product at the same time, whereby the language, text or behaviour of a given material

object at once acts as referent and the object itself, given certain understandings of performance theory. Arguably, to understand the relevance of time and space in performativity is to understand the role of this strand of philosophy and social theory in explaining the movements of law and resistance and how these are manifested within performances characterised by the effect and affect of what I will refer to as the 'archive' and 'archiving'. To archive, denotes a process and product, an 'agential' formulation of performance that can clearly show there to be both a verb and a noun at one given time are occurring simultaneously. By describing law and resistance as a performative archive, it allows for a cumulative gathering and sedimentation of memory that although it happens in the apparent 'past', is also occurring in the 'now' as a juncture in time and space. The rich accounts of archiving coming out of the *new materialisms*, such as the 'arché-fossils' of Quentin Meillassoux (2008) and the arché-materiality of Hägglund (2011), can also demonstrate the sedimentary character of performative archiving, creating matter out of the void.

Both resistance and law 're-enact' and perform an archive that at once articulates the past, the present and the future in a given moment of the now. This is particularly evident in organisational practices of social centres, as the role of time and space is played out very clearly in terms of their arguable capacity for legal innovation. Social centres, due to their occupation of space, can be used as an example of *occupation protest* that at once recreate moments of previous protest at the same time as taking a space in the present. Whether there is a potential to create law in this process of the social centre setting, is debatable, however, suffice it to say that archiving is a useful description of the practices and activities of law and resistance, with some notable differences between the legal and the resistant archive (and those archives that exist in betwixt): these shall be explained as the monopoly of force legitimated laws tend to have, and understandings of enclosure and the *commons*.

Social centres are described as re-enacting the memory of the commons, whereas state law is more concerned with remembering the force of enclosure within its archive. One of the central questions in this work is, if both law and resistance are to take effect in a process and product of a performative archive, then what is, if any, the difference between the two? The way this work determines the digression between law and resistance, and even the 'law of resistance', is the form in which the archive of law takes place, thus what is being archived. These two examples of archiving, the archive of state law and the archive of resistance, are not as distinct nor as black and white as we would like them to be. The movement from resistance to law and back again always denotes some process of institutionalisation — some form of innovation and transformative velocity oscillating from one to the other. Here, a compelling understanding of the role of law and resistance in each one and another is that it occurs, crossing a liminal zone, at an either fictional or actual point of 'bifurcation' to use the language of Prigogine (1980) where resistance turns into law and the same vice versa. Boaventura de Sousa Santos (1977) describes a

'continuum of formalism' of law that appeals to a legal pluralist preclusion of laws that may exist outside of the formality of the state. *Continuum* suggests the move from the pre-institutional to the institutional, and must have at some moment, an institution of the non-institutional, whereby there is a shift from resistance, to a law of resistance, to law. This might answer the question as to how social centres, as our example, can be sites of legal innovation, and I argue, using Santos' continuum, that there are *laws of resistance* plotted along this continuum that are at once outside of state law institutionalisation, but also informal laws characterised by their 'informal nonlinearity'. If it is possible to define an exact point at which resistances become laws, then we may understand the becoming contingency of law and the role that each one of us plays in its orchestration from informal to formal and back around once more. The social centre example is compelling, as the state law that deals with these spaces is specifically adverse possession and squatting, defining a legal loophole in which these forms of resistance actually take legal form, although becoming less and less so as the laws governing squatting are being neo-liberalised over time. Thinking in terms of an Agambean state of exception whereby the rule is governed by the very thing omitted, one can see that squatters' rights possibly offer an example of state-sanctioned resistance. The loophole of squatters' rights will be of great import to our understanding of the movement between law and resistance as well as where we might be able to locate a law of resistance, the threshold between informal and formal laws.

Santos has referred to informal law previously as a form of 'subaltern cosmopolitan legality' (1998; and Rodríguez-Garavito 2005), where politics creates law from the 'bottom up'. de Sousa Santos (socio-legal and legal pluralist theorist and one of great influence upon this work) lists three points that propel his work on alternative conceptions of legality. He wishes to show, within his own research, and that of others (Santos, 2004: 2):

> social experience in the world is much wider and varied than what the Western scientific or philosophical tradition knows and considers important […];
>
> this social wealth is being wasted. On this waste feed the ideas that proclaim that there is no alternative, that history has come to an end […];
>
> [t]hat this waste of experience must be fought against through the rendering visible of alternative movements and initiatives, and give them credibility.

Santos' motivations are much the same as those that fuel this book. Within this writing is a wish to purvey the credibility of alternative organisation, the way in which 'other' understandings of social cohesion are considered as forms of resistance if they are not accepted into the legitimacy of state regulation, and the possibility that these resistances may instigate or be contingent of different recipes for laws themselves. There is also an intrinsic trust in legal processes here that is

quite clearly demonstrated within the actions and practices of the social centre movement, whereby the 'rights' assumed within laws surrounding squatting are respected enough for squatters to use them and understand them professionally. Therefore, there might be the creation of bottom-up laws that are radically altered in structure and appearance, compared with those of the state. There may also be those laws used by the social centre movement, which look very similar to those used by formal law, reflecting the state's integral impact on the shape of resistance. We will speak of this as reflecting social centre participants' 'admiration for the law' in the coming pages, following from the work of Derrida (1987).

The social centre examples used within this book, are radical anti-authoritarian political communities (mainly anarchist or autonomist) that use the space of squatted, rented or owned property. The focus has been those that are squatted, due to their interesting juxtaposition with, and use of, state law and the custom of squatters' rights within the law of England and Wales. Social centres represent a form of resistance and protest that despite common misconceptions of anarchism as chaotic, are actually highly organised and rule-laden, they rely heavily on understandings of 'autonomy' and 'self-management' and thus offer themselves as prime examples of the interlacing role of law in resistance, and the same vice versa. I have decided to term their interactions as examples of a 'social centre law'. The social centre example is a reaction to an inequitable commodification of property – this piece arguing that the necessity for social centre law demonstrates the ignorance of state law itself to other ways of being, just like the critique of Western Imperialism offered by Santos.

This work explores the use of temporal and spatial explanations of the performance of law and resistance, whilst at the same time narrating accounts of legal innovation that may not always come from the state, seeking lessons on legality, legitimacy and institutionalisation, and what this can teach us of the character of the operation of state law in turn. It combines an exploration of squatting, social centres, protest and law, in terms of property, time, space and justice, placing temporal-spatio-legal theories at the forefront of understanding extant political movements. It seeks to exemplify social centres as replicating characteristics of 'critical temporalities' (Bastian, 2014); social groups offering alternate conceptions of organisation premised on alternate conceptions of time. The book seeks to investigate accounts of law that are outside of state institutionalisation, and hopes to contribute towards furthering understanding of the plural ways of law by bringing together legal pluralist and critical legal accounts of law and resistance as well.

The central arguments seek to interrogate:

1 *Law and resistance are contingent of one another, which means there are informal laws of resistance as well as formalised state legality*: This is an impure understanding of law that requires resistance in order to define itself and the role of law in resistance, to ultimately explicate the role of resistance in law. The movement from resistance to law requires a liminal juncture where resistance turns to

law ('a-legal vacuum'), a process that produces a *law of resistance*. The *continuum of formalism* and *nonlinear informality*, the move from the pre-institutional to the institutional and beyond, must have at some moment, an *institution of the non-institutional*, whereby there is a shift from resistance to law, to a law of resistance, to law. Social centre law is an example of a pre-institutionalised law of resistance supporting legal pluralist arguments that not only laws of the state can exist. The integral presence of resistance in state law and the other way around is exemplified in squatters' rights that I argue are law's 'proprietorial right of resistance' where pre-institutionalised and collective understandings of social organisation and property remain at the heart of institutionalised individual property rights. The role of institutionalisation is central to the creation of state law, its formality creating legitimacy through force, representation and vertical hierarchy. By contrast, social centre law's informality means there is no force, pure presence, and there is horizontal hierarchy;

2 *The spatio-temporal nature of law and resistance is an indication of the founding placement of land in both, the connection between time, space and practice being performance and archiving*: This is an argument that both law and resistance are enmeshed in not simply the spatial or the temporal, but the *spatio-temporal*. The dimensional nature of landed property lends itself well to the spatial and temporal placement of protest and law, through social centre examples and occupation protests, and the materiality of what I term as *re-occupation* and *re-enactment*. It is through the spatial and the temporal that the integral materiality of law becomes revealed, the congenital nature of land in law being this material reality whereby abstracting the law from the land befits a dangerous nihilistic exercise on the part of state law (through the gradual eradication of possessory title to land in squatting and adverse possession). Using conceptions of performativity, we can see how practices of social organisation that exist in the now refer to both *memories* of previous times and material and immaterialities in the *future*. With this, *archiving* and the archive are argued as *performative* process and product that at once explains the material gathering of time and space of both law and resistance, and a *law of resistance*. State law archives the *memory of enclosure* (individual property) and social centre law archives the *memory of the commons* (collective property). State law relies on the monopoly of violence in order to legitimate its version of the archive, a predisposition for *force* that resistance is never able to hold on to, which is ultimately the interjection of individual property over that of the collective;

3 *Social centre law offers a critique of state law and an assertion that acknowledging the existence of informal conceptions of law, time and space, brings us closer to the call of justice*: In this I seek to convey the import of uncovering other forms of social organisation (other laws of resistance) in order to assist us in the task of understanding justice (if there is such a thing), finding alternatives to abusive mechanisms of institutionalised law. It is also through acknowledging the alternate spatio-temporalities of other laws that the eventual ignorance of

state law is revealed, further asserting the import of time and space in all law and the same vice versa. Social centre law is considered in closer proximity to a notion of justice than that of state law. Its archive concerns itself with commons; its conception of time is nonlinear; and the *praxes* of 'self-management' and self-legislation (*autonomy*) mean that it remains *present* and not *re-present*, and prefers informal over formal, an example of collective power-sharing over individual power-hoarding.

By applying these premises to recent protest phenomena, such as the Occupy movement and eviction resistances, and understanding their relevance, there may be lessons for law and our understandings of law and resistance through theories of the archive, particularly in light of the changes to the law of adverse possession (squatting law). How does the performance of an alternative law create moments of the commons? What does this say about the reaction of the state in the form of the criminalisation of squatting, the criminalisation of the occupation of time and space? What are the links between the criminalisation of squatting and the Year of the Protestor, and how can a theory of social centre law be helpful in our understanding of this?

This work further aims to:

a) Explore social centre law in relation to the context of extant political changes and movements, such as those of the Year of the Protestor and the eviction resistances in response to the UK housing crisis;
b) Assimilate lessons learnt from both the social centre movement and recent occupation movements in order to garner a theory of the performance of the archive of law;
c) Ascertain what the removal, or criminalisation, of squatting means, for the occupation of space, the use of law in protest, social centre law and changing state projections of property relations in law.

Methodological notes

What soldered this work together were the interviews and participant observations of organisational activities and principles in the squatting and social centre movements of the UK (please see *Appendix* for a list of all participants). The methodological approaches taken towards the research were mixed, combining empirical and theoretical encounters. The methodology revolved around, not ironically, an archival determination that attempts to encompass the active and evolving nature of the social centre subject matter. Social centres are extant groups that a purely theoretical inclination would not do justice to in accounting their ethos, and thus there were a number of empirical encounters recorded and included to inform the narrative of this work. It could be said that the methodology evolved out of the project, much more than the project evolved out of the methodology.

A group of scholars who worked under an Economic Social Research Council (ESRC)-funded project (2005–2008) called Autonomous Geographies: Activism and Everyday Life in the City are influential to the 'active research' (2008) approach taken in my work. The project was run by Paul Chatterton from the School of Geography at the University of Leeds, Jenny Pickerill from the University of Leicester and Stuart Hodgkinson, also from Leeds. The language of the project within their literature uses the notion of *enclosure* and how this materialises as a project of capitalism, indeed *is* the project of capitalism (neo-liberalism in the contemporary capitalist form). This in turn is characterised through the descriptive enclosing of the commons. Social centres are seen as forms of anti-enclosure and resistance to the global reach of capitalism. According to the collective's ethos: 'Autonomous Geographies provide a useful toolkit for understanding how spectacular protest and everyday life are combined to brew workable alternatives to life beyond capitalism' (Pickerill and Chatterton, 2006: 730). Through their 'active research', the aim is to locate interstices of resistance that scale space and time, 'constituting in-between and overlapping spaces, blending resistance and creation, and combining theory and practice' (2006: 730). Accordingly, a summary taken from an article by Pickerill and Chatterton explains the aims of the group (2006):

> Our Five Aims:
> 1 To map what autonomous ways of living, producing, learning, communicating, subsisting and socialising are being created in resistance to capitalism;
> 2 To engage in action-oriented research that adds new value to these autonomous projects and struggles in UK;
> 3 To promote and disseminate empowering knowledges about the ongoing experiences of building autonomy, and bring ideas and practices of autonomy to new audiences;
> 4 To co-produce a variety of educational, media and political resources that will be of direct use for people resisting and creating autonomous alternatives to capitalism;
> 5 To develop and explore engaged forms of research which can help to confront and provide alternatives to neo-liberal globalisation.

It became clear that the work of this collective of scholars was the most pronounced and accomplished within the comparatively new area of research on social centres at the time, and was useful as a practical and theoretical methodological underpinning. Chatterton's premise was concerned with the activist–academic divide that is very clear when entering into research connected with a protest element. This is something that transpired through his 2009 work *Beyond Scholar Activism: Making Strategic Interventions Inside and Outside the Neo-liberal University*, with Chatterton relaying how hard he found it at times to see where academia starts and activism ends. Of concern when writing about or researching a group that one is not directly involved with is the fact that of an increased

probability of misrepresentation than there might otherwise be. I felt, that for the viability and authenticity of my accounts of social centres to stand up to scrutiny from the people who were part of, and who knew the social centre crowd, that the participatory model had to be used in tandem with theory in order to ensure vital links were established and upheld. This concern to be as authentic and representative as possible has been documented by Chatterton, him making a concerted effort not to be one of the 'many geographers [who] simply comment on debates without actually being part of them' (2009). It was also a main aim of this book not to objectify those represented, and thus, in combining a nuanced theoretical approach with that of an archival project, inspiration was taken from the accounts of Chatterton and his colleagues.

Similar to Autonomous Geographies, are a group of researchers on squatting and social centres named SQEK. They describe themselves as, 'not only a group of scholars but a socially committed group as well. Thus, we are available as a public resource' (SQEK, 2009). Their experience of the research in this area is something that matches that of the Autonomous Geographers through a bridging of the activist/academia divide in order to alleviate misrepresentation as far as possible.[3]

Using Adorno and his 'corrective' empiricism as an example, the data gathering for this exploration of social centres was used to place the theory within the artefacts themselves (Adorno, 1976: 225).[4] Accordingly he states: 'If the theory of society has the job of critically relativising the cognitive value of appearance, then empirical research has conversely to protect the idea of essential laws from being mythologised'. Given the activist and researcher contention, Adorno's thoughts on the combination of observation with critical theory is a fitting methodological description for this type of work. Adorno's criticism of positive observation stems from the Frankfurt School's critique of positivism as a whole, and links it with a one-sided view of the world that used to promote totalitarianism in the past.[5] He does not deny the relevance of observation entirely,

3 On one level, the research should not be seen as objectifying social centres, but it can be difficult for it not to seem (from the standpoint of the participants) that they are the guinea pigs within the work. Then on another level, the research cannot just be a purely theoretical endeavour either, which never has any true experience of the research subject matter. That is why this archive of ethnography and qualitative interviewing, synergised with theory, I chose to be the most fitting methodology. The most important thing for me was to ensure my findings fed back in to the movement, as this was something mentioned by the interviewees as important to them, in order to ensure social centres are being represented as accurately as possible.

4 Thank you to Lee Salter for guiding me to Adorno for this particular methodological approach in critical archiving.

5 Thus, Adorno suggests that in order to avoid a reductive use of research, one must use theory in order to (1976: 238), 'transform the concepts that it brings in from outside into those which the object by itself has, into which the object itself would like to be, and confront it with what it is. It must dissolve the rigidity of an object frozen in the here-and-now into a field of tensions between the possible and the actual; for each of these two – the possible and the actual – depends on the other for its very existence'.

however, and thus sees it as a corrective mechanism to the theory relayed. Given the ongoing and contemporary fluidity of the social centre movement, Adorno acts as a clear example of how this archive is a critical theoretical endeavour, but one that incorporates empirical accounts as examples upon which to draw. This is the same effect as combining a critical legal approach with that of a legal pluralist, whereby the more dense critical theory is backed up by relevant examples and ethnographies. Using this 'corrective archive' also allows for the activist and researcher divide, in that it does not seek to repetitively observe 'objects', but ensures that theory is backed up with instances of *praxis*. The corrective archive is the means and the ends in this work; the productive force, that which is produced, prescribes and describes. This book is an archive in itself, replicating social centre law and state law as archives, and it would be remiss not to have a methodological approach to this book as an archival venture in itself.

Legal pluralism has also been a useful framework for understanding what law is (and is not). Thus, following from the work of Falk Moore, who states that law and the social context in which it operates must be studied together (Falk Moore, 1973: 719), this research has applied this principle to a semi-autonomous setting of law. The co-opted character of social centre law fits with a methodology using the 'semi-autonomous social field' as a suitable way of defining areas for social anthropological study in complex societies (1973: 722). As a legal pluralist corrective archive, this relies on a critiquing and questioning of the structures of law and society that are in place, offering new ways of seeing law, justice, time, space, society and the world around us. Similarly, social centre law is described and argued (using legal pluralism) as a form of non-state law, albeit one that exists in recognition of state law, and also in critique of state law.

Outline of book

The structure of the book flows through eight chapters.

The first chapter looks at the presence of resistance in law and the same the other way around and the extent to which one constitutes the other. With this in mind, we will question what resistance actually is and means, as well as our understanding of what law is too. What becomes clear is that there a number of different conceptions of law, and indeed, resistance. The role of democracy and the social contract will be looked to in order to explicate how state law ultimately emanates from the 'we the people' or the collective, the process and product of institutionalisation that gives force to the law of the state, away from those who 'resist'. This institutionalisation process is described as moving in a linear movement, whereas resistance is seen as always informal and moving in a nonlinear motion; on the basis of the nonlinearity of resistance, there remains no institutionalisation of force. What this chapter also discusses is how resistance becomes law, and the same vice versa, reinforcing that law and resistance are contingent of one another, the point at which resistance becomes law or a law of resistance becomes state law, referring to a specific juncture in both linear and

nonlinear movements of law and resistance. This juncture marks the entrance of individual property through the formalisation of state law and the hoarding of power to give force to its law. Most importantly in this chapter is the contention that informal law does not have to look like state law in order for it to be a type of law, allowing us to consider other conceptions of legality that may have been blind to positive law thus far.

In the second chapter, social centres are introduced in detail, summarising the philosophical beliefs that directly influence their organisation and practice. Their ultimate philosophy is introduced as broadly anarchist and autonomist in nature, asserting horizontal hierarchical structures that are essentially collective in form. Autonomy – the bedrock of social centres' social organisation – relies on state law and yet seeks to create a separate form of social organisation based on collective property, and is discussed as accounting for both individual and collective performances and practices of resistance. This reliance on state law is generated by the increasingly limited doctrine of squatters' rights. The social centre example allows us to see how protest movements can appropriate state law, whilst at the same time their attempts to live entirely apart demand collective organisation and the drive to create alternative methods of law and property. This divergence of state legitimacy and resistance is described as a form of 'semi-autonomy' that depicts the distance social centres put between themselves and the state, as well as the way in which they organise themselves (termed as 'autonomy-as-placement' and 'autonomy-as-practice'). This inclusion of state law characteristics as tactics of resistance within their own organisational practices is referred to as an *admiration for the law*. The social centre scene is illustrated as a particularly good example of the interjection of private property and formality into informal examples of law, with social centres that are squatted, rented and owned.

Chapter 3 accounts for the spatial character of law and resistance by looking at some of the recent law and space literature and how this describes the grounded nature of social centres and property in land (whether collective or otherwise), and the placement of social centres and their law in relation to the state. Considering the spatial dimensions of social centres usefully refers to the interstices in between law and resistance and what I refer to as an *a-legal vacuum* where a law of resistance is enacted. Particular to social centres is the state's creation of its own a-legal vacuum in the form of squatters' rights, asserted as the state's *proprietorial right of resistance*. I argue that when this proprietorial right of resistance is removed, the remainder of law cannot function, based upon Agambean and Schmittean conceptions of the state of exception, individual and collective rights relying on an empirical, material and possessory linking with the land.

In the fourth chapter we go on to look at *social centre law* described in the binary formation of *re-occupation* and *re-enactment* whereby the process and product of their informal law are enacted. Re-occupation is the symbolic taking of space and the requiting of the sense of loss, a re-justification of property through its occupation that we learn to be 'spatial justice'. Re-enactment is the re-telling of a story where alternate conceptions of law are re-animated through the practices and actions

(performances) of the social centre participants. This is achieved through the social centre participants' knowledge of state law, the daily practical maintenance of the space, the specific self-management practices of social centre participants and how they record themselves as a social centre, in the process and product of an *archive*. It is through each of these elements that social centres archive their law through their relation to other subsequent and preceding movements, where they archive the *memory of the commons* and state law archives the *memory of enclosure*.

In chapter 5 we learn about the commons and enclosure, the memories of which are archived within law and resistance. Recounting the commons is to narrate not only an era prior to mercantilism in Great Britain, but it also speaks of the enclosure of the commons that happened from the fifteenth century up until the nineteenth century. The commons symbolise both resources and a method of sharing resources communally, striated by the impact of enclosure dividing up the commons in terms of private property rights. The land became fenced into formalised parcels of personal property. Thus the commons denote the communal, semi-autonomous nature of the space that social centres seek to replicate, as well as the self-organised and self-managed way in which they are maintained. Enclosure speaks of force, representation and hierarchy, and the way law is linked specifically to the land through the imposition and encroachment of the enclosure system, exemplified in modern-day eviction. The process of reclamation or *taking back* that social centres enact is thus the rescuing of social space from private property rights, to return it to the commons or to arrive at a postmodern and urban version of collective property. It is argued that as a result of the project of enclosure, more commons are created in resistance and laws of resistance as a result.

Chapter 6 goes further into explicating the process and production of the nonlinear archive of social centre law, as well as the linear archive of state law. The performative character of archiving relays an *agential* quality that produces material results, either by consciously collecting material remnants that social centres sought to preserve, or as a result of unconscious practices of accumulation. The performative refers to a broad set of theories that explain meaning in language, mannerisms and practice. The social centre archive is performative conferring a series of repeated acts that form a record, much like memory. Justice is linked to memory and archiving as part of the restorative and memorial process of taking back that social centre participants enact and I argue that both state law and a law of resistance recall memory through archiving. It is the substance of the memory being recalled that makes social centre and state law different. State law seeks to recall enclosure as a means of legitimating the doctrine of individual property rights, whilst resistance movements, such as social centres, seek to recall the memory of the commons. In addition, by explaining the difference between *performance* and *performativity*, we can see when social centres mimic the actions of state law (performance) as well as a resignification of law on their own terms.

Chapter 7 explains that it is through archive and memory that the role of time and not just space becomes clear within the movements of law and resistance.

Dependent on whether it is an archive of the commons or the archive of social centre law that is being performed, there are alternate conceptions of temporality, and thus alternate conceptions of property. It is argued that property rights shape our understanding of time and, in turn, time shapes our conception of property. The difference between social centre law and that of law itself relates back to the performance of the commons and enclosure as distinct, with social centres understanding time as nonlinear or unfixed, and law understanding time as linear and fixed – collective property relating to nonlinearity and individual property to linearity. Social centre's informal nonlinearity therefore expresses not only their temporality but the way in which they are organised in an autonomous, collective manner. It is through social centres' differing use of time to that of the state's that we can see they are offering a satirical critique of the formalism and organising principle of capital. Thus, to suggest there are alternate forms of law automatically can suggest that there will be alternate conceptions of temporality attached. Finally, I argue that protest movements are closer to justice as they operate their law in a moment through *presence*, whereas state law is set back and detached from its subjects through the very process and product of institutionalisation that gives it its perceived legitimacy over other forms of law in the first place. A brief discussion of the usefulness of the speculative realist thought of Meillassoux and Hägglund to questions of not just time but law, resistance, property and justice, will be included.

In the final chapter we bring the social centre law theory to more extant examples of protest, which are taken from the year of the protestor, as well as recent developments in state law in response exemplified in the shift towards the neo-liberalisation of social housing stock. The 'pre-occupation with occupation' in protest is argued as the symbolic contesting (either directly or indirectly) of individual property rights attached to land and that social centre law theory can teach us about not only social centres but also other similar occupation movements. The perceived pre-occupation with occupation is not something new: occupation protests have always been the central, preeminent form of activism, if not the first. This archiving of the memory of the commons is countered by an explication of the continuing project of archiving the memory of enclosure demonstrable in the criminalisation of squatting, the incapacitation of adverse possession and the further commodification of social housing stock. The removal of the proprietorial right of resistance is relayed as not only a concern for the functioning of property rights (whether collective or individual) but also law in general, assuming all law is linked to the land in terms of a Schmittean connection of the earth as the source of law. If we take from Schmitt that the order and orientation of law comes from the earth, then we can also assume all resistance similarly emanates from the soil too.

Chapter 1

Resistance to law to resistance

> The dialectic of disguise and surveillance that pervades relations between the weak and the strong will help us […] to understand the cultural patterns of domination and subordination.
>
> Scott J. (1990), *Domination and the Arts of Resistance: Hidden Transcripts*, p 4

This first chapter seeks to unpack some of the central questions relating to the ambiguous relationship between law and resistance. By seeking to understand this relation we are not only on the path to figuring the extent to which resistance influences state law, but we might learn also of other forms of organisation or laws which this inspection of legality and protest will uncover through analysing the processes and occurrences between the two. Looking in to how resistance becomes law, the role of institutionalisation can also indicate how private property ultimately shapes the distinction between legality on the one hand and protest on the other, and in fact creates a shifting division between the two. It is not the first time an investigation similar to this has sought to understand the source of our codes and regulations and nor will it be the last; acknowledging the central place that law has within the organisation of each society and our varying understandings of its beginnings and processes through which it comes to pass. This work follows a chronology of philosophical investigation emanating as far back as the Athenian state with the question of the origin of the *polis*; further through into the Enlightenment era where political philosophers such as Rousseau (1998 [1762]) and Locke (2010 [1689]) sought to understand the origin of the state and the role of law within state formation. This tradition has been continued in the work of legal scholars such as Carl Schmitt (1950, 2006, 2008), Giorgio Agamben, (1998, 2005, 2007, 2009), Antonio Negri (1999, 2004, 2005), critical philosophers Jacques Derrida (1987, 1990), Walter Benjamin (1978, 1999b), critical legal writers of recent years, such as Costas Douzinas (2005, 2014b), Peter Fitzpatrick (Fitzpatrick and Golder, 2008), Oscar Guardiola-Rivera (2009, 2012) as well as legal pluralists such as Boaventura de Sousa Santos (1999, 2004; Santos and Rodríguez-Garavito, 2005), to name but a few. These thinkers' works shape and solder my own, specifically in a shared but altered quest to explain the role of law in resistance, and vice versa.

Squatting logo

The initial step is to consider what each of the concepts of law and resistance are, and what they mean. What is in fact law itself, and what is resistance? By looking at some of the conceptions of what law and resistance may be, or at least how we can use these referents within this text, the similarities and differences between the two poles (if they are such) can be considered. Are there elements of resistance in law and equally the other way around; is there a form of law that lives within resistance?

It is at this juncture that the discussion can divide between a) conferring a presence of *state* law within resistance; and b) describing resistance's capacity to create new or *non-state* law, or a *law of resistance*. This is necessary precisely because it is my conjecture that resistance both utilises forms of state law as tactics as well as forming its own type of law that may or may not be influenced by a typology of state legitimacy. What do I mean by a law of resistance? A law of resistance simply refers to the type of law that might exist outside of the positive law institution of the state. It is also a form of law that, like any form of democratic law, derives from consensus.

If resistance has the capability for legal innovation then what does this look like? We only have to look at some of the protest phenomena of recent years to see examples of resistance movements actually formulating codes and practices of their own. For instance, during the Occupy protests at the end of 2012, hand signals as part of assembly meetings became synonymous with the movement, an understood language used between participants in meetings whereby expressions

of support or disagreement were articulated through physical actions. Whether this is a form of law or not we will come to, but there is a definite presence of calculated rules and procedures being utilised. This ironic use and creation of rules within movements that critique government structures is something I find intriguing and altogether more revealing of a wider correlation between law and resistance beyond Occupy.

Therefore, does a law of resistance always look like state law, or does it appear entirely different from any understanding of law that we might previously have, making it an alternate legality? Is there ever a point at which the juridical is free of resistance, or resistance is free of the juridical, meaning that even if resistance seeks to create its own legality, it may not always be shaped by state law? It is important and useful to consider these questions: the examples of protest that are discussed in this book are specifically argued as sites of legal innovation shaped by the presence of state law (in the enforcement and protection of individual, constitutional property rights),[1] and yet have the potency to create law that is alternate in its content to the law of the state.

Today we see an altered role of the state, one subsumed by a transformed era of capitalism where its core is contained by financial externalities whilst manipulated by the same market forces that use its legality to prefigure how we operate within society. We are observing and are part of a supreme age of capital in law, and yet as we will discuss, capital has always been state law's ultimate authority, and we turn to Rousseau's conceptions of capital through property and the social contract to relate this later in the book. Rousseau claims, 'the demon of property infects everything it touches' (1979 [1762]: 354). With this in mind, the state/resistance relationship is not a duality, but one shaped and moulded from a range of peripheral dynamisms tangential and integral to the functioning of both resistance and state law simultaneously. The role of capital and mercantilism within state law is part of its historical structuring, heritage and instrumentality and this history will become clearer as state law's past reveals itself in the now of property rights, its import upon and within alternate conceptions of property discussed as laws here. This non-duality is expressed straightaway in the presence of state institutionalisation's reliance on private accumulation in order to exist, and furthermore within the configurations of resistance that we are surveying that seek to defy black and white normative dualisms. Simultaneously their existence relies upon the presence of private property in order to create what Soja would refer to as their 'Third Space' (1996). This *agential* nature of property emanates directly from landed realty and how that translates into the spatial and temporal divisions of law and resistance, whether material or otherwise. Time and space in law and resistance are dimensions that repeat the landed contingency of the two, whilst equally informing us of how understandings of property mould our conceptions of amplitude and duration in turn, revealing the *archival* character of law and resistance.

1 How these are translated through land law, access, trespass, criminal law and public order law.

In order to understand how these rather abstract relations of legality can be explained, I argue that, first and foremost, resistance and law are contingent of one another, one does not appear prior to the other but there are always elements of resistance in law and law in resistance. This is reminiscent of Fitzpatrick and Golder's account of law as resistance, whereby within the most juridical of acts there sits the potency of dissent itself (2008). State law happens as a result of *institutionalisation*, which is a *linear* progression of pre-institutional rules and procedures at grassroots level becoming reified, taking on an appearance of reality that simultaneously (more often than not) bring forth actual concrete institutions of state law. Institutionalisation can literally (in my view) refer to something informal experiencing a trajectory of being formalised, from the material construction of an acerbic glass-fronted government lobby, to the procedures of precedent and convention being gathered, directing the way in which our jurisprudence is sedimented.

Pre-institutionalised organisation, such as rules that have not been given the force of sanction through establishment, continue on to be subsumed into the law proper, or *legitimated* law. I say legitimated law as this legitimacy relies on it being valid in a twofold manner: *representative* of the people (the constitution) whilst at the same time owing its authority to the *institutionalisation* process itself, its characteristic as the state and the sovereign. The fact that state law moves in a linear (forward direction) trajectory reflects a specific progress-laden understanding of space and time which state law recalls, one that we will come to understand as opposed to the *nonlinear* characterised by resistance movements. The arrow of state law, much like the arrow of time that linear conceptions of temporality reflect, indicates capital's inherent leverage, its concern for development and progression in a forward-facing projection and accumulation of wealth. This reminds us of the non-dual relation between law and resistance and the agential character private property has over the form of law that is instituted as a result. This conception of time and space is not the same for law and resistance prior to institutionalisation, as they are contingent of one another, and thus move in a *non-linear* manner. The temporal and spatial pace (whether linear or nonlinear), at which resistance proceeds on to either a non-state resistant law or a state law, signifies the entrance of individual property rights.

I argue that any legal innovation occurring outside of state law is: a) not limited to being shaped by the influence of state law institutionalisation, but in most instances this does happen (*see* squatted social centres as examples); b) does not have to look like state law in order for it to be a form of law; c) all non-institutionalised law that is resulting from *presence* (pre-institutionalised consensus, collective or the people), is a *law of resistance*. Presence is thus the actions and practices of resistance that fulfil the goals of the actors themselves at a given juncture in space and time without institutionalisation, and not the actions and practices of *representatives* of those who give 'legitimacy' to the law. By allowing for *presence* and not *re-presence*, there is no need for institutionalisation in order to hold legitimacy; d) If there is ever to be an alternate understanding of social organi-

sation recognising the possibilities of both *representation* and *presentation*, then there has to be an acceptance that there may be different constructs of legality with which positive law and its proponents are yet to be familiar.

With this in mind, the following pages will discuss law and resistance and what binds them and separates them, and how movement between the two enacts a *process* and *product* at the same time. The point at which resistance becomes law or a law of resistance becomes state law, refers to a specific juncture in both linear and nonlinear movements of law and resistance.

We will also discuss some plural legal conceptions of both state and non-state law, drawing on literature that considers forms of law existing outside of state structures, particularly useful in terms of a more democratic or grassroots legality in terms of a 'law from below', spoken of particularly by Boaventura de Sousa Santos, and how this might inform a conception of law of resistance. By locating alternate understandings of law, which do not have to be situated within the institute of the sovereign, we recognise its legitimacy as coming from the people, the present, from which the mechanisms of state law (reification, institutionalisation, a linear progression in time and the interjection of capital as individual property rights) keep us at a distance.

Resistance

Considering the fact that resistance is chosen here for discussion prior to law, there is an interesting twist to the etymology of resistance that hints to its reactive nature. According to the Oxford English Dictionary definition, an act of resistance, or 'to resist', is to 'withstand action or effect of; try to prevent by action or argument; refrain from something (tempting); struggle against' (2004: 1224). This is a verb of alternating conceptions, a composite of stopping, refusal, boundary-making, whilst at the same time denoting an active struggle, a fight, a denial, and at times, an incorporation or seduction from that which is being refrained. To resist appears to be both a restitutive and combative thing to do, as preventative mechanisms or past externalities infect the actions of an individual, a group or even a machine or system; or as a reaction to extant situations. On the same page of the Oxford English Dictionary, the noun resistance is listed as 'the action of resisting; armed or violent opposition; impeding effects exerted by one thing over another; the ability to not be affected by something'. There is a line drawn by resistance against other outside forces that demarcates itself as an action or a movement in opposition to something. It is noteworthy to see that the general definitions refer to something existing externally or in co-dependence with something else, implying a *re*-action to something, an action that has to be repeated, or happens in response to the influence of something other than itself.

Howard Caygill in his recent 'On Resistance' (2013) speaks of resistance as a phenomena that is so far 'strangely unanalysed'. It is perhaps not surprising there is an ignorance of the term as most resistances we are familiar with are linked to

turbulent times and, more often than not, are of a violent imposition. Forceful resistance is exemplified as armed – against occupying forces and foreign domination. Examples range from the French and Jewish Resistances of the Second World War fighting Nazi occupation and atrocity, to perceived 'freedom fighters' or 'terrorists' such as HAMAS in the occupied Palestinian Territories and Hezbollah in Lebanon fighting Israeli hegemony; the Kashmiri Liberation Front fighting for independence for the garden state of Kashmir along the political flashpoint of the Indian and Pakistani border; to the Liberation Tigers of Tamil seeking Tamil secession from the rest of Sri Lanka. The far-left Red Army Faction (RAF) of the seventies were specifically remembered for their violent attacks and bombings of German political targets, and the bombings of the Irish Republican Party (IRA) on mainland Britain and loyalist targets in Northern Ireland became a way of life in the seventies and eighties in the United Kingdom and Ireland. From a more non-violent perspective, in recent years the 'black bloc' tactic has developed associated with the 'Alter-Globalisation Movement' but originating from the autonomists of the seventies and eighties, a form of resistance in response to Western hegemonic economic and social colonialism. The black bloc (specifically dressed in black and covering their faces with balaclavas, bandanas, masks and scarves) are less a specific group of people than an internationally understood tactic where each nonviolent anti-authoritarian demonstration and protest can call upon a cohort of individuals who are willing to express their discontent with the current political situation through damage to private property. Examples of this were rife in the 1999 Battle of Seattle, the May Day protests in London during the nineties, and even up to the Greek protests and the student protests of the Year of the Protestor in 2012.

Yet resistance is not always violent, creating an important distinction between those forms of opposition that use pacifist tactics to express their discontent, even in the face of forceful threats from state powers. The role of force within resistance speaks of a revolutionary tactic seeking to counter state legitimated power, whilst there are those movements that desire the same result but through pacifist means. A famous example of non-violent grassroots resistance is the 'Zapatistas Revolutionary Army' in Chiapas, Mexico who use demonstrations and occupations to fight for indigenous rights and dispossession of their local lands. Similarly, the anti-war and anti-nuclear movements since the sixties have always promoted nonviolent means of countering power and force; the civil rights movement opposing racial segregation in America, environmental movements attacking corporate property as opposed to peoples and apartheid in South Africa, demonstrating that resistance can be expressed in a variety of forms from taking to the streets in nonviolent rallies and demonstrations. Musical and artistic forms of resistance are in abundance from Bob Marley to Nina Simone, to Billy Bragg, all exemplifying nonviolent expression of protest within song. An example of feminist resistance in musical form goes as far back as to the eighteenth century with 'Rights of Woman' anonymously written by 'a lady' published in the Philadelphia Minerva, 17 October 1795 (McGath, 2013). At the

same time, it is questionable the extent to which the civilised and peaceful sermons of Dr Martin Luther King would have been listened to without the threat of more militant and extreme actions of black activists and allies of the movement such as Malcolm X.

Resistance can thus be both on a mass collective scale, but also at an individual level. Rebecca Raby summarises some of the more recent appropriations of the term in her paper 'What is Resistance?' (2005), where she assimilates resistance in terms of power and agency at a local level (Raby, 2005: 151). She remarks on the writings of Louis Miron (1996) who speaks specifically of resistance with reference to young people (2005: 151):

> resistance ranges from students' comments that are critical of school practices to the desires of 'at risk' and African-American students to challenge stereotypes through academic excellence. Clowning around … not voting … wearing Nazi symbols … and watching Madonna videos … have all been discussed in academic texts as resistance.

By widely connoting the term resistance, it has been a concern that the meaning has been lost entirely. Yet as Raby points out, limiting forms of resistance to collective and violent ones 'can neglect other potentially subversive activities'. The practice and performance of resistance at a daily level as opposed to the more spectacular large-scale forms of revolution, is a concern of anthropologist James C. Scott. Scott wrote on 'hidden transcripts' in his 'Domination and Arts of Resistance: Hidden Transcripts' (1990), a general application of his findings from his previous anthropological enquiry 'Weapons of the Weak: Everyday Forms of Peasant Resistance' (1985) regarding class relations he observed in a Malay village (Scott, 1990: ix). He noticed there were differing mechanisms of resistance expressed in response to domination articulated at a vernacular level, and the dominant classes seemed to manifest contradictory manners of dealing with those they were subjugating. Scott understood this as power relations affecting the discourse amongst the Malays, repressing their speech and actions when in certain situations (1990: x). It is in the *hidden* moments or 'hidden transcripts' of each social group's interaction that the underlying dissent can be vocalised; spaces are made where their true expressions can be uttered: 'Behind the scenes, though, they are likely to create and defend social space in which offstage dissent to the official transcript of power relations may be voiced' (1990: xi). This is similar to a Foucauldian conception of power and resistance whereby the subjective relation of resistance can be found anywhere: 'as soon as there is a power relation, there is a possibility of resistance' (Foucault, 1989: 153).

Hannah Arendt discusses the distinction between individual and collective forms of resistance in response to 'legal alienation', 'a situation where the law does not represent a more or less faithful expression of our will as a community' (Gargarella, 2003). In her 1970 essay, Arendt defended the rights of American citizens to dissent from unjust laws and policies of the American nation, allowing

for a theory describing two recourses to resistance, specifically in relation to law. Arendt made a distinction between 'civil disobedience' and 'conscientious objection', the former being resistance undertaken collectively, and the latter the expression of individual sedition: 'whenever the jurists attempt to justify the civil disobedient on moral and legal grounds, they construe his case in the image of either the conscientious objector or the man who tests the constitutionality of statute' (Arendt 1970: 55; Smith 2009: 152). Arendt makes the division between the public and the private obvious, to the extent that to be a conscientious objector is to be acting in a non-political capacity, whilst rejecting the moral and legal characterisations of civil disobedience very much in favour of the political (Smith 2009: 152). Understanding the boundaries in Arendtian terms, the conscientious objector is not she who will 'test the statute to change the statute' but who demonstrates the respite of conscience on behalf of an individual and not that of a shared experience. Arendt appears somewhat critical of the conscientious objector in that the resister panders to their integrity, whereby one is more interested in the self than the world in a retreat from the effects of injustice through disassociation. Therefore, and following from an Arendtian conception of civil disobedience, to be civilly disobedient is to effect and affect law through extra-legal action, to speak and hold hands in the realm of the political: 'the law can indeed stabilise and legalise change once it has occurred, but the change itself is always the result of extra-legal action'(Arendt 1970: 80). Arendt highlights how civil disobedience should occur through a joining of oneself to others, thereby making resistance a collective event and distancing it from a singular transgression of conscience (Hall 1976: 3).

The discussion of the Arendtian extra-legal asks the question as to whether the acts of individuals can be those of a resistant nature, with Arendt believing that for an act to be of political impact, it must be a collective act. What Arendt stops short of explaining is the measure at which we determine a practice to be individual or collective, and if collectives are constituted of individuals, then how do we get from individual to collective where group action becomes a resistant one? The movement from singular to plural, agent to structure, is one of the focal questions of social and psychological theory, and it is no less important to our basic conception of resistance. The anthropological insights of Foucault, and Scott, and the subcultural discussions of Raby demonstrate that practices are contingent – they beget further pursuits that set the stage for the establishment of routines which then assume themselves as expected behaviours, subsequently giving way to obvious acts of dissent either very slowly over time; or, when resistance happens, very rapidly. It is worthwhile remembering the work of Scott particularly, as there is no clear delineation of resistant and non-resistant acts; there is a *process* through which small-scale acts of resistance give way to large-scale acts. It is the emphasis on the manner in which resistance formulates that speaks to sociological understandings of resistance, such as through social movement theory and the incorporation of 'complexity theory' as an explanation of the move from micro agency to some

form of macro structure.[2] Complexity explains the 'swarming' of individuals where they create what appear to be a movements greater than the sum of their parts, the sudden emergence of riots or 'flash mobs' (groups amassing suddenly for performance and protest in public spaces) out of apparently insignificant acts that surmount to moments and events of dissent. Complexity theory relating to law and resistance is similar to the *assemblant* and *becoming* nature of law mentioned in the introduction and one that Philippopoulos-Mihalopoulos has given himself the task of describing as the 'lawscape'. Complexity can describe *emergent* and non-reductive processes moving in both linear and nonlinear fashions, dependent on how a system reacts to its environment. The importance of emergence and nonlinearity to this account of social centres and their law, we will come back to later, but it is enough to say that the agency/structure focus of resistance studies in sociology has been somewhat revolutionised by the application of complexity theory.

It is also worthwhile thinking of resistance as often a form of disobedience – or disobedience as a form of resistance. State law relies heavily on compliance or obedience within its institutions and external to its institutions, in order to have the capacity to function at all. What happens when we disobey, we move around and against something and thus resist. In a recent collection on disobedience and law ('Disobedience: Concept and Practice', 2013), Loizidou speaks of the relationship between resistance and disobedience as shades of one within the other, neither oppositional nor the same, in a similar manner to her discussion of law and anarchism: 'The relationship of disobedience to resistance is not one of substituting the one for the other, and the relationship of law to anarchism is not one of contempt […] Moreover such practices speak to us of a parallel life than the state oriented or market organised one' (Loizidou, 2013). In a parallel vein, she speaks of past writings on rebellion representing disobedience as a practice that reveals the limits of political government, such as the accounts of Etienne de la Boétie during the Renaissance, and Henry David Thoreau during the nineteenth century; understanding disobedient practice as reminiscent of an overarching configuration of resistance. Disobedience is historically described as intrinsically linked to a politically motivated stance that seeks to alter or contribute towards the reform of a state and/or a law concerned. Henry David Thoreau describes all men as being those who know the propensity for revolution (1948: 284), simple living and civil disobedience as part of this means reformation and rejuvenation

2 The way in which the dynamism of the world is built has been argued as based on hierarchical centralised structures, but there are theories that propose complexity as an explanation and mode of social organisation instead. Through accessing some of the work that is being conducted on digital technologies (cyberspace as the universe of digital networks, interactions and interfaces), as well as biology and other aspects of the natural sciences, complexity or 'complex adaptive behaviour', is where: 'Simple rules at one level give rise to sophistication and complexity at another level' (Escobar, 2003a: 351). This is always in relation to an environmental need or a set of circumstances that propel a must to innovate.

in the face of an unjust state: 'The mass of men serve the state thus, not as men mainly, but as machines, with their bodies' (Thoreau 1948: 283).

Thoreau's famous writings on the political are useful when thinking of resistance in relation to *something*, and more often than not, law. They are also invaluable reminders of the oft-asserted aim of resistance, or resistant movements, as those seeking to counter some form of *injustice*. Resistance is considered justified and a form of legitimate protestation. Thoreau speaks of moments of justified rebellion that seek to counter the operation of unjust laws (Thoreau 1948: 290):

> 'If there is a law or a demand led by the state that would cause a subject moral concern, then it is rightful and a duty to not accept such a law: If (an injustice) is of such a nature that it requires you to be the agent of injustice to another, then, I say, break the law. Let your body be a counter friction to stop the machine'.

Interestingly, Thoreau's understanding of resistance countering injustice functions against the described unjust nature of law itself, unsurprisingly for at the time of his writing he was reacting to the legality of the slave trade and his repugnance of its widespread acceptance, being a staunch supporter of abolition. Douzinas would see the linking of resistance with disobedience as problematic, nevertheless, describing the 'terminological slide from resistance to disobedience indicat[ing] a lowering of sights' (2014b: 156).

On the other hand, there are writers who would seek to break down this apparent duality between law and resistance, such as Pile (1997) who speaks of the lack of cogency the resistance and power assimilation really has:

> 'That people are positioned differently in unequal and multiple power relationships, that more or less powerful people are active in the constitution of unfolding relationships of authority, meaning and identity, that these activities are contingent, ambiguous and awkwardly situated, but that resistance seeks to occupy, deploy and create alternative spatialities from those defined through oppression and exploitation. From this perspective, assumptions about the domination/resistance couplet become questionable'.

This multivariate understanding of resistance relates to a nonlinear conception of resistance as expressed in emergent understandings of protest and flashmobs, and similarly explains the existence of quantities and cogencies of force, power and forms of law within and without all possibilities of insurrection.

Law and resistance

In terms of the relationship between law and resistance, does there have to be the presence of law in order for resistance to occur? Foucault would remind us that the power of domination is ubiquitous in society and yet this agonistic take on

power and subordination should not mean resistance is futile. Heller argues that a Foucauldian notion of resistance is one that supports a heterogeneous response to the imposition of power (1996). Resistance in relation to law reminds us of the semantic construct of the term itself. When we think of *re*-action or *re*-sistance, there is a separation of the action and the re-action, synchronically an act of attraction at the same time as a repelling force, with some division or transgression between one side and the other, both containing and constituting. This boundary has been spoken of extensively in relation to the separation of politics and law by jurists A. V. Dicey (1889), Agamben and Schmitt, as well as other scholars such as Derrida (2003) and Cornell (1992). A Schmittean understanding of resistance and what lies on the other side of institutionalised state law, would be 'constituent power', the 'political' which exists prior to the formation of a constitution. Constituent power is perhaps just another name for resistance, or a specific kind of resistance. This form of agitation provides the *democratic* basis for the law that follows, thus Schmitt sees the constitution as 'constituted power', made up of the consent of each individual as integral and upon which the legitimacy of a state relies via the constituted nature of institutionalised political power. This democratic is the political prior to institutionalisation, the 'concrete existence of the politically unified people [being] prior to every norm' (Schmitt, 2008: 166; Lindahl, 2007: 9).

Going back to the development of constitutional law within the United Kingdom, resistance is propounded as the foremost check on the government, represented through the doctrine of 'parliamentary sovereignty' and the establishment of representative democracy according to Albert Venn Dicey (1889). Parliamentary sovereignty asserts parliament as the primary law-maker, based on the foundation of parliament as affecting the will of the people, by the people. At the same time Dicey recognises the shortfalls of founding the constitution on a representative basis, whereby there can be a disjunct between what *we the people* (in our terms, resistance) want, what those in parliament are saying we want, and the manner in which they advocate for us whilst vying for their own peculiar positions of power. Therefore, the institutionalisation of resistance is kept in constant check by the various constitutional dogmas and the persistence of a democratic Franchise. Dicey states that it is this discontinuity that appears between the people and parliamentary politics that acts as an ultimate reminder of where parliament's legitimacy and supremacy originates, and thus it must be remembered that parliamentary sovereignty is limited in 'every side by the possibility of popular resistance' (1889: 79).

How can we conceive of this constitutional arrangement and reliance on popular resistance today? It is arguable that this Diceyan orthodoxy has been forgotten, as latterly examples of where popular resistance has occurred and Parliament has had an opportunity to concede have shown that parliament will listen to itself and not its origin, the people. One glaring example that springs to mind is the decision to refer to parliament to request permission to agree to Security Council Resolution 1441 making Saddam Hussein comply with UN

sanctions or face invasion from the soon-to-be-formed coalition forces in 2002. This commanding of parliament altered the use of Royal Prerogative in this instance (whereby it is normally the unscrutinised decision of the Leader of the Commons whether or not to accede to war), and yet despite the apparently democratic strategy of asking Parliament's permission, the most undemocratic result occurred: one that demonstrated the chasm between re-presence and presence. Parliament agreed that Great Britain should comply the Security Council resolution, which essentially took the UK to war in Iraq, whilst there were reportedly over a million people who had taken to the streets to demonstrate *against* going to war. Dicey surely must have been turning in his grave at such a dangerous distance so clearly displayed between the will of the people and the decisions made on their behalf by their representatives.

Considering a given predisposition of law that *should* be concerned with the task of the people, fairness and justice, it seems as though law and resistance can manifest the same rationality: resistance seeks justice in the face of unjust laws, and law seeks justice in the name of justice – so does law seek equanimity in the face of unjust resistance? Ultimately, law will seek to legitimate its role as the designated promoter of justice and fairness because through the democratic process of constituent to constituted power, we allow it and wish it to be so. As a result any other authority established outside of the state realm that propounds an insistency of just and fair behaviour within society, is seen in the eyes of the law, as unjust. This question is reminiscent of Locke from his 'Second Treatise on Government' (2010 [1689]), 'Whereever law ends tyranny begins, if law be transgressed to another's harm'. It is enough that resistance often adopts the same concern for the causes of justice – in whatever guise that might be, and which law is supposed to do – but through methods unrecognised and unacceptable by the sovereignty of the state.

Highly influenced by Schmitt and the difference between his political (constituent power) and legal sovereignty (constituted power) is the Agambenian 'state of exception' (2005) and his discussion of the 'right to resist'. The 'right of resistance' is the right to rebel, or in a Lockean consideration the legal right to express in pre-juridical form dissatisfaction with a misuse of democratically mandated power. It was a right enshrined within the first article of the French Constitution, the Declaration of the Rights of Man and of the Citizen (1789), stating 'Men are born and remain free and equal in rights … these rights are liberty, property, security and resistance to oppression'.

Agamben discusses the right to resistance as precluded from constitutional law by its very nature as the precursor to the establishment of the constitution *per se*. One argument against its inclusion within the constitution is that once that which has been removed from the sphere of positive law, there can be no scope for its re-inclusion. Agamben states that this very right remains outside and is enacted outside law, through which its exclusion structures the whole of positive law at the same time – hence its exceptional state (Agamben, 2005: 10–11). In terms of our discussion on what resistance is, Agamben's configuration of the right to

resistance and the re-hashing of the Schmittean constituent power as an exceptional state, allows us to imagine the positioning of resistance as both inside and outside state institutionality, whilst at the same time acknowledging its external construction and founding nature (2005: 11):

> what is ultimately at issue is the question of the juridical significance of a sphere of action that is in itself extra-juridical. Two theses are at odds here: One asserts that law must coincide with the norm, and the other holds that the sphere of law exceeds the norm. But in the analysis, the two positions agree in ruling out the existence of a sphere of human action that is entirely removed from law.

It is here that Douzinas' discussions on the right to resistance are helpful (2014b). In his article on the similarities between the right to resistance and the right to 'the event' in Badiouian terms, he describes resistance as a performative and practical happening that occurs in time and space. He claims the 'right to the event has always accompanied legal rights in a ghostly form ensuring that the law is regularly shaken to its core and not allowed to become sclerotic' (2014b). This right to defend ourselves (as we are made well aware in the second amendment of the American Constitution), is not just a right of resistance, but a right of revolution at the extreme, agreeing with Douzinas' explanation of the structuring nature of resistance in law: 'Resistance and revolution may violate current law and right but they often contribute to their eventual victory in actuality' (2014b: 154). Jurist Kelsen also agreed with a legal formation of resistance and revolution whereby if a revolution is successful, it must be allowed to assume legality (2000).

Resistance is propelled by a similar drive as positive law (i.e. law that is sanctioned and characterised by the structures of the state). This drive, from whichever standpoint assumed, is the underlying force of justice we see as either a naturally given preponderance of balance and fairness, something that emanates from a divine God, or that which we cultivate through the procedures and rules of positive law itself. Remembering the democratic underpinning of constitutional legality, arising from the people, a right of resistance, the constituents who give content to a founding political sovereignty, brings us to the '*social contract*' as a body of political theory and philosophy that inspires forms of representative democratic power. In Rousseau's 'Of The Social Contract, Or Principles of Political Right' (1762), the people, the body political as preceding government, hand over the authority to govern to those in power, in return for the protection of their rights and limits placed on the use of the force by the sovereign, legitimated by the people in turn. This is the 'monopoly of violence' whereby the state now has the legality to use force in the name of social cohesion and ultimately (hopefully) justice, as opposed to pre-state use of violence to control communities and individuals existing in a 'state of nature'. This contractual obligation ensures checks on the constitution, by the constituted,

whilst the legal sovereignty of the state is utilising the conglomeration of authority given to rule effectively.

Social contract theory of course brings us full circle to the question of the origin of government and ultimately law, and the role of resistance within, or prior to this. Enlightenment thinking moved philosophy and politics away from religious dogma and towards rationality in social organisation, and began to develop social contract theory of variant understandings on the level of divine intervention and critique of state power and war, including the extent to which the pre-legal community were the legislators or origin of the law themselves. Indeed Rousseau states, 'a body other than the sovereign must initiate the laws' (Rousseau [1762]; Putterman, 2005: 145). What the social contract allows us to see is the process of government as coming from constituent power, in unmediated form originally. The *presence* of the people is then *re*-presented within the constitution; when there is political unrest as a consequence of the state acting illegitimately in the eyes of the people, there is *re*-sistance. Schmitt's understanding of political representation is to make tangible the (people) concealed through the language of the law of the state. Kelly explains (2004: 118), using Schmitt: 'To represent means to make visible and present an invisible entity through an entity which is publicly present'. For Schmitt, constituent power is pure presence, democracy, the *we the people*. Thus, state law should be assumed as the means of representation. As Schmitt would have it, constituent power can only become intelligible through state legitimacy. This is echoed in Christodoulidis' discussion of Claude Lefort (Christodoulidis, 2007: 193): 'The political is revealed not in what we call political activity, but in the double movement whereby the institution of society appears and is obscured'.

Schmitt is helpful here in conceptualising the form that the resistant pre-constitutional takes, acting as an image of the social contract. It stays alive through the constituents themselves in the practices and the gathering of traditions; the formation of norms and expectancies occur and before we know it there is established a set of structures that give force to these cumulative obligations. Moreover, it is seemingly through this very entrenchment that force is legitimated and there becomes a politico-legal body overseeing the constitution, affecting the move from presence to *re-presence* – constituted power as that which legitimates a monopoly of violence in the name of the people. When we speak of resistance as emanating from the people, then this might be a version of constituent power, whereby any law happening as a result derives its legitimacy from the procedural fairness through which its authority comes to pass (i.e. the social contract).

Thinking back to the Oxford Dictionary definition of resistance, whereby violence is intrinsically linked, similarly the founding force of the social contract relies on a soldering imposition of force, where the constituents hand over the authority to the state to govern in their name, relating resistance and violence together once again. When the state takes on our political sovereignty through the institution of government and the law that founds its legal sovereignty, the

state then has a monopoly of power, and the power ultimately proceeds from the threat of violence and force in order to create a mechanism of social organisation by and through the force of law. The use of force and violence that hinges together law, is described through Derrida's 'Force of Law: The Mystical Foundation of Authority' (1990). Once resistance becomes institutionalised (law) then it becomes suspended in its contrary, or contraries, and the threat of violence as handed to the state is a form of legitimated violence. Following Montaigne, Derrida questions whether or not legitimated violence, or its threat, furthers the quest for justice any more or less than pre-institutionalised resistance: 'And so, since it was not possible to make the just strong, the strong have been made just' (Derrida, 1990: 920–1045). The monopoly of violence is assumed the right of the state, and yet it seems as though Derrida and Benjamin (the Benjaminian 'divine' and 'preserving violence' used extensively by Derrida in *Force of Law*) are saying that this right to violence is not exclusive. What were these two thinkers inferring when they question the legitimacy of state violence? Perhaps more it might seem that the monopoly of violence is the monopoly of resistance, which would immediately couple force with resistant acts. This derives from a corporeal understanding of violence affected by the acts of bodies, individually and collectively in practices of war and revolution. The role of force, representation and the vertical hierarchy of institutionalisation to which state law succumbs, is intrinsic to our understanding of legal authority. Yet as we see these same characteristics are present within resistance too. This takes us back to the armed resistances of freedom fighters around the world, and the black bloc tactic of force attached to predominantly pacifist movements, where the use of the body as power is a reclamation of violence from law in the name of resistance.

The critique of violence of which Derrida and Benjamin propound rests on a distance between political and legal sovereignty, or legal alienation. The resistance of which Thoreau speaks of in terms of political disobedience thus speaks more of the effects of this legal alienation. The further we are from the originary understanding of the social contract, the further away the politics of the state and the laws that are legislated as a result of the democratic process, appear. This disjunction arguably happens when the representative nature of the contract between the citizen and the state is forgotten and the professionalisation of party politics overtakes direct forms of democracy, presence, and resistance. To forget the principles of the social contract, is to forget the oft collective nature of resistance and consequently law, as the will of the people (plural) becomes subsumed into the will of rights (the singular) to the detriment of the communal, facilitated by a monopoly of (our) force. It is important to consider the collective nature of resistance as opposed to one of agency. Ascertaining the role of violence allows for a reference of what resistance is, and how this move from resistance to law normally involves (somewhere along the line) a move to violence in order to hoard power. The difference between law and resistance relies on the fact that positive law assumes the monopoly of violence as an end result of a process of formalism.

State law thus assumes legitimated potency, representation and relies on vertical hierarchy. Resistance remains as an illegitimate use of force where unmediated by a constitution.

We have discussed the definition of resistance in light of its *re*-active nature, whereby there is traditionally assumed to be an *a priori* against which resistance is fighting. The limiting nature of resistance that at once seeks to change the law, also sets the boundaries of the law, whilst almost being within the law at the same time. The underlying functioning of representation allows for resistance to be reformed in a more civilised manner within the state institutional mechanism, the fuelling of both law and resistance being justice, whether justice understood as external to positive law or integral to the institutionalisation of law. The discussion on the right to resistance and the democratic basis of the state through the origin of the social contract highlighted the fundamental nature of resistance to the functioning of social organisation, and thus law, even to the point that resistance is recognised as a legal right within the positive law itself. The discussion on legitimate and illegitimate violence and the state's monopoly of violence demonstrates another similarity between law and resistance, with the state relying on its expression of authority as derived from the body politic, enabled through representation and the hierarchy of institutionalisation. Disobedience whether individually or collective is illustrated through Thoreau and Arendt with the specific usefulness of Scott in explicating how resistance moves from the individual to a collective consciousness, and what can happen as a result of a disjunct between political and legal sovereignty in the form of legal alienation. Having discussed some of the elements of what resistance means, the next obvious discussion concerns itself with the nature of law, what law is and the variant ways in which we understand accepted typologies of legality.

Law

Turning to the question of law, it is important to recognise that there may be a number of alternating conceptions of what legality means; trying to determine the nature of law and what constitutes it, is not a new task either. This is what jurisprudence and political philosophy and theory predominantly concerns itself with, a pre-occupation with what makes legality and where it comes from. We have touched on some of the issues already on the questioning of the origin of law in terms of what resistance might be, an understanding of law as inseparable from a genealogy of the state, and thus the social contract sets the framework here in terms of the democratic basis of law's legitimacy. To follow the social contract view is also to accept the presence of state law, but this does not necessarily help us with the possibility of other configurations of law that may not emanate from the state. Conceptions of law preoccupy not just traditional legal positivists, but also 'legal pluralists', legal theorists and anthropologists who conceive of there being not just one form of law. Within legal pluralism there are variants of forms of law, those that were previously external

to the state and then recognised and increasingly infused within state law, such as *Sharia* law concerning divorce and succession, but also those laws which remain external to the state. These may have the characteristics of state law but more frequently do not (such as more indigenous law-based systems like the Minangkabau in West Sumatra who organise their property in a matrilineal tradition as opposed to the patrilineal system of the remainder of Indonesia (Benda-Beckmanns, 2006).

One of the most familiar conceptions of state law is that of H. L. A. Hart in his 'Concept of Law' (1961). He identifies state law as the 'central case of what we conventionally mean by law' (1961: 13–17). In order to ascertain what the signifier of law is, he trusts there are some essential characteristics; the contention being that law consists in the union of primary and secondary rules. The first set of rules are 'rules of recognition', which set the overarching principles and values, a recipe for organisation and behaviour; the second set of rules are thus the manner in which this behaviour is to be exacted, more along the lines of a method of action and expectation, or the 'procedural'. Without the presence of these secondary rules, there is no institutional enforcement, and this is what distinguishes 'legal' systems from other means of social control. These rules derive their validity from a basic *rule of recognition*[3] established by the officials of the system, making the legal structure as effective in the society in which it belongs (Twining, 2009: 89). Thus, in the opinion of Hart, law is not law if it does not have the institutional mechanisms to ensure the rule of recognition is adhered to – therefore there cannot be a form of law that is not institutionally grounded in some manner or form.

The role of institutionalisation here is fundamental, reminding us of the social contract, the official handing over of power to state authority which by and through that process legitimates itself in the act of formalisation as mandated by the *polis*. This monopoly of power exerts force, or at least today the mere *threat* of force in the cultivation of fear of punishment. Foucault recounts in 'Discipline and Punish: the Birth of Prison' the merciless power of the sovereign in previous times and its infliction on the body itself, whereby to act illegally meant physical retribution, the use of legitimate violence on the body with the ultimate sanction of death at the hands of the state (1995). Robert Cover speaks of this violence as finding its way within the acts of the decisions of the courts, where a judicial verdict has the power to wreak the definitive physical sacrifice (1986). Using Hoebel, Twining explains this use of force is always present when there is neglect or infraction of a norm (2009: 89). This is similar to Weber's understanding of 'legal coercion'. With this in mind, state law is therefore a set of norms and institutions that require hierarchy (institutionalisation), representation (legitimacy), coercion and force (monopoly of violence) so that its version of morality and ethics can be recognised.

3 This is similar but distinct from Kelsen's '*grundnorm*' as the underlying organising principle guiding law (1967).

Justice is a fundamental framework of state law, whether purely through the creation of the organisation of law itself, or through the reliance on a conception of justice that originates externally via a Godhead or nature. Derrida sees justice as incalculable and therefore impossible (1990). The task of justice is always forthcoming and thus something that is a goal and a trajectory of law, part of its democratic make-up being to ensure fair procedures are in place and justice upheld and embodied within the organs of the sovereign structure. This is the idea at least, combined with the separating of powers and dissolution of authority between the arms of the constitution; fairness in criminal procedures as symbolised through the doctrine of *habeas corpus* warranting the punishment to fit the crime; the body has the chance to be brought before a court of law before being admonished. Yet given instances of legal alienation that we spoke of earlier, the democratic mandate can at times be far from the happy affair of political and legal sovereignty Dicey once spoke of, thus the shared sense of justice and injustice being removed or altered by the sovereign's discounted legality. The state law with which we are familiar in Western Europe and much of the commonwealth, protecting of the body against the wilful misuse of power by the sovereign, has a history and origin of collective violence. Resistance turned to revolution through the famous examples of the United States founding their constitution, but also through the less spectacular 'Glorious Revolution' in Britain in 1688 that seated parliament as supreme law-maker within the constitution. Despite its source as coming from the people plural, the liberal influence of the market manipulated the development of how Enlightenment ethics translated this into politics. Within political ideology, the person single has become the progenitor of all rights at the expense of the nourishment of collective rights, in the face of a mercantilist mistrust of the state over the market and a reliance on the capability of free enterprise – or *private property* as it is better known. That said, here the similarities in content of law and resistance are remarkably the same in instances of democracy, where the will of *we the people* is the founding expression of community through constitutionalism.

Tamanaha claims that when all of the functionalist and essentialist elements are removed from law (the institution of law in all its guises – government, legislature, courts, criminal justice system, police etc.), it becomes difficult to denote what is law and what is non-law (Tamanaha, 2000: 101). The establishment of law makes state law very easy to recognise, and thus he discusses the question of whether there are other concealed forms of law that are not of the state, we do not recognise their legality as anything like that of sovereign legality. This question refers to the body of legal investigation referred to as *legal pluralism*.

According to Engle Merry, legal pluralism, 'is generally defined as a situation in which two or more legal systems coexist in the same social field' (1988: 870). This is a simple assumption and one that fits with a polycentric notion of law. As Griffiths states in the opening pages of his article 'What is Legal Pluralism?': 'For present purposes we can define 'legal pluralism' as that state of affairs, for any

social field, in which behavior pursuant to more than one legal order occurs' (Griffiths, 1986: 1). What these definitions highlight are occurrences of law whose origins are not exclusively reproduced in the state institutional form. This law is therefore guided by, or is a set of, social relations. These sets of social relations are not necessarily played out within the remits of courts and judges, but are within traditionally perceived non-legal forms of normative ordering. These could be settings of universities, corporations, factories – and of course protest movements. Consequently, the subset of legal scholarship that is legal pluralism is an effective method of critiquing state law through its potentiality to reveal the inappropriateness of one system through the appropriateness of another. According to Teubner, it is 'capable of identifying authentic legal phenomena operating on a global level' (Teubner, 1997: 14; Tamanaha, 2000: 296). Nevertheless, there are problems with this conception of legal plurality. If we think of legal plurality in terms of resistance, then this might assume that all resistance is a form of law without properly identifying gradients of legality within dissent and dissent within legality. Tamanaha further outlines two analytical and instrumental problems with regard to legal pluralism and these very issues. The first is that there is no underlying agreement as to what state law itself is. Similarly, not all law creates order, thus some systems of law act as disruptive mechanisms within a given order (2000: 302). The second instrumental problem that comes out of the first is that if there cannot be an agreed definition of law, then how can an alternative law be identified? He states that 'law is whatever people identify and treat through their social practices as 'law' (or *droit*, *recht*, etc.)' (Tamanaha, 2001: 166; Twining, 2009: 95). This has its potential for problems, as if law is whatever the people consider as law, with no enforcement or institution, then it can be difficult to denote what is actually non-law. He does say, nevertheless, that 'not all phenomena related to law and not all that are law like have their source in government – therefore there are orders that are not attached to the state which are indeed law' (Tamanaha, 2001: 166).

In terms of some of the conceptions of plural legality that we may have, they still seem to rely on a level of state recognition. Tamanaha argues that when we rely on state law to act as a benchmark for what law is *per* se, what we merely do is speak of the state in non-state terms (2000: 195). The association of the dominant notion of law as produced by the state, is in some manner, open to accusations of ethnocentrism. From an anthropological perspective (and the vast majority of legal pluralist ideas are built upon the findings of legal anthropology), societies that are without a state could be considered as lawless, although as history tells us this has never proved true in the past. According to Engle Merry, there is a 'classic legal pluralism' and a 'new legal pluralism' (1988: 872). The first body of research was on the colonial and post-colonial societies, whereby the intersections of indigenous and European law were looked at. Following this, the focus shifted in research whereby the concept of legal pluralism became that of non-colonised societies such as the US and European countries. This is an indicator of the chronology of legal pluralism, with the potential ideological

claims and colonialist heritage attached. The realm of legal anthropology is key to both early and late stages of legal pluralism. In the quest to distinguish state law from non-state law, legal pluralism has further truncated itself along the lines of the 'classic' and 'new' legal pluralism as suggested by Engle Merry. As there is a pluralist critique of state-centric models of law, the dual processes of law are accentuated through the onset of colonialism. These dual systems are (but not exclusively) characterised by the establishment of European countries' colonies with the Occidental model of legal organisation superimposed on pre-existing legal systems of the territories expropriated. It is this superimposition of state law from another country, from elsewhere, that can reveal the foundations of legal pluralism as possibly problematic, thus revealing the law that we see as the only law, as the law of the West. It is an interesting point that one should rely on state law as a benchmark of legality, as it is the only law that through its acknowledgement of it being a law, that is a law, making it an obvious starting point for the identification of other forms of law. State law is seen by Tamanaha as 'the only self-reflexive legal form, that is, the only legal form that thinks of itself as law' (2000: 303), unlike others that overlap and interpenetrate one another. Given this, the search for law that is other than the state law dogma may make the task of legal pluralism even more poignant.

Legal pluralism could potentially be useful to denote a form of legality that bubbles up from within, from the politic, much like the constitutionalism and constituent power of Schmitt in a form of law that is neither constituent nor constituted. This might be law existing somewhere in between in a zone of liminality, a threshold, a performative movement of decision and *praxis* which denies the commands of the sovereign as the keeper of law. Hart obviously would question some legal pluralist perspectives due to the lack of institutionalisation, and certainly when we are considering the existence of any pre-institutional forms of law. It is from this pivot point that any conceptions of alternative law tend to negate themselves. Given this, there is a distinction between law that is recognised by state institution (and thus subsumed in it), and law that remains external to the state. Accordingly, Griffiths determines law as studied in a more juristic manner to be 'weak legal pluralism', and that studied by social scientists to be 'strong legal pluralism' (1986: 5). One way of understanding the difference between the two would be the role of unity. Weak plural legal systems would be considered as pluralistic in the juristic sense when the sovereign determines different bodies of law for different groups of a population, categorised in terms of ethnicity, religion, nationality or geography; the state has recognised other laws and included it in its own. These legal systems are ultimately dependent upon the central state for their existence and are in some respects, one legal order. Strong legal pluralism is where the state does not recognise a form of legality and this normative order remains outside of the limits of state adjudication.

The benefit of attempting to expand the definition of law is the resultant removal of kudos from the monopolising force of the state and the re-acknowledging of the law-making power that resides outside of state institutions. Famous

legal pluralist Santos is in agreement here, stating: 'a broad conception of law and the idea of a plurality of legal orders coexisting in different ways in contemporary society serves the analytical needs of a cultural political strategy aimed at revealing the full range of social regulation made possible by modern law (once reduced to state law) as well as the emancipatory potential of law, once it is re-conceptualised in post-modern terms' (Santos: 1987). Teubner is helpful concerning the lack of agreement on what law actually is, whether from a positive law conception or that of a pluralist, declaring the inability to distinguish law from other kinds of social norms as limiting the effects of defining law in terms of one social function, as discussed by (Teubner, 1992; Tamanaha, 2000: 306). He therefore opts for a 'non-essentialist' understanding of law, describing law as an 'autopoietic' form of communication and performance. He relies on the binary of legality and illegality excluding such phenomena as social conventions and moral norms being bracketed under the banner of law.

From our discussion of what law means, it is clear that there is not a set definition of law, hinting to a Teubnerian non-essential legality. There is the positive law positing alternate rule of law conceptions that are either guided by morality, justice, a divine or natural rights-based content, and can be state-supported and legitimated through democratic ascendance. Moreover, there are potentially other forms of law that can be incorporated within the state apparatus, or can remain outside the state, whether they look like legal sovereignty or otherwise. The lack of clarity on whether there exists legitimacy that does not look like law, is intriguing, particularly when considering the characteristics of resistance, which we have been talking about already.

What does differentiate law from resistance, and the other way around? It appears as though within a democratic constitution, law is incumbent upon resistance for its founding act, and law must always check resistance to retain its authority. Using Agamben, Schmitt or Arendt, we can see that resistance is a peripheral externality of law, whilst simultaneously acting as the founding content and influence on the development of the state. Yet, resistance seems to rest upon *presence* as opposed to *representation*, non-hierarchy as opposed to institutionalisation, and the dispensing of the monopoly of force to the guard of the state. Thus, resistance is apparently entirely altered to law – or at least the law of which we have been discussing as state law, and not the kind of law a strong pluralist would refer to. How useful it might be to ponder a linear chronology of law and resistance, which came first, is of questionable significance. What is clear is that the two interpenetrate one another – resistance and law are contingent of one another, their true relation is nonlinear**.** Nonlinear in the sense that there is not a progressive movement from one to another in one direction where resistance preceded law or the other way around, but a relationship where there is a contingency of legality or a contingency of dissent in each that unfurls at given moments, dependent upon given exigencies, whether external or internal. When there is a halcyon difference between resistance and law, it is quite clearly the linear direction of institutionalisation; at the same moment of the handing over

of power, force is monopolised, the people are represented, the vertical hierarchy is formulated through the establishment of the institutions and organs of the state. State law happens as a result of institutionalisation, a linear progression of pre-institutional rules and procedures at grassroots level becoming reified. This grassroots level is the contingency of resistance, the state form of law assuming a rectilinear movement in order to establish the vertical hierarchy of institutionality. This happens when force is transplanted from the people to the structuration of the sovereign, creating the distance of representation needed in order for the state to function legitimately. State law relies on its legitimacy being valid in a twofold manner: *representative* of the people (the constitution) whilst at the same time owing its authority to the *institutionalisation* process itself. This institutionalisation happens as a result of the interjection of capital and individual proprietorial rights.

Institutionalisation

Boaventura de Sousa Santos' article 'The Law of the Oppressed: The Construction and Reproduction of Legality in Pasargada' (1977), taken from his 1974 thesis 'Law Against Law: Legal Reasoning in Pasargada Law', gives an insight into the formation of legalities from a perspective of a Southern setting informing the understanding of *institutionalisation* of resistance and law described in this work. He is speaking specifically here of the advance of alternative law, suggesting that the development of an alternative law expresses a signatory of popular justice, sometimes in conflict, and sometimes parallel with the law of the state (1977: 5). Pasargada is a fictitious suburb of Rio de Janeiro, thus Santos has named the legality that is created 'Pasargada Law' (1977: 1–9). The angle from which he investigates this bottom-up law is through the dispute prevention and dispute settlement of the 'Pasargada Residents Association'. He describes legality from 'inside', through sociological analysis of legal rhetoric in disputes and its unequal relationship to the official legal system from a legal pluralist perspective. It is a law that deviates. Pasargada is an underground law, one that exists because of social exclusion, and yet it lends and borrows from the dominant law, as Scott's public and hidden transcript scenario also did (1977: 100). Echoing Scott, Santos accentuates the dialectical relationship between Pasargada law and that of the state, where clearly there is an element of legality and representation not included within the official law and that needs forming by alternative means. The interclass legal pluralism, of which Santos recalls, is one that selectively borrows from the official legal system and accordingly occupies a position along a '*continuum of formalism*' (1977: 90). It is created out of necessity, where the state system does not accommodate for the said community and other methods of cohesion have had to be developed. The official law does not cater for them because of the housing status they have. Here 'the strategy of legality tends to transform itself in the legality of the strategy' (1977: 104).

Setting aside legal pluralist predispositions for a minute, the term *continuum of formalism* is one that helps to explicate a movement from resistance to law and the

process of institutionalisation itself as integral and affective within the formation of state law specifically. The movement between law and resistance effectively enacts a *process* and *product* at the same time. Resistance and law are contingent of one another and yet state law, to enact itself as state law, has to move in a linear progression in a continuum of formalism as described by Santos, in order for it to institute and constitute itself. Discussing the question of origins and processes of the development of law specifically in relation to property, Zartaloudis similarly places emphasis on investigating the change and *process* that occurs in the formation of state law, as opposed to continuously seeking to question its foundation. He states in his 'Theories of Origin as the Progenitor of Trust' (2012):

> (a) It is crucial to avoid this obsessive origin for practical reasons as well as for the fact that the method of the origin presupposes an approach that hinders study. Instead, we can think of the quest for sources in the sense of an 'amalgam' (though one that does not fuse its elements into a unity), or even better in the sense of an 'assemblage' (whereby different sources, concepts and situational contingencies intersect without a central unifying reason); (b) it is important to avoid the characterisation and understanding of the designated 'pre-juridical' (concept, practice, custom, etc.) in juridical terms, since this always hinders the appreciation of how assemblages, in fact, form.

Zartaloudis' acceptance of the assemblant nature of resistance and law allows us to move beyond questioning the origins of the two and to look explicitly at the manner in which state law comes to be formed, echoing the object-orientated *lawscape* of Philippopoulos-Mihalopoulos. This freedom to focus on the processes creating the product of state law can assist us in understanding the institutionalising nature of state law, and at the same time the possible divergence between a law that becomes instituted and law that does not, emanating from resistance or otherwise, and the shape that resistance takes within this. Is there the capacity for laws to exist that are not reified by organisations and structures of which we would normally associate with legality? If we are to search for laws within resistance then can all resistance affect law, or does it have to be a specific kind of resistance? When thinking of the continuum of formalism relating to Santos' work, he is speaking specifically of the development of an example non-state *strong* legal plurality, which has emerged from the bottom-up, unenforced from a top-down sovereign mechanism. He states that: 'Pasargada law is an example of an informal and unofficial legal system developed by urban oppressed classes living in ghettos and squatter settlements, which seeks to maintain community survival and social stability in a capitalist society based on speculation in land and housing' (Boaventura de Sousa Santos, 1977: 89). It would be here that a continuum of formalism in the sense of which Santos speaks might be different from the interpenetration of law and resistance I am referring to, in the task of understanding the possibility of laws that exist outside of the state. This process of formalism would account for the incorporation of resistance within state law, and yet what

we still need to understand is how there are laws that exist entirely outside of a linear progression to state law, but operate in a non-linear fashion so that they continuously evade the state structure.

Santos recognises both state law characteristics within Pasargada law as well as unfamiliar methods of communal understanding. A manner in which Pasargada law is similar to that of the hidden and public transcripts determined by anthropologist Scott discussed earlier, is through an understanding of the role of formalism in both; in other words, how much institutionalisation takes place within these groups, from silent forms of dispute resolution to more institutionally formatted methods. These are what Santos calls 'Judicial Protopolicies' (1977: 18): organisational principles of action through which strategic decisions are made. He claims that they condition the argumentative discourse, but are not part of the discourse itself (1977: 18); in this context, there is an actualisation of law in dispute prevention and in norms themselves (1977: 14). Where formalism collides with informalism, Scott relates to the stages of transcript transformation from mere utterances to the public arena. What differs here is that Santos also refers to characteristics of his Pasargada law that do not remind us of state law, and thus do not express formalism as such. There is an emphasis upon not just the spoken elements of the relations between the groups, but those that are acted and even in Santos' case, the very role that silence plays itself. Silence is seen not as a negative attribute to the creation of the law, but as a productive force. Norm creation relies not only on moments of discourse, not just actions in themselves, but almost a non-activity, a moment of negation that leads to innovative consequences. This is the structural mode of the actualisation of law in the dispute settlement context, non-reliant on language alone and inclusive of deeds and opportunities of quiet. Non-linguistic arguments such as gestures, postures, the use of flags and even bibles, underline the relation between silence and language and an underlying element of performance and practice in Santos' Pasargada Law (1977: 30).

Speaking of institutionalisation not only reminds us of Santos' continuum of formalism, the hidden and public transcripts of Scott, but also of the work of the 'philosopher of autonomy', Cornelius Castoriadis, who is useful in understanding the role of institutionalisation as both a precursor and cursor of social organisation, process and content, through his descriptions of the 'imaginary institution of society'. He begins with the thesis that every society 'institutes itself' through the creation of 'social imaginary significations' (Castoriadis, 1975). Beyond its social utility, this logic contains within itself the seeds of domination of humanity and nature. It is capable of becoming a kind of 'madness of unification' that seeks to annihilate all difference and otherness and reduce all realities to its own terms (1993: 299–300). The institution of which he speaks directly expresses itself through the organisation of law and the bodies that are created with the aim of enforcing not just law, but the ideologies attached to law, and those creeds that ultimately put in place the institute of law. He sees the modern project of domination as a specific instance of social alienation that has an historical

presence, whereby social 'alienation' in all its forms is a process in which 'imaginary significations' become autonomous, i.e. they assume their own life and character as a result of the process and product of customisation. Society loses awareness of the fact its social institutions are the free creations of human beings, and these institutions take on an appearance of inherent authority. The systematic nature of the establishment of the state structure of which Castoriadis refers to resounds with the movement of institutionalisation as a process and product that this work seeks to explain. The imaginary institution describes the monopoly of not only power, and resistance, but also a potential explanation of the monopoly of forms of organisation and of law itself. This process of institutionalisation takes on recognisable forms of authority that occupy time and space in ways with which we become familiar, such as the seat of government, the courts, the architectures of legal and political authority that surround us and convince us of their infallibility.

There is a good example of the process of linear institutionalisation demonstrating a continuum of formalism, within squatted, to rented, to owned social centre examples. During the research leading to this book, there were a number of social centre individuals interviewed not a part of a *squatted* social centre *per se*. The differences between squatted, rented and owned centres are suggestive of the types of organisational structures that hold them together, those that are squatted being the most distant from the state, using unconventional horizontal forms of organisation, with alternative institutional structures; those that are owned remaining within a very recognisable form of property relations in comparison. As a result of these differences, there can be noted a type of continuum of formalism from one stage of property relations to the next; from social centres as subscribed to a system of exchange value and capital, to squatted social centres whereby the system itself is critiqued through the contestation of space and alternative forms of organisation performed. Even more interesting, these alternative normative orders are paradoxically created within a state-legitimised loophole, the legal fiction of *squatters' rights*.

Law of resistance

Having spoken of a legal pluralist conception of law, which on the one hand can be plurality included within the unity of the state, and on the other, versions of law that occur and remain outside of the state, then how does this relate to a continuum of formalism of which we have just been speaking? I argue first and foremost that legal innovation that occurs outside of state law: a) is not limited to being shaped by the influence of state law institutionalisation, but in most instances this does happen; and b) does not have to look like state law in order for it to be a form of law, following from a strong legal pluralist conception of legal plurality.

What kind of law is it that we would assume to have arrived at from resistance? In what form does this law manifest itself, whether in terms of state mechanisms

or less-obvious examples of normativity? These questions should lead us to a discussion on the role of law in resistance and the movement between these two apparent poles. It is now that the discussion can divide between a) conferring a presence of *state* law within resistance; and b) resistance's capacity of to create new law, or a *law of resistance*. If resistance has the capability for legal innovation then what does this look like? Does it always look like state law, or does it appear entirely different from any understanding of law that we might previously have, thus making it an alternate legality? Is there ever a point at which the juridical is free of resistance, or resistance free of the juridical, meaning that even if resistance seeks to create its own legality, it may not always be shaped by state law's modality?

Returning back to the descriptions of resistance that we discussed earlier, it is pertinent to remember the democratic nature of constituent to constituted power. If law and resistance are contingent of one another, or an Latourian *assemblage* as Zartaloudis and Philipopppoulos-Mihslopoulos call it, then the question is what differentiates between laws that supposedly happen prior to institutionalisation and continue on in a formal manner, and those that remain operating in a nonlinear fashion, continuously evading constitution? Law and resistance being within one another assumes that there is a juncture or moment in time and space that performs and enacts a process and product of either law of the state or a law of resistance, where one becomes more constituent of law than of resistance. Referring back to Rousseau and to Arendt, this juncture must be interrupted by an external presence influencing the direction of one over the other. This moment deciphers the difference between law that will become state law and law that might become a *law of resistance*. It is at this point that I argue all non-institutionalised law that is resulting from *presence*, is a *law of resistance*; by allowing for *presence* and not *re-presence*, there is no need for institutionalisation in order to hold legitimacy, based on the discussions of the nature of representative democracy (constituted power) and how it emanates from constituent power (the political). At the same time, both the law of the state and the proposed law of resistance arguably come from an external presence; it is through the divergent manipulation of force, representation and hierarchy that the two normative frameworks are expressed alternately. Why and when do they decide to express themselves in one or the other? I argue it is through the introduction of *individual property rights* that the resistance and law matrix determine whether to direct a continuum of formalism as expressed by the creation of state law, or to remain in a '*nonlinear informality*' as manifested by examples of laws of resistance such as that we will come to look at with the social centre phenomena. Laws of resistance that remain nonlinear and informal are thus always collective by nature, whilst at the same time the role of the agent in the collective allows for an understanding of the performative and practicing temperament of laws of resistance. This is also true of state law, but the practice of state law becomes fetishized with the process and product of the institution of individual property rights (as expressed through the monopoly of force, representation and hierarchy), to the detriment of its originary present and collective consciousness.

Returning back to the point made earlier, if state law makes use of resistance, then does it also make use of a law of resistance, and the same, does resistance and a law of resistance make use of state law? There are some resounding examples of the familiar presence of state law forms within resistance movements, and seemingly when one is looking for law within resistance, it is much easier to spot the characteristics of state law than that of non-state law, and laws of resistance. It is with this supposition that inspiration from legal pluralist literature can guide our way to understanding 'laws that do not look like laws'. Returning to Santos, he describes the more familiar 'written' form of blackletter law as the 'legal' in itself and spoken word as something akin to the 'moral' (1977: 29), resembling a form of natural law in this context, or law that is not of the state. Similarly, he claims that folk systems such as those reminiscent of the Pasargada settlers' are strict on ethics and loose on formalism, highlighting the official system of law as strict on formalism and loose on ethics (1977: 28), which is interesting considering the defining role of presence and *re*-presence in Pasargada law and ultimately state law.

Social centre hidden law

In the February of 2008 participant observation was undertaken at the 'National Squatters Meeting', held in a purposely squatted abandoned nursing home in Leeds. The event was advertised on the internet and open to the public. I was fascinated with how the event had come together and whether their happening indicated an unsaid law of resistance prior to law, suggesting a form of hidden law.

Here is an excerpt from diary comments documenting the manner the event was found:

> I went in there after taking a sneaky photo, and asked two guys that were standing there whether or not they knew of the meeting and they gave me two numbers to call. I was told to get on the bus to Headingly and get off at Headingly Stadium where I was to call either of the numbers and I'd be directed to the squat. This was simultaneously quite scary but also was positive, as I had the numbers and the directions and it was confirmation that the actual thing was going on! So I headed there, and once got to where I thought was good at the stadium, I then called and was directed to the squat – a massive derelict old peoples' home with a banner on the outside saying 'There is a lot of money people in this property' (Research Notes from National Squatters Meeting).

At once the apparently clandestine nature of what felt like an undercover operation appeared as a form of hidden networks of organisation holding the event together; performative acts resonant of some kind of hidden construction of interaction and behaviour. These mechanisms of self-managed communication, of bridging watched over by the police (law) are examples of these secret narratives that go on when such events of the squatting and social centre scene take place. The lines of connection between the researcher, the two men, the calling of the necessary

number and the bus-ride to the stadium, could well be seen as the undercover building blocks that hold up the foundation of the governance of a movement. These connections between nodes of agency are enacted and created without the reasoning of leadership, which underlines the anarchist and anti-authoritarian backdrop of the social centre scene; self-management or self-organisation whereby there are hierarchies but no one person as a leader in order to avoid the concentration of power on one individual.

This work seeks to take up this specific task of describing possible instances of law that exist outside of the state through the example of social centres (as well as the co-optation of state law characteristics at the same time). The aim to illuminate *how* this occurs and to what ends this evaluation of the social centre setting can be for illustrating non-state legal innovation in other similar situations. The kind of non-state law we are referring to is that determined by a resistant *presence*, moving in a *nonlinear informality*: the legality suggested is resultantly a *law of resistance* because it is a formation of *collective* resistance. To consider the existence of forms of organisation that are very alien to what we would deem to be effective methods of social cohesion reminds us once again of Castoriadis' questioning of rationality and the construct of organisation within which we live already. He sees the classic example of the revolutionary nature of the social imaginary as the instituting of capitalism by the bourgeoisie. The revolutionary class created 'a new definition of reality, of what counts and of what does not count – therefore, of what does not exist' (1993: 179). In that same way, there can surely be the preponderance of other systems of rationality accessible once we have moved passed the assumption of there being a single correct way of managing ourselves and our laws. Castoriadis would see this as an opportunity for affecting a new 'radical imagination' capable of 'constituting new universal forms' that result in shared social meanings, much like that achieved through the real or perceived establishment of the social contract (1993: 131).

With this in mind, it is argued if there is ever to be a recognition of alternate understandings of social organisation within the possibilities of both *representation* and *presentation*, then there has to be an acceptance that there may be different constructs of legality with which positive law and its proponents are yet to be familiar. In the eyes of Castoriadis' project, this involves a recognition and self-realisation that society evolves and affirms its rules and procedures in line with its own creative choice (Clarke, 2002), and not from one set understanding of God, rationality, history and even law. By making way for alternate forms of social organisation, we come to accept the self-referential formation of law, an acknowledgement of our 'self-institution'. Castoriadis therefore sees post-revolutionary society as 'a society that self-institutes itself explicitly, not once and for all, but continuously' (1988: 31).

If we think of some of the characteristics of a *law of resistance*, then there would arguably be no form of law as there is no force, representation or hierarchy. On

the other hand, there might be forms of organisation that we cannot see which operate with consensus, presence and horizontal hierarchy in mind, and could perhaps suggest an alternative understanding of legal administration to that of state law. Derrida asks the very question 'What is a just force or a non-violent force?' (Derrida, 1992: 920–1045). Indeed, as Benjamin himself states: 'Non-violent agreement is possible wherever a civilised outlook allows the use of unalloyed means of agreement' (Benjamin, 1978: 289). Given that state law establishes itself by the transference of power from the people to government, then the role of force is an inimical question. Legal pluralist Merry warns, 'Where do we stop speaking of law and find ourselves simply describing social life?' (1988: 870). It must be considered, therefore, that not all forms of social organisation are necessarily law, their almost antithetical character to state law does not also mean that there are laws that can be assumed. This is echoed by Santos, stating: 'If law is everywhere, it is nowhere' (Santos, 1987; Tamanaha, 2000: 298). It might be helpful here to consider the difference that reoccurs between a law and a straight-cut example of normativity. A normative framework would assume itself as rules that ought to be followed, and yet alternative forms of law would just assert themselves in terms of not what *ought* to be, but merely what *is*. When considering the potentiality of a law of resistance, then an ontology of resistant law accounts for the process and product of that law as necessary, purely being and happening as a result of a necessity and compulsion, and not a positive framework asserting what is right and what is wrong.

What struck me during my research into social centres (which led to the writing of this book, and has remained in this writing on law and resistance), were the participants of the spaces – often considered anarchist or anti-authoritarian – and their highly organised spontaneity. This pervading notion of *self-management*, how it is performed and enacted with the appearance of disorganisation, but is highly motivated and structured, demonstrating organisation differing stratas of hierarchy to those normally seen within a law. This self-organisational behaviour relies on a semi-autonomy from the state, with hierarchical structures that simultaneously acknowledge the role of state-sanctioned rights, such as the fictional legal doctrine of squatters' rights. These decisions and processes of regulative mapping are contingent and constitutive; and this is their beauty.

The seeming contradiction, therefore, that groups of individuals that are supposedly rabid with chaos are organised and have sophisticated structures of decision-making, echoes a prevalent misunderstanding of the *other*, underscoring the fundamental constructs that reside in the so-called 'illegitimate' and simultaneously, in the 'legitimate'. They are not disparate at all. Otherly ways of being are always misconstrued if there is a lack of education and knowledge about them. A core drive to write this book has been a wish to explain the other, other *laws*, to those unfamiliar with social centres. Social centres operate using their anarchism and anti-authoritarianism as a mode of operation. Underlying these practical aspects is a respectful view of the world, and not one that sees each agent propelled by her or his self-interest, or at least there is an *ideal* of collective interest

primarily. The philosophy that underlies this is 'mutual aid' and a belief in the inherent good will of each person, thus rendering any form of coercion or regulation as theoretically unnecessary. This is the lawlessness of anarchism, and that, as in any other movement, has been fundamentalised, or skewed. Within a belief system that sees no need for law, that there should be an unconscious performance of law, is compelling.

It is these very symbolisms, manifestations and even ontological experiences accented by the movements discussed, that I argue create a law; the walking in and out of a squat resonates a boundary of some sort; a space, a temporal projection, a zone. This is where it became clear that these inner-workings of resistance are imitating the mould of a juridical-creation mechanism. Remembering, a) the role of presence within a law of resistance, b) its pre-individual proprietary nature of a law of resistance; c) the nonlinear informality of a law of resistance that evades taking on the representative, individual property hierarchies of state law, ensures it remains contingent and constituent enough of resistance to remain non-institutionalised.

Despite force, representation and hierarchy all being altered in a law of resistance, the very boundaries of a law of resistance are formed by state law, in fact without these boundaries there would be no need for a law of resistance. Further, co-optations of state law forms and characteristics are very common within resistance, such as the legal doctrine of the general strike that rests itself on a legitimated right to remove one's self from the workforce in defiance of a specific government policy or requirement of an employer. The social centre scene that is the subject of this work actually combines the two, as without the state law doctrine of squatters' rights (which despite changes in the legislation, still exists in commercial buildings at the time of writing this), then squatting is not lawfully possible. At the same time, squatters also invest time and energy in trading with the enemy, assuming the practices and knowledge needed to keep them squatting lawfully. This could be through abiding by section 6 of the Criminal Law Act 1977, ensuring there are people in the building at all times and that the space is secured to make sure the squatters' claim to the property is to the detriment of anyone else (repeating the English law maxim of the right to exclude). What is of interest here is the role of the right to exclude, the arrival of individual property rights, where even the squatters have to express positive law maxims of individual property rights in order to assert the legitimacy of their collectively run space and assert their own nonlinear informal legality. It is to the legal and illegal nature of social centres that we will return later when considering whether squatters' rights as a doctrine merely reasserts private property maxims, and the impact this might have on a social centre or squat truly asserting a nonlinear and informal law of resistance. Perhaps the onset of LASPO 2012 through bringing the opportunity to squat illegally (without taking someone's home), offers a true example of law of resistance that resists the formalisation of the state entirely, other than being shaped by the state's criminalisation.

This chapter has sought to introduce both law and resistance and the crossing over points of both allowing us to consider gradients of law and resistance more or less formalised through the linear direction of institutionalisation and the forceful imposition of individual property. We looked at individual and collective determinations of resistance and the possibility of a law of resistance resulting from linear and nonlinear movements of law and resistance. Next we consider the *social centre* and its specific usefulness as a case study for this work.

Chapter 2

Social centres

195 Mare Street, Hackney

> Social centres illustrate participatory modes of action designed to bring about change through a deliberate use of conflict. Squatting is an essential component of the strategic mix of social centres not only because it involves breaking the law, but because it is a way of obtaining what has been denied.
>
> Mudu P. (2004), *Resisting and Challenging Neo-liberalism: The Development of Italian Social Centres*, p 923

The central phenomena that prompted the coming together of this work on performances of law and resistance is the *social centre*. Social centres are spaces used for radical political organisation within the urban environment and more

often than not are squatted. They exemplify apertures of 'in-betweenness', using the words of Brighenti's edited collection 'Urban Interstices: The Aesthetics and Politics of the In-between' (2013), through their informal and rebellious nature. Social centres' implicit lessons for law and resistance are found throughout this book, their prevalence clear during the writing of the original doctoral thesis. For me, they epitomise the admirable and aspirational Naomi Klein-esque nostalgia of 1999 Battle of Seattle, the tactics of the Reclaim the Streets (RTS) movement in the UK, the organised tomfoolery of the May Day protests each year in London during the nineties and the more structured horizontal hierarchies of the World Social Forum (WSF). Memories of Klein's inspirational insurrectionary journalism in the seminal *No Logo* (2001), typifying a generation's wish to alter politics from the bottom up and a belief that systemic change and the wiping of Third World debt could still be possible, shaped this desire to talk about social centres as part of a global movement for justice. The influence of RTS' symbolic anti-roads protests of the nineties and their emblematic contesting of environmental politics with party and protest prompted the urge to write on the similarities and linkages with the social centre scene in the UK.

So captivating about the social centre movement to the study of law and resistance is primarily: a) the organisational techniques (the invisible nature of these underlying networks of organisation and their seemingly non-hierarchical design); b) the participants' understanding of state law; c) the dimensions of space and temporality and; d) the archival or *performative* nature of their practices and organisation. I will explain what I mean by performative and archival shortly, however it is enough to say that this is an integral reminder of the process and product of law and resistance spoken of in the previous chapter. *How* they actually do this through their creation of what is referred to here as *social centre law* will be explained later, but first will be a summary of what social centres are themselves.

It is through a proprietorial interjection within which social centres situate themselves, that they illustrate an interplay between law and resistance, the influence of state law and individual property rights. It is their anterior collective frameworks that pose as useful examples of *alternative property narratives* in this work. The law of the state in relation to squatting will be discussed, how *squatters' rights* as a fictional doctrine has developed over the years and the recent changes in the law affecting the ways in which social centres are run, the places where social centres are now either deemed lawful, or criminal to instigate. One important consideration, of course, would be how these changes affect social centres, and whether it really matters to the squatters and organisers of social centres on a practical or philosophical level if there is a legal acceptance of the centres or otherwise, defining the distinction between the practical and the philosophical further. Another consideration is to what extent do squatters actually use and coalesce state law in a practical manner so that they can continue to squat. It is clear from the interviews and the literature available that squatters do have a vast knowledge of state law, and thus to know the ins and outs of the law is necessary to enact and perform their own form of organisation, and arguable legality.

Central to social centres is a *praxis* of *autonomy*, based on freedom from state intervention and exterior authority. How this philosophical influence is projected on to their broad (and often differentiating) understandings of law and legality will be discussed, as autonomy means also the post-Kantian *self-legislative* that places our behaviours and actions in relation to others, the state and, ultimately, ourselves. Legal pluralism as a subset of legal theory is useful here as it describes the mixed and co-opted nature of both self-legislation and state legislation, and I am thinking particularly of the work of Sally Falk Moore's *semi-autonomous fields* mentioned in the methodological notes. Falk Moore's semi-autonomous fields speak of legal innovation that happens outside of the state and yet its limits are moulded and infected by it at the same time. Semi-autonomy describes the relationship between social centres and the state, they claim spaces to be retrieved from the grasp of private property rights, to open them out for the community to use or even for the participants to access the space (each centre operates inversely). Yet there are also state laws that govern squatting and allow (or not as the case may be) autonomous practices to happen, in a semi-autonomous placement from the state. By thinking through the location of social centres in relation to the state, and assessing the institutional differences between social centres that are squatted, rented and owned, social centres offer us a useful example of Santos' *continuum of formalism* whilst at the same time demonstrating the processes and products of *autonomy*. Semi-autonomy and the arguable preponderance of both social centre continua of formalism, and the capability to manifest social centre *informal nonlinearity*, is demonstrated through their temporal and spatial placement of semi-autonomy, performed through their *praxis* of self-legislation. This bringing together of time, space and practice is allowed through their '*autonomy-as-practice*' and '*autonomy-as-placement*'.

I thus argue that social centres rely on state law to practice their beliefs in autonomy, even if the doctrine of squatters' rights has now been limited. Autonomy is thus a process and product just like institutionalisation, the movement between law and resistance enacting a *process* and *product* at the same time. Autonomy accounts for both individual and collective practices of law and resistance in the form of *self-management*, the responsibility towards others the point at which the individual considers the collective; the drive of fairness and justice present in institutionalised law, laws of resistance and resistance. The juncture at which social centre organisation moves from pre-institutional (resistance and laws in resistance) to institutional (state law) is the acceptance of individual property rights as their governing framework (council rates, rent, mortgages, etc.), where property is no longer squatted. Semi-autonomy describes the place where individual property rights can start to influence the organisation of social centres, as well as remain outside social centres and shape the organisation of social centres in turn. The interesting role of state law practices and knowledge of them by squatters and other resistance movements demonstrates that to know and co-opt state law is a useful tactic for achieving certain goals. Thus, social centre participants' semi-autonomy can also be an expression of their '*admiration for law*'.

Social centres ultimately have the capacity to initiate *both* state law and a law of resistance:

1 Social centres allow apertures for a law of resistance to exist outside of the state, as there is *presence* and *collectivity* combined with practices that make way for a non-state law that remains *nonlinear*. The practices or *praxis* of social centres are specifically the *praxis of autonomy*, as *self-management*;
2 Social centres offer an example of grassroots democracy with the possibility of being co-opted by state law, as they are: a) based on presence which becomes b) re-presented with the advent of state law institutionalisation and subsumption into the individual property rights system through the shift from squatting to conventional forms of renting and ownership.

Social centres

Social centres are communally run buildings that are occupied, rented or owned. Each of the spaces is run on a hierarchy of skills by individuals (by and large) on a completely voluntary basis. There are varying concerns that shape the make-up and activities within the centres, propelled by premises of community and politically based activity, creativity, inclusion and autonomy. Each centre operates according to its own agenda, and thus has peculiar characteristics as moulded by their participants, the community surrounding them, and the philosophy and politics to which they prescribe. Some spaces see themselves as more community-driven, whereas others are more event and political meeting spaces. The Library House in Camberwell, London, is an example of a social centre that did a lot of outreach work with the local community, whereas the 'rampART' space in Whitechapel (London) (*see* Fig. 2.1) was more of a meeting space and one that held benefit events and fundraising nights. All can be said to be of a left-leaning radicalism, with alternate levels of intensity depending upon the project concerned, although there have been noted a preponderance of right-wing Italian social centres since 2000 (Spatial Agency, 2010). Depending upon whether it be awareness raising of rising gentrification, local immigration matters or the very fact that the spaces may be contested in themselves through squatting, this is reflected in the activities and general ethos of the centres.

Social centres attract a pastiche of folk, some unemployed, others married with families and full-time jobs, those who live in the centres, and those who visit. They are places in which, according to the Social Centre Network (SCN) website: 'people can come together to create, conspire, communicate and offer a collective challenge against capitalism'. A number of interviews were conducted as the basis of the research for this book. I interviewed a member of the rampART collective back in 2009 whose insights were of great value to the task of understanding a potentially law-innovating energy emanating from social centres. I remember she drew a cartographic picture of the centres on a planetary scale. She said squats and social centres find themselves within the 'chinks of the world machine'

Figure 2.1 rampART

(Sheldon, 1972); here, she used a famous quote from feminist science fiction writer Alice Sheldon (better known as James Tiptree Jnr). These are the loopholes and interstices of liminal existence that must be exploited politically, she explained to me. The rampART social centre was established in May 2004 and evicted in October 2009, a squatted centre throughout this time. The fact that it was a squatted space and one that lasted for over five years is quite rare in the UK. Spaces normally last for a matter of months due to the transiency of the squatting scene, the political climate and the legal restrictions. It held a vast number of events and benefit nights, and linked to the organisation of the G20 protests in London in 2009 as a meeting place. It has probably been the best-known social centre in London in recent years.

The notion of *autonomy* filters throughout the philosophy and organisation of social centres. The control and freedom over their own ideas and practices, set apart from the overarching market-infused culture, is the basis on which social centres operate practically and metaphorically. Autonomy as a central philosophical precept to the social centre movement, predominantly fuelled by the Autonomist movements of the seventies and eighties in Italy, Germany and Spain; autonomy and autonomism in this sense meaning *self-management* and a distance from the authority of the state, in the same vein as anarchism. The impulse to accommodate for the surrounding social demographic is twinned with the desire

to change, shape and influence the thoughts of those that attend the events and meetings of the centres: this is referred to as 'radicalisation'. Radicalisation is encouraged in those not familiar to social centres. Having an open space allows people who have not been in contact with radical politics before, to become radicalised, re-born and active in their politics. According to one social centre participant 'the experiences and memories of the spaces are passed on to others in the hope of continuing the movement and altering peoples' perceptions, about the movement itself and also about the issues they bring up and support' (Lunghi, 2007). This connection of struggles brings on a wider, national and global dynamic, through the linked pages of the social centres on the internet, and their conglomerated presence at large political protests. Social centres connect to other movements across the world, raising awareness for land rights issues and those territories and individuals fighting against repression and for autonomy. There is a concern for history, oppression and learning from past mistakes. An example of this learning and relating to other movements was an event at the social centre '195 Mare Street' called 'Past, Present, Future', which aimed to consider the history of the collective's time at the building and to ensure they discussed their place within the historical surroundings. They discussed the direction the building and the group were going in the future, linking to other external protests and causes at the time (such as wider questions of inequality, poverty, democracy and education).

A 2007 survey found that there are up to fifteen squatted spaces in the UK, the nature of their ambiguous legality making the lifespan being unpredictable. This has undoubtedly altered since the time of the survey's publication and if one is to look now at the 'Autonomous London' website that lists all the spaces in London and also elsewhere, the majority spoken of here are now evicted. Other than the recent upsurge in squatted social centre activity of the Elephant and Castle Social Centre (Elephant and Castle) and Radical Bank of Brighton and Hove during 2015, there remain only the Pogo Café, London Action Resource Centre (LARC) and 56a Infoshop (Camberwell), which are rented spaces and not squatted. The SCN Wordpress site lists social centres around the UK and Ireland, again, the majority of which appear to be permanent spaces with little squatted spaces remaining. This is an interesting trend to take note of given the change in the law relating to squatting of commercial buildings. With a total of 250 events organised per month, centres during the nineties and two thousands attracted a crowd of 4,000 to 6,000 participants, with 350–400 additional individuals involved in the running of the spaces (Lunghi, 2007). At the time of this research being undertaken (2006–2011), there were a handful of centres within London. In Shoreditch, '84–85 Great Eastern Street' was evicted in September 2010, which was previously 'The Foundry', a great artistic venue, now replaced by a hotel. It was squatted for around four months until evicted on 3 September 2010, the squatters resisting eviction in order to keep the historic building in Hoxton, London. There was 'rAtstar', Camberwell (2010); 195 Mare Street (operated as a social centre but did not call itself a social centre); the rampART, as just

mentioned, located in Whitechapel and now evicted; 56a Infoshop, Elephant and Castle (*see* Fig.2.2); The Library House in Camberwell (evicted 2009–2010); '1000 Flowers Social Centre', Dalston; and 'Non-Commercial Centre', Whitechapel (both now evicted).

Throughout the UK there are a great number of social centres. 'Kebele' in Bristol, there is also 'The Commonplace' in Leeds, with academic Chatterton from the Autonomous Geographers as part of the collective; 'Cowley Club' in Brighton; '1 in 12 Club' in Manchester; 'PAD' in Cardiff; 'ACE' in Edinburgh; 'Next to Nowhere' in Liverpool; and 'Sumac Centre' Nottingham, amongst others. These are listed on the SCN site and there are surely others that have not been included. The recent marked decrease in the amount of social centres in London is arguably due to LASPO 2012, and what the interviewee from rampART thought was a lack of energy, commitment and of people interested enough to give them longevity. During the student occupations of 2011, the social centre format became a strategic protest mechanism, notably with the occupation of University of London buildings to create the Bloomsbury Social Centre (2011).

Occupied Self-Managed Social Centres (CSOA) of Italy and Spain hold the inspiration for the British social centres seen today. The Italian movement springs from a rich history embedded in the 'Autonomous Workers' Movement' of the seventies. Centres mainly came into existence as a response to increased

Figure 2.2 56a Infoshop

deprivation, and were the projects of the unemployed (Lunghi, 2007). They were an anti-capitalist and anti-fascist reaction resulting in 'an individual and atomised response which expresses itself in disengagement from collective action and disillusionment' (Mudu, 2004: 918), focusing attention on land use issues and the struggle for the re-appropriation of social time. In 2000, Milan alone hosted twenty-six centres, and throughout the whole country, there are one hundred and thirty of the autonomous zones (Dazza, 2000). There are centres such as Casa Pound (dedicated to Ezra Pound), as well as many other famously named social centres all over Italy, such as Forte Prenestino, Corto Circuito and Villagio Globale in Rome, Leoncavallo in Milan and CPA Centro Popolare Autogestito Firenze Sud in Florence. In Spain there is a rich history of social centres, particularly in Barcelona, including Can Pasqual (1996) and Can Mesdeu (2001). Aside from the Mediterranean countries, social centres have a considerable presence in Germany, the Netherlands, and Scandinavia, amongst other European countries. Germany has a rich history of 'autonomen' documented by Katsiaficas in his (2006) 'The Subversion of Politics: European Autonomous Social Movements and the Decolonisation of Everyday Life'. The autonomist movement, alongside reunification in the nineties in Germany, gave rise to a massive squatting scene, with Berlin famous for its communal squats and squatting culture. In recent years this has altered somewhat with 'Schwarzekanal' and other similar communities remaining despite the onset of gentrification eating up the traditional squatter zones of Kreuzberg and Friedrichschain. The Netherlands was also well known for its social centre and squatting scene, particularly in Rotterdam, The Hague and Leiden, and Amsterdam saw spaces such as the 'ASCII' centre, 'Overtoom 310' and 'Vrankkrijk'. Despite its liberal reputation for squatting, the Dutch House of Representatives in The Hague passed the squatting ban criminalising squatting from 1 October 2010. The 'Ungdomshuset' was similarly a famous social centre in Copenhagen, Denmark, meaning 'The Youth House', evicted in 2007 after running as a social centre since 1982. Given the protests as a result of this, a new version of the centre has been established and running since 2008 in a different area of the city. 'Christiania' is another famous space in Copenhagen in existence since 1971. The civic authorities regarded it for many years as a large commune giving the area its own unique status governed under its own law ('Christiania Law 1989'). It was closed by residents in April 2011 but has been opened again since.

Primarily, the organisation of social centres is structured around community, epitomised by their collectives. All decisions and any issues have to be decided according to consensus and with the backing of the collective. This leads to instances where there may not be complete agreement; there are debates that can last for a long time until an overall decision is made. In addition, to regulate individuals taking action in instances when the whole of the collective are not present, rules and constitutions are engineered to cope with this practicality, such as the constitution being considered at The Library House during the time this research was being gathered. Within the centres, there are undeniable hierarchies

that exist, structured according to skills, knowledge and experiences. Such systems can cause tension, and if the individual experience of the group takes over that of the collective, then there are invariably conflicts in need of resolution. People can see the spaces as a reflection of their personality and therefore they move away from the ideal of collective experience; those that are arguing for something more communal and those wishing for more independence tend to clash.

56a Infoshop, Elephant and Castle – rented (1991–present day)

56a Infoshop has been around since 1991, although its healthy duration facilitated by becoming a rented social space. I had the pleasure of speaking to Chris who managed the archive at the centre whilst I was researching between 2006-2010 and was very helpful and highly knowledgeable on the social centre and squatting scene in London since the sixties and beyond. There had been a big squatting scene in Southwark in the eighties, of which he had been a part. He was kind enough to give a history of 56a Infoshop. The space had its beginnings with a group of artists needing studio space, and so the space in Elephant and Castle became occupied, housing the 56a originators, alongside those that started up the 'Rabbithole Foodshop' (now the 'Fareshares' cooperative). The building was an empty grocery store, owned by the council. They squatted it in 1988 and broke through from the studio conversion into the now infoshop area which is where all the books and pamphlets relating to squatting, social centres, anarchist and left-wing literature in general are archived. A room that was full of rubbish was converted into the infoshop and was opened on 27 June 1991. Their idea was inspired from social centres abroad, according to Chris 'as there was nothing like it at the time in the UK, it was a place where people just came for information and that was it'. There are now twenty-five years of documents there; they also sell books as well as document them, but the majority of what they do is for free. They were offered cheap rent by the council and had negotiated a ten-year tenancy that ran out in 2013 which has now been renewed. The council were trying to take away their reduced rates and the bailiffs had recently been round before the time of interviewing, but they talked to them and came to an agreement to stay. There are three collectives within the centre: the Infoshop, the FareShares cooperative and their Bike Workshop. All of which are part a collective-based, non-for-profit system, only charging 10 per cent on the wholesale food that is sold.

Pivotal to this investigation into law and resistance are the differences between these centres and their placement along the *continuum of formalism*, or institutionalisation, as previously mentioned. Despite the fact that the two scenes, of squatted and non-squatted social centres, are part of the same movement and are intricately linked, one group offered the point of entrance into the other leading the direction at which this research could focus itself. Squatted social centres were the inspiration for the research due to its overall paradoxical positioning with the state, and their use of autonomy as philosophy and placement. Paradoxical, because despite using self-management practices that allow themselves to operate

autonomously away from conventional collective organisations, including those that are not squatted, they also *rely* on the state law to either grant *lawful occupation*, or shape their presence in providing an oppositional, ever-critiquing force.

Non-squatted centres, nevertheless, have been an incredible source of information and insight into the processes of formality and institutionalisation within the social centre movement, and the pros and cons of the differing approaches. Due to their length and stability as a space, they have a wealth of historical information on the movement kept by themselves and for themselves, this being their archival input. Without the archive of 56a Infoshop, there would have been no discovery of beautifully mapped 'nonlinear timeline' illustrating the movements of squatters and social spaces since the sixties, offering a visual representation of the squatting and social centre scene, which we will come to shortly. So these centres are incredibly important, and vital to the legality claimed to be being produced within their more interstitial counterparts. Nevertheless, one article, 'You can't rent your way out of a social relationship (Work in Progress)', illustrates very clearly the appearance and conception of rented social centres by one member of the squatted community, as remaining within the established order and not challenging nor resisting in any manner: '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?' (Space Invaders, 2003: 185–188). What is notable is the influence of individual property rights on centres that are not squatted, as opposed to those which are. Whether a social centre collective decides to move from squatting to renting (as a matter of a necessity, longevity or philosophy), and the point at which the social centre organisation does this, moving from pre-institutional (resistance and laws of resistance) to institutional (state law), demonstrates an acceptance of individual property rights as their governing framework (council rates, rent, mortgages etc.) Social centres offer an example of grassroots democracy with the possibility of being co-opted by state law, as they are a) based on presence that becomes b) represented with the advent of state law institutionalisation and subsumption into the individual property rights system through the shift from squatting to conventional forms of renting and ownership.

Squatting and the law

> The term 'squatting' originally became current in English law in the late nineteenth century to describe such adverse possession, but then it was nearly always a surreptitious and peaceable usurpation rather than the phenomenon of open challenge so common today.
>
> Prichard, M. (1981) *Modern Legal Studies: Squatting*, p 7

For those centres that are squatted, the philosophical basis becomes clear in the participants' *praxis*. The etymological tracing of the word squat is to 'crouch' or

to 'huddle up' (Bieri, 2002: 207), giving a hidden notion to the bottom-up gentrification (2002: 214) of squatting as is known today (remembering Scott's hidden transcript). Squatting takes place for many reasons, mainly for cheap housing, but can also be the symbolic contesting of a space, and a complete opposition to the regime of private property and speculation that forces individuals to squat in the first place. Actually keeping track on the number of squatters in the UK is not an easy task, as the police and many local authorities do not keep records. In 1979, there were estimated to be 50, 000 squatters throughout the UK, with the majority (30,000) living in London. The Advisory Service for Squatters (ASS) believed there were 22,000 people living in squats in 2010, increased from 15,000 in 2003. In 1995, there were an estimated 9,500; the figures are believed to be a modest estimate (Bignell and Franklin, 2010). This is an increase in England and Wales of 25 per cent (Bignell and Franklin, 2010). Recent surveys have been done on the population of homeless squatting (Reeve, 2011) and yet little has been achieved in the way of a national picture as yet.

In Western cities, Corr argues that anarchists see squatting as a practical way of subverting current dominative constructs of property whilst attempting their own planes of anarchist utopia; these differ from that of the South, where squatting is seen as anarcho-agrarian occupations of land, agrarian uprisings and rent strikes (1999: 1). Attached to squatting, across the world, is a sort of stigma that comes with it, although it has seen a recent resurgence with the middle class as a lifestyle choice and fashionable to do. Ron Bailey, famous squatting lawyer and prominent figure in the direct housing movement at the end of the sixties and beginning of the seventies in the UK, recounts how the stigmatisation of squatting is not something new. He talks of ex-army families who had nowhere to go after the world wars who were considered 'problem families', thus a naming and labelling process with reference to squatting, is historically charged (Bailey, 1973). Property lawyer Prichard illustrates how squatters' characters are fabricated by common assumptions: 'Clearly emotive expressions such as 'scroungers', 'rent-a-crowd', 'heartless authorities' would be used alongside deceptively unscientific phraseology such as 'genuine homelessness' and 'responsible' as freely applied to occupiers and to evicting authorities alike' (Prichard, 1981: 1). Conway and Stannard summarise the negative manner in which squatters are categorised by the dispossessed landowner: 'the primary emotions are often anger and disgust directed towards the squatter – a figure frequently portrayed as a villainous bogeyman in the popular media and elsewhere' (2013: 77). They go on to say this only serving to, 'portray squatters as folk devils of the very worst sort; an articulated, sophisticated and ruthlessly organised army of hippies, layabouts and drug addicts (many of them foreign) who lie in wait to take over your house as soon as you go on holiday and smash it up for the sheer pleasure of doing so'.

So how does the law in England and Wales deal with squatters? *Squatters' rights* as they are known (and are still operative in commercial buildings), or the lawful and not criminal activity of taking possession of someone's property without their

express permission, emanates from Section 12 of the Criminal Law Act 1977, as amended by the Criminal Justice and Public Order Act 1994 (CJA). Squatters' rights lay out the distinction between a trespasser and a squatter, whether the said adverse possessor has knowledge of there being a resident living in a said property. As long as there are no clear signs of the owner of the property living there, then Section 6 of the Criminal Law Act 1977 can be used as protection against forcible removal, acting as the legal document through which squatters' rights can be upheld, but now within the massively reduced remit of just commercial properties since the imposition of LASPO 2012. In order to ensure lawful occupancy, squatters have to ensure sole access to the property, through replacing the locks and securing the building entirely, with no broken windows or doors. Eviction can only legally take place after a possession order (PO) had been made by the owner, to remove the unwanted residents from the property (Civil Procedure Rules, 55.8). The squatters then have the right to remain until the local or High Court has agreed a PO. Thus, eviction can only take place after it has been agreed civilly within the courts, this process remaining in commercial instances. Squatting for not only use but to acquire title is *adverse possession*, the taking of land by wrong, as governed by the law of limitations (Limitations Act 1980). In unregistered land and prior to the Land Registration Act (LRA) 2002, if the squatter applied for the possession of the property after a period of twelve years, the property rightly became their own, unless the owner objected prior to the twelfth year. On 1 September under s.144 of LASPO, it became an offence of criminal trespass to squat in a building deemed for 'residential purposes'. According to Cowan, Fox O'Mahoney and Cobb, this move to criminalisation was prompted by 'wider constructions of squatting and the squatter within popular discourse' (2012: 112). As Dadusc and Dee (2012) highlight, demonisation of the squatter has taken shape as a form of moral panic.

In recent years there has been a lot of academic interest in squatting and social centres. The main source of academic interest in social centres that has influenced this work, as has already been mentioned in the introduction, has come from the Autonomous Geographies collective. In addition to this academically driven input, and once again with the presence of Chatterton, is the 'Trapeze Collective' who released *Do it Yourself: A Handbook for Changing Our World* (Chatterton and Hodkinson, 2007). This covers many aspects of Do it Yourself (DiY) politics and practical tips on alternative living, including how to secure a squat. Also in existence is SQEK, the research network focusing on the social centres and squatters' movements. Their group is 'an open transnational collective whose members represent a diversity of disciplines and fields of interest seeking to understand the issues associated with squats and social centres across the European Union' (SQEK, 2010).

Manjikian argues the regulation of squatting is determined through media and political rhetoric, accelerated by discourses of security and exclusion, asking: 'How is it that in the urban areas of many Western European nations, domestic policy issues having to do with housing, illegal immigrants and squatters have thus

come to be viewed through the lens of securitization?' (2013: 7). As a result, she contends the squatter is constructed as a threat to the state, and that these understandings structure state responses to the squatter (2013: 11). Squatting is seen as an 'extraordinary practice' (2013: 8) in an era of crisis politics whereby issues that were traditionally deemed nuisance are transformed to those which threaten 'our very way of life'. Dobbs and Keenan echo indigenous claims to land, where Dobbs reveals the fiction of American property law as at its foundation based on the taking of land by theft by hypocritical colonialists (2012). Keenan similarly relates understandings of property to belonging (2014), squatting practices reinforcing linkages with land and displaying the pain of dispossession that eviction can cause. As quoted by Milner S Ball in Dobbs (2012: 13): 'Territoriality is a way of organising and talking about power. The problem is of power, not space. There is plenty of the latter'.

Admiration for the law

> What is a squatter? He is one who, without any colour of right, enters on an unoccupied house or land, intending to stay there as long as he can. He may seek to justify or excuse his conduct. He may say he was homeless and that this house or land was standing empty, doing nothing. But this plea is of no avail in Law.
>
> Lord Denning, 1973, *McPhail v Persons, Names Unknown* [1973] Ch. 447 (AC (Civ Div), at paras. 456–458

Figure 2.3 Squatters' handbook

Compiled by the Advisory Service for Squatters, is a handbook stating the relevant law (2004), and how to comply with the law in order to secure and occupy a building correctly (*see* Fig. 2.3). Within the handbook are guides to the Criminal Law Act 1977 Sections 6 and 12, Land Registration Act 2002 Part 6, CJA 1994, Limitations Act 1980 and the Civil Procedure Rules, and now an updated section advising on s.144 LASPO 2012. 'Practical Squatters Evenings' that are put on in various spaces around London, including the Pogo Café in Hackney, indicate an acknowledgement of the role of state law in squatting *by squatters*. There is also a 'Squatters Legal Network' set up in light of the changes to the law.[1] It is this interesting amalgam of state law knowledge combined with a determination to live differently that indicates the presence of semi-autonomy within the practices and philosophy of squatters. An awareness of the necessity to know the law in order to proceed with a certain way of life, at the same time as an acknowledgement of the legal nature of their rights as shaped by the property and capital maxims of the law of adverse possession. This acceptance of first of all a doctrine of rights, with secondly the learning of legal rules, expresses a form of *admiration for the law*. This admiration forms a part of the law and resistance coagulation spoken of, whereby state law will use resistance in order to legitimate itself, and resistance will do the same with state law for as far as it can, in order to promote and sustain itself also. The role of state law within squatting is highlighted by the manner in which squatters use and understand the impact of the law on their actual philosophical and practical activities. I argue that social centre participants' semi-autonomy from the state can also be an expression of their admiration for law, through the incorporation of state law norms within their own resistance and innovation of resistant law.

The phrase admiration for the law is appropriated from Derrida. He uses it to describe Nelson Mandela's demeanour during his trial and his treatment by the court process in South Africa. Derrida relays that Nelson Mandela was admirable for having known how to admire, this being the admiration of Mandela, a double genitive whereby the admiration allows for his resistance to apartheid to take place (Derrida, 1987: 15). Thus, like Mandela learning to cooperate with the South African formal justice system in order for the law to achieve the ends that he wished, squatters and social centre participants '[become] admirable for having, with all this force, admired, and for having made a force of [their] admiration, a combative, untreatable, and irreducible power. The law itself, the law above other laws' (1987: 15). In a sense, squatters and social centre participants, in the same way as Mandela, recognise the need to play the game in order to achieve what they want, or at least to assist them in attaining the principles they hold dear.

Actually using state law to affect resistant aims and objectives is familiar to a number of other resistant movements. What these movements do is coalesce the law, co-opt it so that it works for them, simultaneously remaining within its ethereal boundaries. This is the interesting function of state law in the

1 See https://network23.org/squatterslegalnetwork

acceptance and use of squatters' rights as an example; similarly can be the writing of a designated legal team's number on the arm of a *black bloc* for information on rights and protection. As described in the previous chapter, black bloc is a protest strategy used invariably at anti-capitalist demonstrations. It is a tactic and not a movement – groups operating at these demonstrations tend to have a black bloc contingent using tactics of damage to private property whilst dressed in symbolic attire, as a method of spectacular resistance. These are anti-authoritarian members of groups, where writing the number of a legal aid lawyer on one's arm resembles a nod to knowing and using state law as a tactic, at the same time as being in the process of trying to bring it down; it is a form of state law co-optation. This is the antinomy of repelling and legitimating behaviours interacting at the level of resistance. Another example is the manipulation of law by the RAF and their legal representation. Horst Mahler was the lawyer who represented Andreas Baader, one of the founders of the RAF in Germany. The RAF were a prominent militant left-wing group during the seventies (up until 1998), in its earliest form known as the 'Baader-Meinhof Group', with other founders Gudrun Ensslin, Horst Meins and Ulrike Meinhof (Billing, 1985: 30). Mahler was disbarred from practice for behaviour unbecoming of a lawyer, as an active part of the terrorist activities of the RAF and one of the theoreticians of the movement. Upon his arrest he bowed gratefully to officers who were arresting him and congratulated them (Billing, 1985: 33). This manipulation of law and its officials was prevalent within the Baader-Meinhof trial, the defendants seen as the 'negative heroes of the nation' (Billing, 1985: 34). During the trial, the defendants took part in a number of coordinated hunger strikes, resulting in one of them, Holger Meins, dying of hunger and the authorities taking on a campaign of force-feeding. This received widespread condemnation by the public and their conditions whilst in jail were then improved. When the group of prisoners were on hunger strike, the lawyers deliberately tried to limit the trials to four hours a day or have them postponed. The 'Red Lawyers Collective' planned and directed the hunger strikes. Mahler used his position to add 'to the complexity of his statements by using legalistic phrasing, circuitous and captious arguments, and deductions' (1985: 37). The use of state law within movements of resistance is not just confined to the happenstance of social centres.

A much more contemporary example of the use of state law in resistance and one directly involving squatters, has been Adelita Husni-Bey's art project entitled 'White Paper: The Law' in collaboration with the Office of Art, Design and Theory (CASCO) based in Utrecht, the Netherlands. An important example of a convergent call of *zeitgeist*, a call of protest and squatting movements seeking to assert a new way of seeing property, and even a new way of art, *White Paper* was a powerful coming together of art, occupation, property, radical law, housing, home and protest expressed within squatting practices and communities. Groups of scholars and activists were involved in the writing of a convention to reflect the wishes of the squatting community when fighting evictions and the prevalence of

criminalisation within the Netherlands. This was the writing of a 'use-value' understanding of property and the drafting of a convention expressing the wishes of the squatting community in the Netherlands, all very much in legalistic terms to be acknowledged by the courts with the hope of incorporation into Dutch law. This Convention has been termed Convention on the Use of Space (CUS) and is hoped to be used as a viable document by and for squatters in defence against a number of threats to their existence and way of life in light of the criminalisation of all squatting in the country since 2010. The art exhibition of the event opened in Utrecht in May 2015, with the various documents and media taken from the drafting meetings as pieces of exhibited works of art simultaneously. Legally, the most immediate use for the convention would be in court where the judiciary could consider the text in their rulings. This public drafting of the law is a modern-day reminder of the people as legislators and the unremitting role of law within protest, particularly around the right to housing, squatting, the right to a home and the right to use and not to own *per se*.

It seems as though in order to be an organised and prevalent force, one must know one's enemy, create a rapport, develop a relationship, as in any other circumstance within social interaction. By admiring the law, those who wish to see the end of law must first of all proceed with the law, according to Danté and revisited by Agamben; this is organised, and is legal anarchy (2005: 72). Despite this, the criminalisation of residential squatting in the UK to some extent now relieves the squatter of having to concede to the construct of state law and allows squatting to exist in commercial buildings in a totally illegitimate form; some might argue this as a truer form of autonomy and squatting than the one tolerated through squatters' rights.

The Library House – squatted (2009–2010)

A case involving a now evicted social centre, The Library House, demonstrated the collective's use of state law in an admirable manner, where they have moved within the boundaries of state law in order to ensure that a single black mother could return to her previous home (see LBC Lambeth v Persons Unknown [2009]). The Library House was a social centre during 2009 and ended in March 2010. This was a community-outreach social centre, and one where the notion of 'free space' was predominant, as it really did cater for all those that were in the surrounding area and those that came to the space. It was largely an international squat, with squatters there from Italy, Canada, the Netherlands and Spain (when the research was conducted). They had a possession order for their space in early 2010, the building owned by Lambeth Council. Prior to their occupation of the building, the council had evicted the lady mentioned whilst she was away (in prison). Their argument in court was: 'You are not entitled to evict us, because we believe that you evicted the previous tenant illegally and she is the one who should take us to court'. They contacted the former tenant, and the council, after a while, dropped her case and took her back as a secure tenant. Their comments on the process show their

simultaneous frustration, but knowledge and confidence in their position within the law (and the returning tenant). They state on their website: 'Even if the situation was clear for everyone and not that complicated to understand, solicitors, council and court staff managed to fuck up for quite a while before making sure that the previous tenant could get her house back. But today, things seemed to be definitely settled and the crew is already planning to move out slowly'. According to one of the interviewees I spoke to in 2010, the library building is still boarded up, the admirable utilisation of the law in the name of housing a single mother, overtaken once again by the wasteful abandonment of the law, used by its authorities.

Whether learning the law or dealing with the effects of illegality, law is a centrifugal part of squatting and squatted social centres, and represents the dynamism of law, resistance and space as each re-morph depending on alterations in another. In Ron Bailey's account of the squatting movement within London from its birth, the London New Squatters (LNS) had to make sure that they were not breaking the law for the security of the families that were involved, in light of the increased housing shortage after the Second World War. He states early on in his book 'The Squatters': 'it was important for us to avoid breaking the law in order to involve homeless families in the campaign. After all, if we thought that if we could say to families that squatting was only civil trespass and not an offence for which they could be prosecuted, then we were far more likely to be able to involve them in squatting activities' (Bailey, 1973: 34). In fact, there was one instance during the 'Redbridge' occupation where the squatters used the law in their favour, using a form of trickery against the police whereby they complied with a PO, by moving a family out of a building. In their place, and within the time that the bailiffs came round to exact eviction, another family were moved in. This was the Beresford family, and all the actions were completely within the law, knowing the law and knowing the limits of what the law could do in response (1973: 68–69). This is not a tactic confined to the actions and strategies of squatters and land reclamation movements within the UK. According to Corr, this is a mechanism used worldwide, particularly within liberation movements of the South. In the words of Corr (1999: 25–26):

> Authorities exclude land and housing activists from effective use of the law in official legal channels to some extent, but activists can extend the use of law beyond the courtroom and appeal to public opinion. To buttress their legitimacy, indigenous nations use treaty rights, rent strikers cite building codes, and squatters appeal to land reform laws. Broadcasting government failure to follow its own laws strengthens the legitimacy of direct action in the eyes of the public.

The most obvious example of the use of the state's legal apparatus by movements in the South would be the inclusion of the 'right to the city' within the

Brazilian constitution, after pressure from social movements to include the right (Fernandes, 2007: 201–219). This has been echoed by Jaimes' study of the Pit River Nation land occupations in the seventies, whereby she describes the 'dual technique' of direct action and litigation as: 'not in terms of civil disobedience in the sense that it is conventionally understood, but as a means of employing the American juridical tradition in its own terms (e.g., illegality ultimately rationalised by law)' (Corr, 1999: 25–26). Another example that Corr explicates is the 'Columbian Peasant League's' appropriation of legal strategies to maintain their land in 1933, taking advantage of the law at the time whereby it made the landlords responsible for any upkeep (1999: 25–26):

> With and without permission, tenants planted coffee trees, making repossession by the landlord impossible without payment to the tenants […] Eventually the Colombian Congress passed an agrarian reform law that compensated the landowners and sold the land to the peasants on long-term credit for favorable prices.

Considering the central administrative principle of self-management within social centres, the role of self-legislation is pivotal, through the inherent philosophy of autonomy as well as the legal innovation I claimed to emanate from social centres and so it is to the meaning of autonomy and self-legislation that we turn to next.

Autonomy and self-legislation

> Autonomy is not closure, but rather opening, ontological opening, the possibility of going beyond the informational, cognitive and organisational closure characteristic of self-constituting, but heteronomous beings.
>
> Castoriadis, C. (1994) *The Logic of Magmas and the Question of Autonomy*, p 145

The notion of autonomy comes from the Greek *'auto-nomos'*, meaning *self-legislation* (Pickerill and Chatterton, 2006: 732). According to Pickerill and Chatterton, autonomy is a principle that concerns movements seeking freedom and connection beyond nation states, international financial institutions, global corporations and neo-liberalism (2006: 731). Accordingly, 'autonomy is a socio-spatial strategy, in which complex networks and relations are woven between many autonomous projects across time and space, with potential for trans-local solidarity networks' (2006: 732). Pickerill and Chatterton describe being autonomous as an 'interstitial' ontology, as social centres fluctuate between autonomous and non-autonomous categories. It is therefore one of an ambiguous form, autonomy as thus 'resistance and creation, a tendency that proposes but also refuses' (2006: 732). The notion of autonomism is part of the same anti-

authoritarian leanings of anarchism[2]. The recurrent conceptions used by the social centres include those of a lack of central force of power, delineating vertical hierarchies as unnecessary and making redundant any position of leader and leadership. Autonomism reasserts quite a different conception of force, representation and hierarchy to traditional state centric forms. Crucial is the notion of mutual aid, based upon a trust in the goodwill of social organisation, thus rendering any coercive power as unnecessary. Pivotal to any movement of an anarchist nature is a rejection of the imposition of force upon the action of free and mutually inclined individuals. Social centres and squats self-organise themselves, through *self-management*, where they believe in a collective who decide upon the initiatives and the rules of the centre, according to *consensus*. According to Chatterton and Hodkinson, self-management and the characteristic organisational traits of social centres and squats are horizontal formations of open discussion, shared labour and consensus channelled through to generate 'a 'DiY politics' where participants create a 'social commons' to rebuild service and welfare provision as the local state retreats' (Chatterton and Hodkinson, 2007: 211).

2 According to famous anarchist housing writer Colin Ward, there are five types of anarchism: the first being 'anarchist-communism', whereby there is a belief that property in land, natural resources and the means of production, should be held in mutual control by local communities, federating with other communes, and opposing any form of a central authority; the second being 'collectivist anarchism', which stresses the desirable freedom of the individual or family to possess the resources needed for living, while not implying the right to own the resources; the third is 'anarcho-syndicalism', with an emphasis on organised industrial workers who could (through a general social strike) expropriate the possessors of capital and engineer the takeover of industry and administration; the fourth, being 'individualist anarchism', inspired by the conscious egoism of German writer Max Stirner (180656) and nineteenth-century American figures who argued that in protecting one's own autonomy one promoted the good for all, coupled with an absolute mistrust of capitalism and an emphasis on mutualism; the fifth is 'pacifist anarchism', a peaceful rejection of the state, relying on the uncoerced goodwill of its members (Ward, 2004: 2–3). The social centre movement bases itself upon some of the core principles of anarchism, under whose umbrella autonomism resides. Ward lists four major anarchist writers, those being William Godwin (1756–1836), Pierre-Joseph Proudhon (1809–65), Michael Bakunin (1814–76) and Peter Kropotkin (1842–1921). Godwin set out the anarchist against the government, law, property and institutions, whereas Proudhon was famous for his 1840 statement claiming that 'property is theft' (but also that 'property is freedom') (Proudhon, 2008). Bakunin was the founder of the international anarchist movement and was famous for his disputes with Marx in the First International in 1870s. Ward states that he also predicted the outcome of Marxist dictatorships in the twentieth century, claiming that: 'Equality without freedom is the despotism of the State' (Bakunin, 1893; 1981; 1990). He saw not a form of government as the problem, but that there was government at all, thus the state being a class in itself. Seeing freedom as the keystone of his thoughts, it could therefore only be achieved through mutual aid, or solidarity; both these terms referring to equality and justice in a society based on reciprocal respect for individual rights. Kropotkin, being the final of the four, aimed to give anarchism a scientific basis, his *Mutual Aid: A Factor of Evolution* (1955) was written to highlight the misinterpretations of Darwinism that justified competitive capitalism, by showing observations in the animal and human sciences that competition within species is far less significant than cooperation as a the main source of survival (Ward, 2004).

Autonomy is also regarded as a reaction to dispossession, and the memory that it ignites is arguably similar to that of the *commons*. Autonomous Geographies offer descriptive references of the social centres' reminiscence of the commons; the era prior to enclosure, or the resistances early forms of privatisation through the The Diggers of the seventeenth century, led by Gerrard Winstanley who believed that the earth was a common treasury for all. They advocated a restructuring of society where the poor would inherit the common wealth (Chatterton and Hodkinson, 2007: 205). This has been passed on through into the beliefs of communal, autonomist and anarchist movements, expressed through the four walls of autonomous spaces, such as social centres. It is the continuation and memory work, as formulated through 'its roots in the ancient tradition of the commons – the belief that the Earth and its resources belong to us all, and cannot be brought or sold in the marketplace, or claimed and partitioned by force for one group over another' (2007: 204). From the securing of a building, to the development of allotments on wasteground for the local people to cultivate, it is a form of *taking back*. As Chatterton and Hodkinson (2007: 210) have rightly illustrated:

> The first and most important role of self-managed autonomous spaces is that by reclaiming private property and opening it back up to the public as non-profit, non-commercial zones, they act as a direct ideological and material confrontation to the commodifying logic of capitalism and the process of enclosure.

There is a seminal work by Hakim Bey that influences the concept of the 'autonomous zone' a great deal. What Bey has termed as a Temporary Autonomous Zone (TAZ) is perhaps the closest written formulation resembling the social centre phenomenon. A TAZ is 'like an uprising which does not engage directly with the State, a guerrilla operation which liberates an area (of land, of time, of imagination) and then dissolves itself to re-form elsewhere/elsewhen, before the State can crush it' (Bey, 1991: 99). The Situationist International (SI) group of avant-gardes, rooted in Marxism around the fifties and sixties has been another notable influence. Their political take on art was more of a way of living, and creating a space within which energies could be maximised and creative potentiality could be achieved (Debord, 1992). Tactics of resistance through the use of art were characterised by affects such as *'détournement'*, meaning 'derailment' or 'turning around'. This is very much a mechanism that has become part of the tool box of the social centre movement, influenced by anarchist perspectives and propelled by the idea of the DiY culture and direct action, including the punk contingent that are present within the history of the spaces. DiY culture takes its routes in the same notion of alternative culture to that of the SI, whereby in order to subvert the culture of mass production, the idea is to go back to grassroots production, ways of life and art that are created by the groups and individuals, not multinationals and powerful organisations (*see* McKay, 1998). The politics and

protest project of Adelita-Husni-Bey similarly reflects the ethos of SI, the fusion of art, law and life in the creation of a DiY convention to protect squatters in the Netherlands.

Within social centre philosophy, autonomy or self-legislation, is the core concept of post-Kantian modern law. Kant's autonomy concerns self-limitation, an understanding of subjectivity, knowledge and self-organisation. This reflects the relationship between the liberty and freedom of an individual and his/her relative autonomy; by self-legislating, one takes responsibility, being 'conceived of as a second-order capacity of persons to reflect critically upon their first-order preferences, desires, wishes, and so forth and the capacity to accept or attempt to change these in light of higher-order preferences and values. By exercising such a capacity, persons define their nature, give meaning and coherence to their lives, and take responsibility for the kind of person they are' (Dworkin, 1988: 20). Autonomy defines the limits and bounds of one's actions in relations to others, and yet according to Wolff's essay 'In Defence of Anarchism': 'The autonomous […] man may do what another tells him, but not because he has been told to do it … by accepting as the final commands of the others, he forfeits his autonomy […] a promise to abide by the will of the majority creates an obligation, but it does so precisely by giving up one's autonomy' (2000: 4). Here is where Kant combines freedom and responsibility, autonomy being a submission to laws that one has made for one's self, the autonomous man as not he who is subject to the will of another; accordingly: 'I am autonomous if I rule me, and no one else rules I' (2000: 5). This relates to actions, beliefs, reasons for acting, rules, the will of other persons, thoughts and principles. Kant, Kierkegaard and Nietzsche, all see autonomy as concerned with the necessity or wish of individuals choosing or willing to accept their own moral code. The Greek city state possessed *autonomia* when its citizens made their own laws as opposed to being under the control of some conquering power (Wolff, 2000: 12–13). The concept of autonomy is laid out within its etymology: *autos* (self), *nomos* (rule or law), as relayed through social centres and their politics. This has been discussed at length as 'the philosopher of autonomy' by Cornelius Castoriadis on the origins of societies forming from 'collective autonomy'; ultimately, through the processes of institutionalisation and bureaucratisation, this autonomy is dissipated. This is how direct democracy is transferred to representative democratic forms (Curtis, 1997).

Castoriadis is helpful in depicting the transformative nature of autonomy for social centre participants and how it emerges, at individual and collective level. He contends that there are two imaginary poles structuring Western societies in recent centuries, the first being the capitalistic nucleus consisting of 'the imaginary signification of unlimited expansion of pseudo-rational mastery over nature and over humans'; the second being 'the project of social and individual autonomy' (1991: 221). The task of self-legislation and the practice of autonomy is thus in Castoriadis' eyes a democratic and necessary task in order to be true to the fabricated make-up of the institutions and laws that we create. Through both collective and singular forms of autonomy, there is accountability to the

type of society to which we accede: 'What is, such as it is, permits us to act and to create; and yet it dictates nothing to us. We make our laws; this is also why we are responsible for them' (1994: 146). Through this illustration, Castoriadis highlights the subjective site of law and resistance and the possibility of legislation at collective and individual stratas, present in both philosophical form and practice as defined by autonomy. Self-legislation is therefore, interestingly, the underlying impetus for social centres, at an abstract level and at a day-to-day operational level. Self-legislation as a doctrinal concept allows us to understand legal innovation emanates from the site of the individual, an embodied form of legislative power and decision-making that is in effect repeating a performative understanding of law and resistance; echoing the post-structuralist influences of CLS, individuals are considered as legislators. The question thus is: 'How do legal subjects imagine, invent and interpret legal rules? How are these acted out?' (MacDonald and Sandomierski, 2006: 614). The idea of autonomy here is to escape the bonds of legal subjugation and to be active in creating and changing law.

Autonomy can thus account for both individual and collective practices of law and resistance, at the philosophical and practical level, the responsibility towards others the point at which the individual considers the collective, the drive of fairness and justice present in institutionalised law, laws of resistance and resistance. Autonomy is also a socio-spatial strategy, as outlined by Chatterton, performing a moment or coordinate of presence or re-presence in proximity to (or within) the coercion of the state; autonomy can account for moments of self-legislation which become instituted or communal accounts of law. This reminds us of the continuum of formalism of state law, and the possibilities for nonlinear informality with which Castoriadis would be overjoyed. As we know, social centres and squats rely on state law to define who they are, or of course, who they are not. What does this overbearing presence of state law, either through their incorporation of its characteristics within their self-organisation, or purely through the fundamental role of state sanctions and rights, mean to the autonomous placement of social centres and squats? The concept of *semi-autonomy* helps us to locate where social centres and squats perform their proposed *nomos*.

Semi-autonomy, squatters' rights and the social centre continuum of formalism

Squatters' rights are arguably a form of *semi-autonomy*, characterised by and through their placement of autonomy from the state. The pervading presence of the state demonstrates an incomplete level of autonomy at which social centres operate. This further highlights within forms of resistance, there do exist elements of the opposite, state law, and the same the other way around, whereby law is influenced by that which exists outside of itself (in Arendtian terms, that which is extra-legal). The co-optation of state law by resistance movements can be through the direct appropriation of forms of state law, such as written rules of procedure

Social centre semi-autonomy

An example of the semi-autonomy of social centres is given with the rampART centre. One of the interviewees from the rampART collective shared a story of when art students from London Metropolitan University had their degree ceremony at the rampART because they had nowhere to have their degree ceremony due to cuts to their budget. She shared how the students and parents alike turned up in defiance of the lack of facilities provided by the university, using the space on the basis that it felt like an autonomous zone or an area outside of state control. She then shared that the social centre could not be completely autonomous due to the role of state law and yet that it had been a utopic vision that brought the space into being, one unhindered by state law and the restrictions that has. She said, in a symbolic manner, 'this is why social centres exist, moving in and out of their utopic moments'.

(safer space policies, constitutions); utilising opportunities to circumvent loopholes within the law such as squatters' rights; or merely by adhering to the system of rights supportive of a pre-supposed social contract**.** It can be said that social centre participants' semi-autonomy is a form of expression of their *admiration for law*. Semi-autonomy highlights the meeting points and coagulations of state law as it comes into contact with another form of social organisation, potentially altering the legal impetus of one on the other, with the 'will to power' (Nietzsche, 1968) of the individual state subject and potentially the creator of another legislative order at the same time. This cross-hatching of legality resonates with Falk Moore's theory of the *semi-autonomous social field* where law and social relations can only properly be understood if studied in the context of social life (1973; 1979). Semi-autonomous fields recognise the presence of the state system within an 'autonomous field', whereby in return that field influences and shapes the legal system (field) also. Falk Moore states that by the nature of the legal system affecting and effecting that which is operating outside of itself, and yet legitimated or shaped by itself at the same time, means semi-autonomy is something which: 'By definition […] requires attention to the problem of connection with the larger society' (Falk Moore, 1978: 57).

Agreeing with Falk Moore, Fitzpatrick also emphasises the inter-relational role of the state and that of less complex normative orders. He claims that state law is integrally constituted in relation to a plurality of social forms (1984: 115). Engle Merry describes Fitzpatrick's reciprocal roles of law and social norms (1988: 873):

> Both state law and semi-autonomous social fields are constituted in significant part by their interrelations with one another: the family and its legal order are shaped by the state, but the state in turn is shaped by the family and its legal order because each is a part of the other.

Squatting and social centre movements move up and down a continua of formality or along nonlinear versions of informality, dependent upon the level of autonomy from the state; within their practices is the clear role of the state (as equally the importance of the role of squatting itself to state practices and the formation of individual property rights). This is a crucial part of understanding social centres and their forms of organisation due to their proximity to the state and simultaneous seeking of autonomy. It becomes clear here how semi-autonomy works at a temporal and spatial level. In a similar vein to both Falk Moore and Fitzpatrick, Santos is not speaking of the more post-colonial forms of legal pluralist work, but refers to a spatio-temporal understanding of legal influence, where there are facets that interpenetrate in a given zone. He speaks of 'the conception of different legal spaces superimposed, interpenetrated, and mixed in our minds as much as in our actions, in occasions of qualitative leaps or sweeping crises in our life trajectories as well as in the full routine of eventless everyday life' (Santos, 1987: 297). Through Falk Moore, as furthered through the work of Fitzpatrick and Santos, we can see how a legal pluralist placement of autonomy can usefully delineate a variety of fields, such as the social centre example in relation to the state, in a spatial and temporal manner. Additionally, the autonomist/autonomous practices of the centres propelled by a philosophical distance from the control of the state (whilst alternately being shaped by the presence of state law sanction or pardon) relays their autonomy. Social centres thus obviate both *autonomy-as-practice* and *autonomy-as-placement*. In this sense, semi-autonomy is expressed through self-management and self-organisation both in philosophy and practice. As it sets itself at given temporal and spatial junctures with varying degrees of autonomy in turn, autonomy is a process and product at the same time – it can be a manner of organisation and practice as well as the produce of autonomy, self-law or in this instance, social centres. The practices or *praxis* of social centres is specifically the *praxis of autonomy* defined by *self-management*.

Up until 2012, this untouched anomaly referred to as squatters' rights within England and Wales, was an example of semi-autonomy within law, where a loophole of communalism slips in between the coat tails of state law, and state-legitimised mechanisms of adverse possession (at the very top end of the scale of these rights). Re-assimilating the theory of semi-autonomous fields is useful in that it locates a relative no-man's land of law, surrounded by borders of state law that indicate an entrance point of resistance within law, making way for a law of resistance to innovate, reliant on autonomous and semi-autonomous practice, placement and philosophy. The social centre participants enact, practice and perform their own way of life, one that is equally resistant to, altered by and manipulative of the functions and structures of state law. Yet to be squatting, to occupy buildings and to reclaim disposed of land, is to operate under the watch of state law. This serves as a crossover between one field of normativity and the other, creating an entropic zone where the legal custom of squatters' rights is enacted. By knowing the law, knowing the legality of squatting, these social

centres come into existence. It could be said that their rights to the city have been inverted, the autonomous resilience to the system allowed by the system and regulated by this system at the same time. The change in the law where *all* residential properties are disbarred from the remit of squatters' rights is interesting in terms of the *semi*-nature of social centres' autonomy. If a group of squatters, post-2012, decide to create a communal social centre space within a residential building, then this centre would not be operating legally, it would be an act of criminal trespass according to s.144 of LASPO. Bearing in mind the transient nature of squats anyway and the difficulty a group would have in remaining within an empty residential building for any considerable amount of time before being arrested, the preponderance of illegal social centres will undoubtedly be less. Nevertheless, would this alter their semi-autonomous status, whereby social centre participants are clearly breaking the law and seeking to establish their own form of social organisation in spite of the state? Here the proximity to the state is further away through not co-opting and making use of legal loopholes for their own form of self-legislation and removing themselves from the state order entirely. Similarly, one could say that the state's categorisation of residential squatting as illegal exemplifies the use of criminal sanction to uphold the commodity of property and replace right with trespass, reasserting the presence of individual property rights. Semi-autonomy describes the place where individual property rights can start to influence the organisation of social centres, as well as remain outside social centres and shape the organisation of social centres in turn. I argue that social centres rely on state law to perform their example of autonomy-as-practice and autonomy-as-placement, even if the doctrine of squatters' rights has now been limited. This is because state law still decides whether social centres are deemed legitimate in its own image, or otherwise.

Social centre organisation is therefore not always something totally oppositional to the law, combining both admiration for state law, and its semi-autonomy. It borrows from state law, assumes and adopts formal legal concepts and relationships when this is suitable. This theme can be traced through the development that takes place (in certain instances) from squats to social centres, from 'illegal', or 'licensed' alternative spaces to institutionalised forms; it is also bound up with a concern that is specific to the social centres, and distinguishes them as a practice of political squatting. It is not the case; therefore, that social centres or squats and the groups associated with them can be seen as simply beyond law, illegal, or even a-legal. Rather, their resistance to the law involves actually seeking legal form (whether state or otherwise), as well as (at other times) resisting or challenging the law in more conventionally understood ways; or even creating their own law. The legal pluralism of Falk Moore helps to encapsulate those processes and paths where tendrils of resistance and law interweave, and where resistance may ultimately be, a form of law. Remembering Falk Moore, there are legal, non-legal and illegal norms that integrate a given field into the meshwork of the surrounding and integral network. There is lucidly an example

of the moulding work of state legitimacy, in confluence with the conserving and utilising of squatters' rights, as a way of practising another form of social organisation. This might be a 'positive unconscious' of law, 'a reference to everything that failed to find a place in the novel science' (Goodrich, 2004: 247). It is in the social centre movement where underlying notions hold true determinacies of responsibility and autonomy crossing boundaries of both law and resistance.

Discussing social centres and their appropriation of state law to make way for their own form of social organisation, allows us to see resistance at a grass roots level and its capacity to initiate *both* state law and a law of resistance. Social centres allow apertures for a law of resistance to exist outside of the state, as there is *presence* and *collectivity* combined with practices that make way for a non-state law that remains *nonlinear*. At the same time, the interjection of private property rights within the social centre continuum of formalism illustrates how a proposed law of resistance can be re-shaped through the influence of the market, persevering in a linear direction of state law institutionalisation.

Chapter 3

Property and the a-legal vacuum

> What defines scale in the void? What is the metric of emptiness? What is the measure of nothingness?
>
> Barad K. (2012), *What is the Measure of Nothingness? Infinity, Virtuality, Justice*, p 5

So far we have discussed the character of resistance and its potential to create law that is both state enshrined and the potential for it to initiate law of a non-state nature. This is based on either its progression along a continuum of formalism, or that of informal nonlinearity. This affects a cumulative movement initiating a juncture at which individual property rights enter, or, are avoided; where a state law is furthered, or a non-state law is determined. This crossroads of institutionalisation, a gathering of process becoming product, speaks of a temporal and spatial proximity of law and resistance from one another, whereby a movement from presence to re-presence, or presence remaining present, contends a form of state law or law of resistance. This is based on an acceptance of law and resistance as contingent of one another in the first place, whether it chooses to allow the interjection of individual property rights in order to institute itself as a form of state-sanctioned legality or not. By utilising the language of legal pluralism, we can see that there are alternate conceptions of law that exist in relation to, legitimated by, or shaped by state law's exclusionary limits, particularly useful when understood in relative gradients of autonomy and semi-autonomy. We have also seen how resistant movements, especially clear within the social centre and squatting scene, adopt state law characteristics to both resist and legitimate themselves; through respecting state law conceptions of rights and maintaining a degree of distance away from illegality, or using familiar conceptions of social organisation normally associated with formal law (such as written codes and procedures within their own practices).

Nevertheless, why is the doctrine of individual property so transformative for law and resistance, and particularly in relation to land? Why is property so foundational to state law institutionalisation and what does it mean for our study of social centres, squatting and their proposed law? The property that we are investigating here is most useful when we think of it in terms of the land, as this

is the location in which squatting happens and through which social centres can be formed, whether along continua of formalism or as examples of informal nonlinearity. Land denotes a use of space, a place where the practices and performances, the processes and the products of state laws and a law of resistance, can converge. The movement between and around informalism and formalism speaks similarly of a moment at which law and resistance can go either way, a tipping point, or a specific zone in time and space. This is why in this chapter it is useful to refer to some of the legal geography and spatial turn in law literature which allows us to link resistance and law with concrete coordinates of space and time (landed property) and the ephemeral law-making content that we think spatio-temporality might be.

Within legal pluralist literature, there is a distinct lack of discussion of resistance *per se*; legal pluralism as a perspective could be a useful tool when considering not only the movements of law, but the spatial and temporal placement of both law and resistance, and perhaps its influences and origins. The descriptions of semi-autonomy and bottom-up law of Falk Moore and Santos do express an aesthetic and four dimensional quality that gives access to the *proximity* of law and resistance within and of each other, lending itself well to thinking in spatial and temporal terms.

The point at which resistance becomes law or a law of resistance becomes state law, refers to a specific juncture in both linear and nonlinear movements of law and resistance, whereby a discussion of 'liminality' as a movement between one state and another is useful. This is true of the distinction between individual property rights and the collective determinacy of alternative and informal property, similar to the 'proper and improper' of which Margaret Davies propounds. What is the nature of this liminal boundary, where is it and how does it shift from resistance to a law of the state, or to a law of resistance? Is this boundary itself non-legal, an anomaly within the 'thickness of the line' as Lambert (2013) would describe? Do squatted social centres manifest this very boundary, or are they a zone in which this boundary is performed and re-worked? Or are we talking more of an *assemblage* reminiscent of a Latourian, Deleuzian convergence of law and resistance, exemplified in the recent work of lawscaper Philippopoulos-Mihalopoulos and the equitable thoughts of Zartaloudis?

There is always a movement prior to state law institutionalisation that I argue is where a *law of resistance* resides, and yet the juncture between resistance, law of resistance and state law is actually an *a-legal vacuum*. Denoting an a-legal vacuum is to propound a description of a-legality that agrees with Lindahl's account of a-legal behavior as that of an act that 'challenges the very distinction between legality and illegality, as drawn by a political community' (Lindahl, 2008). Secondly, to use the term vacuum, is to take from Karen Barad's posthumanist work where she relays a discussion of a *vacuum* in terms of both a scientific understanding of the presence of matter within a void, combined with a poststructuralist account of contingent performativity. This vacuum can account for the contingency of both law and resistance within a space that is seemingly

empty of both, and yet mutually defined and constituted at the same time. This allows us to think of the process as opposed to the origin, and the possibility of infinite contingency (Meillassoux, 2008).

Squatters' rights offer us an example of a relative no-man's land of law, contained and constituted by borders of state law that indicate an entrance point of resistance within law, making way for a law of resistance to innovate, reliant on the autonomous and semi-autonomous practice, placement and philosophy of squatters to actualise their right. This is state law's own creation and its own living example of a *right to resistance*. The kind of law of resistance that exists in a semi-autonomous relationship to state law (and can only ever be semi-autonomous whilst there are other laws in local situ) and is situated along a conjugation of formal and informal. Squatters' rights are a state law example of a right of resistance, where in order for property as realty to operate, there is a zone of exception through which all other property rights can accede. When this *proprietorial right of resistance* is removed (such as it has been gradually with the arrival of LASPO 2012), the remainder of land law makes no sense; squatters' rights are the state of exception on which both individual and collective rights rely as they are based on an empirical possessory linking with the land.

State law which denies the right of *presence* and the *collective* denies itself, the present and the tribe as always placed in embodied space, even when protest movements often use virtual methods of gathering (such as through Facebook and the culpable role of BBM [Blackberry Messenger] in the London Summer Riots). Our daily contact with state law is mediated through our positioning in the land, managed by the ubiquitous dominance of individual property rights. Land is finite and cannot be reproduced elsewhere, and thus furthering the project of enclosure denies the empirical reality of law as emanating from landed property. This biopolitics of individual property seeking to consume collective forms of property, will ultimately lead to state law's negation and consumption of itself, as ultimately law is resistance and resistance law, in alternating quantities. This ignorance of the import of, on the one hand, a right to proprietorial resistance formulated by state law allowing the rest of individual property rights to function overall and on the other, a liminal a-legal zone in which and through which a law of resistance can be performed, demonstrates a recalcitrant *nihilism* of state law.

It is on this basis that the doctrine of individual property exerts itself through the paradoxical use of the right to exclude by squatters. Using the autonomist and alternative property narratives of social centres, the participants observe this right to exclude, now within commercial buildings only, in order to *reclaim space* where they can *re-occupy* and *re-enact* their performance of social organisation. I say *re-* as this is a *taking back* of social space and time from the realm of individual property rights, while at the same time being shaped by the realm of individual property in order for the social centres to come into being. Those spaces that potential access to, would now constitute a criminal trespass, are an interesting indication of a movement of *enclosure* and the impossibility of using empty residential buildings for anything other than keeping out informal modes of property and social

organisation. Enclosure, as we will see, is a movement of individual property rights originating in its most pre-eminent legal form in the fifteenth century in the British Isles with the Parliamentary Enclosures; it continues its expansion today with examples of laws such as s.144 of LASPO 2012 and changes to the law of adverse possession. Under the Land Registration Act 2002 (Schedule 6) the doctrine of formal rights over informal property linkage to the land has been reinforced with title now only being recognised once it is registered as opposed to a squatter already having title which then must be registered. This subtle shift from registration by title to title by registration means the formal rights of paper title owners have pre-eminence over any personal or prescriptive right to property on behalf of the informal incumbent, that of the squatter. This move rejects the existence of property entitlement outside of the regime of individual enclosure and disqualifies all communal understandings of property as epitomised in squatting and social centres. Enclosure typifies the mercantilist influence of the market that prompted the change from feudal forms of tenancy and ownership, to the division of land in terms of private property, literally by fencing off land and, instigating the creation of hedgerows, demarcating one person's landed property from the next.

First we will discuss the nature of property and space making use of Davies' foundational concepts of the *proper* and *improper* to denote the liminal nature of the formality or informality of property, as well as the three- and four-dimensional quality of property in spatial, temporal and legal geographical contexts. This zonal and spatio-temporal discussion gives way to the notion of the *a-legal vacuum* of a law of resistance occurring in semi-autonomy from the state and denotes the relative presence of individual property rights, anticipating a performance of informal nonlinearity that precedes, proceeds or succeeds the linear formalism of state law. This a-legal vacuum happens prior to or in spite of, state institutionalisation, and at times with the permission of state institutionalisation through the state's proprietorial right of resistance, squatters' rights; squatters exemplifying their *admiration for the law* by using the right to exclude as grounds through which a performance of their law of resistance can be realised.

Property and the right to exclude

Underlying and intrinsic to this narrative on law and resistance is the construct of property. Within common law, property is deemed as not a series of 'things' that are 'owned' in themselves, but a legal relationship between the owner and the thing (Davies, 2007: 19). This relation is known as a 'right', and these things are not always tangible, they can be intangible. According to Jeremy Bentham, property is a legally protected 'expectation' of how a thing can be used or abused, how one can be able to draw such an advantage from the thing in question, thus creating 'expectation utilities' (Bentham, 2007 [1789]). William Blackstone asserted that the Western conception of property rights is the 'sole and despotic dominion which one man claims and exercises over the external things of the

world, in total exclusion of the right of any other individual in the universe' (Blackstone, 1765–69). Underlining the very Eurocentric connotation here is to open up the possibility that there are a plurality of versions and philosophies of property, those that do not reside in the Northern hemisphere and are not bound by the same principles of rights and ownership. There are also those versions of property that are prevalent within the Western world, and survive parallel to the dominant mode of property law that is seen today. This is where a legal pluralist understanding of property and property relations is so poignant.

According to Bryan 'property is about much more than a set of legal relations: it is 'an expression of social relationships because it organises people with respect to each other and their material environment' (Bryan, 2000: 3–31). Davies describes property thus within a 'cultural matrix', tinged with histories, meanings, contexts and cultural appropriations. As can be relayed through the remit of squatters' rights and put forward by Davies, critique and resistance exist as much within the theory as the *praxis* of ownership (2007: 9). The very fact that there is such discontinuity in definitions or placements of property, both philosophically and within law, gives rise to the question as to whether such a set of rights exists at all. In the words of Proudhon (2008: 16):

> If property is a natural, absolute, imprescriptible, and inalienable right, why, in all ages, has there been so much pre-occupation with its origin? For this is one of the distinguishing characteristics. The origin of a natural right: Good God, whoever inquired into the origin of the rights of liberty, security or equality?

The nature of property is discussed at length by Davies, her *proper* and *improper* outlining the creation of real and imagined distinctions between formal and informal rights, similarly reinforcing the conceptual distinction between Scott's *public* and *hidden transcripts* of law and social centre law. Davies takes one of Bentham's comments on the origin of property within law as something that places property as a construct by and through law. The same could be said for human rights, given their recent development after the First and Second World Wars, as appearing within a legal framework of rights and duties. Bentham states 'property and law are born together and die together' (Bentham, 2007 [1789]). A positivist tradition within law would take this as enshrining a natural element to property rights, however, Davies sees this as a conclusive statement on the creation and termination of property and the rights through the construct of law. According to Gray, 'we are seduced into believing that we have found an objective reality which embodies ambitions and needs' (Gray, 1991: 252). Thus, a view of property seen as a natural right outlining a public/private distinction could be seen as misplaced. A Lockean understanding of property rights is one based on a person's self-ownership, as being a fixity, and giving way to the entitlement to 'appropriation' in the state of nature. Locke's version of the commons is *terra nullius*, the right to appropriate neutral and apparently untaken land and call it

one's own. This is legitimated through the attachment of natural divinity to property and the rights enshrined, not seeing ownership and possession as a construct at all (Davies, 2007).

As pointed out by Davies in her 'Property: Meanings, Histories, Theories' (2007), property is not just about the legal conception but so too involving social, political and philosophical constructs. To use the word 'proper' is to initiate the exclusion of that which is not proper; proper as opposed to the improper or transgressive (2007: 30). What is clear in the distinction between law and resistance, is the role of language itself, the language of *rights* and the exclusivity of these rights of one bearer over another. Central is the exclusive determination of the law. In the words of John Austin: 'Laws proper, or properly so called, are commands; laws which are not commands, are laws improper and improperly so called' (Austin, 1954). This provokes the question of what is proper and what is improper, and what is property and to whom it belongs. By relying on a formation of law that sees something as proper and the other as improper, furthers a violent dialectic that sees anything outside of its remit as *otherly*, and thus wrong. Refer to this as a 'metaphysics of the proper and the improper', as Derrida does, and the excluding of objects, beings and intangible forms from within law leaves state law as unrepresentative, and in need of reform. Davies describes very clearly the way in which *proper* is the ability to exclude others, stating that: 'Positive law itself is also conceptually based upon an originating exclusion, decision, or splitting which establishes a realm of law and a realm of that which is other to law' (2007: 31). Any 'pure' formation of law (she gives Kelsen's pure law as that which is a law free of foreign elements), will always disallow the 'impure', or that which muddies the sleek surface and constitution of the law. Using Derrida to unravel the meaning of proper and improper, she reveals the existence of the improper within the proper realm of the law, as through repetition, it is never unique, and thus loses all purity. It is thus 'iterable', a form of mimesis and performance, and never peculiar to itself: 'In other words, and to simplify, the formal deconstructive argument is essentially that the proper must refer outside of itself to that which is common, and to its (improper) other. It is never itself, and is therefore a non-identity, equally common and improper' (2007: 31).

Davies' conjecture of the proper and improper is useful when considering our continua of formalism and the nonlinear informality. It demonstrates that purely through a process of institutionalisation, the interjection of the individual over the collective and the common creates boundaries of inclusion and exclusion whereby *presence* becomes *re-presence* only through limits of formalism that move property from the common to the individual realm. Similar to Agamben and Arendt, Davies relays how individual property is transformed and replicated by that which is outside of itself, defined by those who are deemed improper, whilst at the same time recognising the impurity of state law and the ultimately the impurity of any law of resistance emanating from informal property narratives. Davies' descriptions of the proper and improper speak less to the origins of property, and more to the nature of individual property as we see it today; as myriad limits and

exclusions, a coalescence of forces from within and outside institutionalisation, supporting the notion that law and resistance are contingent on one and another without seeking to assert an originary argument. A similar debate on the nature of necessity and contingency, between philosophers Quentin Meillassoux and Martin Hägglund, reminds me of this impurity of law and resistance and its contingency of one in the other. Hägglund argues that from one moment to the next, each instant is entirely separate and cannot be deduced from the next, whereas Meillassoux asserts that each moment is contingent of the other. What this means in relation to the proper and the improper is that Meillassoux's argument would support an always impure formation of law and resistance whereas Hägglund would assert that each are entirely altered from the other. Interestingly, these theories are both reliant on philosophies of space and time, the import of which we will return when discussing the congenital role of time in law, resistance, property and justice.

Bottomley and Lim eloquently describe the formal and informal of property in their critique of Western regimes of property imposed upon the legal infrastructure of already established systems in other countries, in their discussion on recognised and un-recognised forms of rights. As Blomley says in a similar vein to Davies: 'Informal property rights are defined, like the undeveloped world, by what they lack' (2004: 20). Bottomley and Lim refer to the debate on *constructive trusts and* recognition of informal rights in the home (*Oxley v Hiscock* [2004] EWCA Civ 546; *Jones v Kernott* [2011] UKSC 53; *Stack v Dowden* [2007] UKHL 17, [2007] 2 A.C. 432). They mention the difficulty of one body of informal law accepting the formalism of another, and how the power of legal plurality has seemingly worked in the past. This ultimately points to the overbearing influence of individual rights over those of communal rights, and the difficulty that a collective enterprise of rights has in asserting its own legitimacy. Arguments against legal plurality can therefore work quite well against a collective form of law; on the other side, how did the regime of individual rights that is part of our functioning in society today, institutionalise itself? It must have looked something like an informal practice before being given the originary force of law, as Derrida would opine (1990). This Arendtian extra-legal and the source of law as originating from outside law, is visited by Blomley, deliberating the role of informal rights and urban judicial practices that operate outside the mechanism of the state (2004). He quotes from Carol Rose, describing private individual ownership as a way of seeing relations to things, but also as a way of not seeing, whereby 'communal claims are frequently made by what seem to be persons that are somehow deemed inappropriate to make claims of entitlement' (Rose, 1998 in Blomley, 2004: 8). Speaking of 'counterpublics' and the extra-legal (Blomley, 2004: 18), as well as 'tribal law', Blomley demonstrates how the reliance on one regime of property rights will always be at the cost of another: 'Yet a privileged legal centralism tends to gloss over the plurality of legitimate claims to and interests in land; the plurality of mechanisms that are capable of ordering rules and inducing compliance' (2004: 18).

Davies' deconstruction of property as a name and legal concept, reveals the self-legitimation of state law. Thus within state law precepts are those that law excludes, and the impurity of state law is shown clearly within a loophole of squatters' rights. To return to language, the very terms and lexicon of the law are exclusionary. Through the *limitation* of squatters' rights, the legal fiction upon which social centre participants have in the past chosen spaces to occupy lawfully, there is a point at which the individual rights of the owner intersect with those of the occupier. There is a point of departure indicating the perseverance of forms of law and resistance either deemed as proper or improper, those that are formal or informal. Squatting is allowable within a 'limited' time and in a limited space (this is exhibited even within the terminology of the Limitations Act 1980), through the procrastination of the squatters and the due process of the courts. Squatting is a right of occupation through the assertion of one claimant's linking with the land over another, the assertion of a latter proprietorial right over that of the previous within the time and forbearance of a possession order expressing the wishes of the owner, 'protected intended occupier' (PIO) or the 'displaced residential occupier' (DRO). Squatting occurs through the participants' adherence to formal state constructs of the right to exclude. The language is a language of boundaries, and thus by asserting who has rights and who does not have rights, there is a within and a without, what is formal or informal – in that process, creating the *other*. Squatted social centre participants observe this right to exclude, in order to reclaim space where they can reoccupy and *re-enact* their performance of social organisation.

Squatters' rights are a specific instance of the impurity of state law. Agreeing with Davies we would assert that all property, whether formal or informal, is a combination of law and resistance, the intensity of whether more law or resistance determined by the cumulative process of institutionalisation and the interjection of private gain in the form of individual property. Yet squatters' rights are a deliberate space created by state law, in which informal property can take place; they are an open and self-legitimated confession of the impurity of state law, and simultaneously operate as a useful distraction from the true nature of state law overall. They function in a similar manner to discretionary powers of the constitution, whereby the intricate foundation of the social contract is suspended in the name of emergency and national security. In a similar vein, squatters' rights offer us an example of an exception within property rights; they are a state law example of a right of resistance, where in order for property as realty to operate, there is a zone of exception which allows for all other property rights to accede.

How can we say that individual property rights would have difficulty proceeding without squatting being freely recognised as legitimate within state law? Squatting, as an unlawful not criminal act, has not always been a controversial area of law, it's bracketing under the remit of adverse possession saw the synchronous emergence of property rights overall. Were it not for the stop valve of adverse possession and the taking of land by seizure, it would have been difficult to balance competing claims to land. Time limits on claims to land date

back to as early as the Limitation Act 1623, introducing arbitrary time limits on the assertion of claims. As a result, there developed the novel area of possession by successful taking. The bringing in of Limitations Acts saw possession based on the effluxion of time as one of the foundational concepts of English land law, at once enclosing one's right to land and at the same time opening out the beginning of another's based on a system of relativity of title. Adverse possession remains a central paradox within English land law, statutory limitation as that which presses the relativity of title to its extremity (Gray and Gray, 2011: 1159). Seizure of land is therefore the basis of individual property rights, and the claim to an understanding of ownership. The mixing of labour with the land and the curtailment of the jural owner's rights through abandonment and misuse is a very Lockean proviso. Given the fundamental role of adverse possession and squatting (as the control of land) in shaping property rights overall, legislators would do well to consider what the removal of this doctrine means to the strength of rights to property in sum. Based on a Schmittean understanding of law as 'order and orientation' (1950: 44), the centrifugal role of land and the removal of the right to squat, with the *right to exclude* could well be tantamount to the functional detriment of law. Thus, when this *proprietorial right of resistance* is removed, the remainder of land law makes no sense – squatters' rights are the state of exception upon which both individual and collective rights rely as they are based on an empirical possessory linking with the land.

If we are to be speaking of land, then property as realty is the logical legal framework. This is in terms of registration as state-recorded categories of ownership held in arboreal chains of deeds; or since the onset of the Land Registration Acts and reforms in England and Wales (Land Registration Acts 1925, 1936, 2002, Law of Property Act 1925, the Trustee Act 1925, the Settled Land Act 1925 and the Land Charges Act 1925), the grid-like Torrens database that allows for a jigsaw effect of entitlements (Pottage, 1998). The way in which the predominant culture of individual property rights has shaped and moulded the relationship with the land has been discussed by jurist Carl Schmitt (1950), where to think of law itself is to start with the land. What we lack in terms of our understanding of property (and this is true to the extent that this debate is replicated through the onset of the Land Registration Act 2002 and the shift from possession to registration), is the performed nature and contingency of property is not wholly described within legal rhetoric; from the clod of earth we are now removed to the grid of the database. Abstract rights in paper form do struggle to demonstrate the complex enactments that allow a property to 'happen' in legal 'reality'. This differentiation between the material and abstract world is discussed in the work of Bottomley and Lim (2009), a return to the land itself and its reliance on an essence of law, that of time and space.

Why is property so foundational to state law institutionalisation and what does it mean for our study of social centres, squatting and their proposed law? The movement of formalism and informalism within property enacts a process that determines, as described by the semi-autonomy of social centre participants and

their space, the individual as legislator; the space, place and temporality of a law of resistance. It takes place in a cumulative moment that waits for that very juncture to reveal itself – the tipping point, the agitation of water before it boils, the hidden transcript, the improper on the limit of the proper, the constituent prior to constituted. Returning back to the proper and the improper, we are brought to the role of property, the legal schematic hinging this exploration into law and resistance together, entwining the placement of property back with the land (realty). Social centres use a form of occupation protest that harks back to movements such as the Diggers and the Levellers, using space and time together to occupy that moment. Similar to Bottomley and Lim's existential experience of 'taking 'the law for a walk in land (2009), the context of protest itself is both the cause contested and the media through which the protest is achieved. You could say that the concern of occupation protest such as social centres is to, in the terms used by Bottomley and Lim, 're-embed 'land law' into the 'everyday'. This replicates legal geographer Blomley's concern for appreciating the law from a materialised and embodied learning (2004; 2013), culminating in the soldering effect of walking with law (Bottomley and Lim, 2009) that allows for a multi-dimensional involvement in the connection between land and law, the social centres and their space and protest movements in general. Social centres as an example of occupation protest are therefore returning protest to the land, just as Bottomley and Lim speak of returning law to the land. Through walking with law through the land, they argue there is a form of 'law in context' (2009: 1):

> Such a form of walking presumes a 'reality' to material conditions and pursues a form of legal critique which can do no more than require of law that it meets the needs exposed from an examination of that 'reality'.

This reference to the physical experience of land and law as Bottomley and Lim's 'embodied geography' allows for both a corporeal placement within a cartography of geography, as well as the interpreted act of understanding law in the everyday through a speculative understanding of our correlative relation with our external environment. The composition and perspective of the actor, the performer, creates the law as they are walking, affecting 'even from the practices of law itself, let alone its impacts on the messiness of 'everyday lives' (Bottomley and Lim, 2009). This, in effect, is the bringing back of the legality to the soil, a recognition of the intrinsic measure that land and the divisive nature of property have, not just to studies of ownership and rights, to understanding law and resistance, but also to the project of jurisprudence and law in sum.

The vacuum of a law of resistance

With the essential nature of *land* in property, and the heightened poignancy of social centre and squatting activities and the centrifugal placement of squatters' rights within the functioning of state law, comes the importance of space and

time. If we think back to Falk Moore's semi-autonomy, and the proximate positioning of squatted social centres in relation to the state, there is suggested a four-dimensional grounding to the processes of law and resistance, which are so evidently replicated within the continua of formal and informal nonlinearity of state law and proposed laws of resistance of social centres. This grounding is based in space and time in the formation of property, whether of an institutionalised individual nature, or whether the more informal collective nature that we have discussed thus far in relation to social centres. Autonomy and semi-autonomy as the philosophy of social centres, similarly the foundational concept and placement of social centres, demonstrate a distance from the state coupled with their formation by the state. This is expressed through the legal fiction of squatters' rights that give us a lucid example of the contingency of law and resistance, and the spatial and temporal arrangement of law and resistance in terms of property. As we previously discussed, squatters' rights are an example of a *proprietorial right of resistance*, where the impurity of law is overtly admitted by state law (whilst at the same time acting as a distraction from the contingent reality of state law and resistance). The proper and the improper are another way of seeing this, where the improper describes the internal nature of resistance to the supposed 'pure' realm of law. The movements and processes that occur in order to put in place what is proper and what is not proper, create a spatial and temporal motion delineating the movement from resistance to law, the continuum of formalism or the nonlinear informality. The processes of law and resistance refer to anomalies within the law that suggest liminal boundaries and thresholds being formulated, conglomerated, lived in and surpassed depending on the formal or informal movement. When I say *lived in*, this hints to the border itself being a zone whereby the stuff of law and resistance is happening; it is the time at which a law of resistance appears and the space where it is enacted.

The point at which resistance becomes law or a law of resistance becomes state law, refers to a specific juncture in both linear and nonlinear movements of law and resistance. This is the liminal nature of resistance, laws of resistance and furthermore state law, whereby at each juncture or movement away from the boundary of state law, there is demarcated a verge or a brink. Social centres, like the state of exception itself, are neither external nor internal to the juridical order, and the problem is liminality, the threshold. In the words of Agamben, this is 'a zone of indifference, where inside and outside do not exclude each other but rather blur with each other' (2005: 23). Thus, like the law's treatment of the state of exception, social centres are acknowledged by law through an attempt to include the exception (social centres) within state law, determining a 'zone of indistinction in which fact and law coincide' (2005: 26).

So, what is the nature of this liminal boundary, where is it and how does it shift from resistance to a law of the state, or remain as a law of resistance? Is this boundary itself non-legal, an anomaly within the 'thickness of the line' as Lambert (2013) would describe? Do squatted social centres manifest this very boundary, or is there a distinct zone in which this boundary is performed and

re-worked? Is there such a thing as a boundary between law and resistance at all or is this just a fiction of the imagination, something constructed to comfort an acceptance that either resist at all in the first place? I argue that on the one hand squatters' rights in their remaining limited version, offer us an *overt* example of state-legitimated proprietorial resistance, which exemplifies the temporal and spatial nature of law and resistance, with an exceptional opportunity for a law of resistance to work itself *within* state law. And yet on the other hand, a law of resistance can occur at a given juncture as a result of nonlinear informality that operates predominantly *covertly* and outside of the state (and yet moulded by the state at the same time through semi-autonomy). So this juncture, whether through the anomaly of squatters' rights or otherwise, diverges at a given spatial and temporal accumulation cultivating a zone prior to institutionalisation. I argue that this juncture between resistance, law of resistance and state law is actually an a-*legal vacuum*.

So what is this a-legal vacuum of which I speak? According to Lindahl, the *a-legal* refers to a series of founding acts which are neither legal nor illegal in nature, a-legal because they 'presuppose a legal order as the condition for their intelligibility' (2008: 125). These foundational acts are of an a-legal form because they 'institute the distinction itself between legality and illegality. Only retrospectively, if they catch on, can they come to manifest themselves, albeit precariously and incompletely, as legal acts' (2008: 125). Lindahl's description of the a-legal speaks to the aporetic nature of the vacuum of law of resistance I am trying to describe. Remembering the continuum of formalism and the informal nonlinearity of social centres, the space that is provided for squatters' rights and nonlinear informality to operate within law (the proprietorial right to resistance), the perseverance of a law of resistance outside of state institutionalisation allows us to see a meeting point of conditionality between and within law and resistance. The tipping point of the a-legal vacuum is the point at which all legality and its other break down, as though an event horizon or what Meillassoux would refer to as a nod to the possibility of the impossible. Without wishing to complicate matters but certainly seeing a convergence in the *speculative* thought of Meillassoux and the a-legal vacuum I am seeking to describe, Meillassoux's understanding of the contingency of necessity and 'hyperchaos' can help us here when understanding how a continuum of formalism or informal nonlinearity either produce law or resistance of an in-between land of law of resistance. I argue that the direction upon which law or resistance is determined rests on a quantification of external circumstances and the effect this has on the instituting of state law or informalisation of non-state law. This can mean either the precedence of a law of resistance or a law of the state, dependent upon the interjection of individual property rights. Meillassoux is useful here as he describes the possibility of radical contingency whereby the presence of uncertainty (hyperchaos) leads to ever alternate eventualities in time and space. It is the presence of uncertainty or the effects of the surrounding environment that can alter the direction of law to resistance and resistance to law, dependent upon the relevant externalities. The

externality that creates formal law out of resistance is the concern for private property in this instance and without this laws of resistance remain uncrystallised as institutions. These formal and informal movements of law and resistance are practices and performances that accumulate within a given space and time, processes and products that determine an entropic zone of transference from one to the other where both law and resistance merge to form a negation. As Lindahl states, 'a-legal acts contest a legal order by intimating a possible legality of illegality, and a possible illegality of legality' (2008: 125). I argue that whether overtly through the loophole of squatters' rights, or covertly through now criminal trespass, the space for a law of resistance to enact itself opens up on a plain of a-legality. This a-legal is a Meillassouxian absolute, the possibility of the impossibility of everything. Squatted social centres are surrounded on each side by state law, whether deemed illegal or unlawful, or legitimated within time limitations through the now-reduced fiction of squatters' rights. The tipping point, the liminal border between law and resistance where a law of resistance resides, is thus a *vacuum* where state law and resistance break down and alternative narratives of law or resistance can accede. This vacuum is the space of the threshold, the amplitude within the line as the no-man's land of a law of resistance that Lambert would term as the 'thickness of the line' (2013). Yet even the vacuum is contingent of primordial law and resistance.

Recalling the focus of this work on the process and product of law and resistance as opposed to from whence it came, this vacuum can account for an indeterminate nothingness which is everything at the same time. The vacuum is a stopgap in the flow of institutionalisation whereby a law of resistance which precedes state law can exist even if for a moment; in a similar vein to the work of Meillassoux it is reminiscent of some of the more recent and scientifically informed work of Barad on the role of the 'void'. In order to move from resistance to law and back again, much as the legal and illegal movement of squatters' rights within and outside law, there must be a presence and crossing of the void, an 'Interzone' (Burroughs, 1986), a moment before the hidden transcript becomes the public transcript, between the proper and the improper. According to Barad, indeterminacy is not the state of a thing, but an unending dynamism (2012: 8), and even in a zero state, there is such a thing as zero matter (2012: 9) whereby the nothingness is pregnant with more nothingness – she describes a vacuum as a womb. Barad refers to her discipline and explains that in quantum field theory, a vacuum cannot be determinately nothing 'because the indeterminacy principle allows for fluctuations of the quantum vacuum' (2012: 9). Even fluctuations of energy have a mass, and therefore in a zero-energy state 'virtual particles are quanta of the vacuum fluctuations'. Barad reminds us of Avery Gordon and the 'sociology of haunting' as she sees virtuality as a ghostly non-existence (2012: 12): 'The void is a spectral realm with a ghostly existence. Not even nothing can be free of ghosts … The vacuum isn't empty, but neither is there any/thing in it'. She therefore uses this as the basis from which matter transforms, it is performed, even in our thoughts, there can be material effects of learning and imagining' (2012:

13). She sees nothingness as not absence but openness (2012: 16). In a similar way the existence of contingency in the void reminds us of the scientific conception of potentiality, becoming, the Derridean *l'avenir* or the trace, the hidden fuel for emergence through which systems evolve in both linear and nonlinear formations. This is what de Landa may describe as 'possibility space': '… It follows from this that explaining a given emergent effect involves describing not only a concrete mechanism but also the singularities structuring the possibility space behind the stabilizing tendencies manifested in those mechanisms – emergence and potentiality' (de Landa 2011: 389). Thus an *ex nihilo* of a-legality is argued as the meeting created by movements of both continua of formalism and informal nonlinearity. It is a liminal juncture that can describe the threshold as well as the space bounded by the threshold, which paradoxically is described by Barad as being openness itself. This liminality exemplifies the legal science as exclusionary with the decision-making power remaining content and protected outside (Goodrich, 2004: 427). Deleuze states: 'The law can only be transcended by virtue of a principle that subverts and denies its power' (1971: 76). In order for this dissenting to take place, the constituted has to be identified itself, and these borders of delineation are the no man's lands of the liminal, the zone of the other where there is neither law nor resistance; constituted nor constituent hidden power; present nor future – a vacuum. This is where constituent dissensus rests, the line upon which it establishes itself as 'otherwise' (Christodoulidis, 2007: 189). The liminal allows for subversive critique, embodied through spaces '[that] carry the idea of liminality itself, as it is out of place on either the mundane or the spiritual side of the existing order' (Horvath, 1997: 23).

This vacuum or void would agree with Stone's discussion of a law of anarchy, using a Levinasian ethics, whereby he sees resistance as neither pre-juridical nor juridical, but equating to an ongoing performance of both at the same time as being neither (2011: 105):

> In my reading of Levinas, anarchy is not something capable of being prescribed or maintained by law, nor is it the absence of law, but rather it is the never-ending undoing of law that stirs in the heart of the human subject.

Stone argues the precarity of any alternate laws or new law that one might wish to constitute in opposition, or maybe even succession, is likely to be in relation to the state (2011: 104). This precariousness reminds us of the transient nature of a law of resistance, which is almost impossible to be pinpointed unless overtly so within apertures of state law, as the right to resistance specifically in terms of a proprietorial right in terms of squatters' rights.

As an example of a plateau of liminality between law and resistance and indeed resistant laws, there are similarities between Burroughs' *Interzone* and this liminal space of pre-institutionalisation of law and a-legality. In recent years, Burroughs has been useful to this work on law and resistance in terms of illustrating that movement between acceptance and non-acceptance, legitimacy

Social centre anecdote

Speaking to my interviewee from the rampART, she described social centres, using a quote from a science fiction writer (James Tiptree Jnr), as '… in the chinks of the world machine'. I thought this was a wonderful description of the scene, illustrating its existence in the loopholes of society, and thinking about it now, representing some form of a-legal vacuum. 'These are interstices that can be exploited politically', she explained.

and illegitimacy, and a zone whereby all is allowed and yet nothing is consented simultaneously. Burroughs describes breaking from heroin, which simultaneously is at the point at which the drug deems itself most powerful. It is a precisely that, an Interzone, the world between human will and its negation: 'The point at which, in the absence of the drug, speech at all becomes possible, but correlatively, the point at which the drive toward resumed addiction is at its strongest' (Burroughs, 1997). It is a movement in between two ways of being. This is where Burroughs resides when withdrawing from heroin, he is not within the world of norms, he is 'The Invisible Man': 'Possession' they call it', writes Burroughs, 'As if I was usually there but subject to goof now and again … Wrong! I am never here' (Burroughs, 2013, in Grauerholz and Silverberg 1998: 169). The Interzone is also a place, an international zone, it is where he went to recover from his junk sickness and recuperate on 'apomorphine' during the fifties; people mind their own business, it is an anarchist's Wetherspoons, a place where even law sits down and blinks into the hashish nebula. Burroughs gave himself the task of creating intersections, points of entry, Proustian lines of association, giving moments of rupture where people can only but mind their own business, which reminds us of a vacuum of law of resistance. It is within the Interzone that time stands still, it is an action shot of smoke and limbs, soaked in the saltpeter heat, the putrifying junk air.

To be nothing, to be within the Interzone, indicates the residue of something most powerful when it is *Noch Nicht* (Bloch, 1995). Interzone and its participants represent this coming together of planes of time and space, the arrow of time is refrained, and yet all time is experienced in a singularity, a moment of subjective intensity, the extremity of human sensation and actuality. This determination of space and time coming together in a moment with the Interzone at once a meeting place for distinctly different worlds of the Western and Southern hemispheres, is much like the meeting place of law and resistance and the creation of a law of resistance within the a-legal vacuum.

The Burroughsian Interzone or vacuum is similar to Soja's 'Third Space', the space in which all that which is expelled from both legality and illegality finds its home. This is taken from Lefebvre's 'trialectics': three modes of being in presence, absence and another. Soja refers to 'Thirding as Othering', a room for the imaginary and more specifically, the magical. This movement between

institutionalised and non-institutionalised law, the law of resistance, the zone of the other, demonstrates the inappropriateness of a dialectical understanding of law and resistance and makes space for alterity itself – for uncertainty and hyperchaos. Arguably, a Rousseauean understanding of the influence of the market on the development of the social contract would also show these trialectics as the entrance space for property. Soja's use of this third zone is inspired through the Lefebvrian ontological triangle: 'Since two terms are not sufficient, it becomes necessary to introduce a third term […] The third term is the other' (Lefebvre, 1980, in Soja, 1996: 60). This is the production of the vacuum, the interstitial moment, 'The Aleph' in Borges-eque sense; a chink in the world machine that means nothing and everything all at once. This zone relies on its generating a boundary in order to exist, it relies on the line, the law, in order for it to happen at all.

If the vacuum of a-legality is both threshold and contingent space and time, then how can this describe the practices of social centres and their relative (to state law) legal innovation? I argue that the fleeting nature of laws of resistance mean that the vacuum of a-legality happens within a temporal juncture, allowing for the opening out of space, clearly when as a result of state-legitimated loopholes such as squatters' rights, and less so when operating covertly. Social centres are said to *re-occupy* and *re-enact* their law of resistance, suggesting the spatial dimension of property within the practice of occupation, and the temporal motion of performance in re-enaction. Thus, the occupation hints to the liminal boundaries of their law of resistance, whilst enaction speaks of the habits of their resistant law itself. The division between space and time is as wreathed as the borders and the spaces that borders inhabit, they are one and the same and yet rely on a material and immaterial expression of each other. The process of social centre's law of resistance is the *praxis* of re-enaction that they perform in order to, I argue, 'archive the memory of the commons', and thus the product of this is the re-occupation of time and space itself. The process and product of the liminal is the law of resistance, making the a-legal vacuum a '*performative*' act, both material and immaterial. The use of the terms *re*-occupy and *re*-enact denote the historical instituting of individual property rights over those of collective property rights and the social centres' *reclamation* of land in a manner replicating the resource-management of the commons prior to enclosure. How social centres manage this in their philosophy and practice will be turned to next.

Chapter 4

Social centre law

> 'Have you ever scrubbed a toilet?' she commented about the everyday running of social centres. 'This is something that just struck me as an example of social centre law.'
>
> Interviewee, rampART collective (2010)

Researching social centres has been continuously rich in lessons; each time I interviewed someone who shared with me their vision and commitment to the social centre scene, not least their passion and dedication to doing things themselves, I would feel enlivened with their genuine dynamism. To be part of a social centre, whether squatted or not, takes some effort. If you are repeatedly putting yourself in situations where you may be evicted as a result of a Court order, potentially fined or imprisoned upon the arrival of s.144 of LASPO, being part of a social centre is certainly a commitment beyond joining a club or community group in the traditional sense – it is not for the faint-hearted. It takes tenacity, vigour, nerve, determination, knowledge of the law and, above all, organisation and energy. The pervading negative connotation of squatters does not reflect this organised and cooperative nature, mainstream representations ardent with chaos and ineptitude, and that is arguably how squatters have been perceived for the most part over the years. Dadusc and Dee (2012), as well as Cowan, Fox O'Mahony and Cobb have written specifically on this media-fuelled persona of squatters (2013), and the apparent immorality attached to the squatter. It is by observing and recording some of the alternative methods of organisation that the social centre participants use, that social centre participants are understood as dedicated and capable people, and proficient of a legal innovation.

It is in this chapter that these very rituals, the mundane and vernacular traits of keeping a space running, are explained; how state law knowledge and the social centres' burgeoning self-awareness through archiving and recording their activities, their philosophies, connections and ideals, all add to the enactments of the spaces. It is also the aim of this chapter to associate these characteristics and performances with a law-making quality, based on the discussions we have had thus far. This is bearing in mind that the type of law to which we are referring

co-opts state law, either within the proprietorial right of resistance that we see as squatters' rights, or further at a distance from the state through criminalisation, echoing supplementary gradients of autonomy-as-placement and autonomy-as-practice. The legality emanating from the centres *at times* takes from state law, through the participants' understanding of the right to exclude, and at other times expresses itself in entirely new forms to the positive law we would automatically connote as the only form of law. As we know, the more state law characteristics assumed, the more likely the social centre will continue along the continuum of formalism; the less institutionalisation, the more likely the social centre will remain squatted determining its nonlinear informality. An example of a social centre manifesting different stages of the continuum is Kebele social centre in Bristol, that went from squatted originally, to rented and then finally to co-operatively owned by the collective.

Before we seek to describe the nature of a law of resistance that exists in social centres specifically, which we will come to term as *social centre law*, let us quickly remind ourselves of what we have covered so far in the first three chapters.

We began by discussing the nature of law and resistance, and what differentiates one from the other. The variance between state law and resistance is based on institutionalisation as a process and a product at the same time, moving in a cumulative motion along a continuum of formalism to produce the legitimated institution of state law, as opposed to the informal and illegitimate pre-institutional transience of resistance. State law is expressed through force, representation and hierarchy, at which point private property rights interject and the institution of state law formulates. This monopoly of power we spoke of in relation to the social contract reasserted that both state law and resistance are contingent of one another, with the democratic basis of each being presence in the form of the collective. The practice of state law we described as becoming fetishised with the process and product of the institution of individual property rights (as expressed through the monopoly of force, representation and hierarchy), to the detriment of its originary present and collective consciousness. This presence is lost with the onset of institutionalisation that promotes, and intrinsically relies on, re-presence in order for there to be an institution of state law at all. State law thus relies on its legitimacy being valid in a twofold manner: representative of the people (the constitution) whilst at the same time owing its authority to the institutionalisation process itself. The continuum of formalism we have referred back to is one that is argued as moving in a linear direction, whereas the informal nonlinearity of resistance is thus nonlinear by nature. Where there is change from resistance to state law bears reference to specific junctures in the linear formalism and nonlinear informality of both.

It is interesting to note that the theme of nonlinearity becomes more vivid as we reveal some of the social centres' archival techniques, the ways in which they record and remember themselves as individual social centres but also as a larger movement. Whilst visiting the 56a Infoshop archive in Camberwell, South London, I was lucky enough to be shown the timeline of the social centre

movement feeding this notion of resistance being informal, as the timeline was certainly not drawn in an arrow-like fashion as would be expected – more on this later.

Not only did we refer to the divisions and distinctions between law and resistance, but also to the possibilities of laws that are not institutionalised and do not exist as examples of state formalism. This opens out the possibility that there need not be just one conception of law, reliant on the state institutionalised structure with which we have become so familiar. Legal innovation that occurs outside of the state can very often look like state law, and takes on state law characteristics, strategies and tactics (such as through participants' admiration for the law most obviously in their re-appropriation of the *right to exclude* within squatting), but does not have to look like state law for it to be a form of law. Squatted social centre participants observe the state law maxim of the right to exclude, in order to reclaim space where they can re-occupy and re-enact their performance of social organisation. This is where we began to relay the possibility of a *law of resistance* or forms of law that are pre-institutional and happen as a result of presence; by allowing for presence and not re-presence, there is no need for institutionalisation in order to hold legitimacy. This law of resistance, as we have just referred to in the previous chapter, actually asserts itself at a juncture between law and resistance, in an *a-legal vacuum*. A law of resistance can either exist overtly (within state law) through an example of a *proprietorial right of resistance* such as squatters' rights, or covertly within nonlinear informalities of resistance, such as through criminalised squats. This juncture is one that exists as a temporal and spatial signature, and one that highlights the four-dimensional nature of law and resistance, and a law of resistance. This is particularly evocative of the squatting and social centre movements as we have seen so far, and this chapter seeks to explain the spatial and temporal practices that might elucidate a site of legal innovation within the social centre scene.

Furthering the spatio-temporal placement of a law of resistance in terms of its proximity to the state, *autonomy-as-placement* and *as practice*, allows us to see how at once distinct and yet simultaneously, intertwined, a law of resistance is to the institution of state law. State law shapes its exterior, and interior too, as all that from which state law refrains, lives within such zones. Social centres' proximity to the state relays their semi-autonomy, and equally, in terms of a continuum of autonomy, the influence squatting and social centres have on state law's reliance of its zone of exception which, if relying on a Schmittean understanding of the earth as grounding of all law, allows for all other property rights to become realised.

In this chapter we return back to social centres themselves in order to delineate what exactly might be a *social centre law*. As we spoke of in chapter two, social centres have the capacity to initiate both state law and a law of resistance, whether exemplified through their being rented and owned, or that they can be squatted. This is the underlying identification that social centres are primarily forms of direct democracy (presence), whilst also being concerned with collective

consciousness, much like the pre-constitutional and constituent power. Social centre participants' semi-autonomy can be an expression of their *admiration for law*, whereby through respecting the now reduced framework of squatters' rights, they have in the past demonstrated an acceptance and re-appropriation of the right to exclude as a tactic and strategy in their protest law. This nonlinear example of a law of resistance occurs through a philosophy of anarchism, anti-authoritarianism and autonomism, exuded within their practices, allowing for an alternate resolve of self-legislation. This is their autonomy-as-practice and autonomy-as-placement where proximity from state legitimation is also a measure of their autonomist practices overall.

The ways that they create this law is central to the performance of the alternative practices that they relay. It will become clear that the practices and organisation are reminiscent of a communal setting; and that there is a process and product as part of the reclamation and occupation taking place within the performance of their law. This reclamation is important in that it connotes a taking back, a *re*-occupation and not just occupation. *Re-occupation* and *re-enactment* are proposed as the binary terms for the process and product (performed and archived) of social centre law. Given the legal pluralist literature used as a framework for understanding that there are plural ways of law, combined with more geographical understandings of law that help explain occupation protests and state law's response, the next stage is to show the means through which these social centres manifest law. Law is presented as re-occupation and re-enactment through their organisational practices; the semi-autonomy of squatters' rights; admiration for the law and self-management; and resultantly self-legislation (autonomy) as a means of creating law.

Prior to explaining this, there should be a clarification of the terms, *re-occupation* and *re-enactment* being used throughout this discussion. The meaning and function of using these terms is to simplify a process that holds within it the various moments and elements coalescing an arguable social centre law. Occasionally the words enactment and occupation are used, but they are to be read as 're-enactment' and 're-occupation'; in those instances, the use of the former may be more grammatically or contextually appropriate. Social centre law expresses *re*-occupation and *re*-enactment due to the processes of *taking back* in tandem with a *performance*. Re-occupation thus connotes something that was occupied before, and this can be felt in two ways, that of the symbolic and that of the actual. The symbolic taking of space is the requiting of the *sense of loss*, a re-justification of property through its occupation (spatial justice), reclaiming it from the realm of private property determination back to the present and the collective. The second manner in which this is a re-occupation lies within the fact that other inhabitants have previously occupied the buildings in which social centres settle.

As for re-enactment, this again lends itself in this lexical formulation in two ways: first, the use of the word enactment connotes that of a performance, an action. Combined with the prefix it becomes something that has been done before, or repeated. Within this is a theatrical quality, as it is a portrayal at the

same time as being a description of a current reality. Second, this portrayal, is re-enactment as the re-telling of a story, within the practices and actions of the (performances) of the social centre participants, 'archiving' autonomy-as-practice and autonomy-as-placement. This means that the manner in which they self-manage and self-organise themselves replicates methods used by movements of a communal nature. Here, the *commons* is that method of resource management, the same commons of collective management and collective rights encroached upon by the Parliamentary Enclosures, being both resource and resource management method at the same time.

The specific methods of re-occupation refer to the legal or illegal returning of a landed space to collective management, through a) knowledge of state law and b) daily, practical maintenance of an everyday nature of the space. State law is acknowledged in order for the buildings to be secured, whether through squatters' rights or criminal trespass. Once a building is taken, the re-occupation has to maintain some level of longevity where windows need to be fixed, electricity cables mended, water switched on, clearing up and cleaning to be done. These are the daily, vernacular level examples of the continual re-occupation of the social centres that only occur through some understanding and admiration for state law. Re-enaction refers to the practices and enactments of social centre participants that create informal rituals resembling codes of written and unwritten organisation or in other words, the performance of an archive. These forms of organisation are the replication of the commons, the DiY mentality, the autonomist concerns that allow for a collective level of organisation (autonomy-as-practice and autonomy-as-placement). The more similar the methods of organisation to state law (such as written forms, constitutions, etc.), the closer the social centre is to a continuum of formalism, eventually to be subsumed into individual property rights through the legitimation and institutionalisation of state law. Once a social centre becomes aware of itself as a social centre by recognising its place within history, and a network of wider movements and social centre genealogies, we begin to see the social centres archiving themselves. This archiving and recording is not only in the form of books, photos, documentation, online portals and indexes of the wider community of social centres, which social centres feel connected to and a part of (see the Autonomous London website for an online memory of spaces from the past, evicted and ongoing), but it is also a conscious memory found in tasks, chores, and the gathered signification and re-signification of their daily performances.

Archiving is a performative movement which is not only about physical records but also about the custom in which both state law and social centre law (or other laws of resistance) work to effect and affect themselves at a given juncture, whilst referring back to the past and influencing the future at the same time. With laws of resistance, re-enaction entails archiving concerned with reinforcing the present and the collective by keeping social centres outside of a continuum of formalism and expressing nonlinear informality by remaining within an a-legal vacuum where state legality or illegality is restrained. All are based on practices as moments in space and time, combined to form habits manifesting themselves in a

performance of temporal and spatial autonomy, whilst at the same time recounting themselves as part of a wider network of examples of Hakim Bey's TAZ by both memorialising the past and projecting into the future. Archiving is a temporal and spatial practice, and practices are performances of both processes and products of laws of resistance. I argue that social centres and other such occupation protests utilising both re-occupation and re-enactment as expressions of their law of resistance are archiving the memory of the commons. I argue that the state is archiving the memory of enclosure.

The social centre participants involved in this research came from a mixture of squatted, rented and owned spaces. Participants from the squatted centres included members of rampART in Whitechapel, The Library House in Camberwell, 1000 Flowers Social Centre in Dalston and 195 Mare Street in Hackney. I spoke to a member of the rented space 56a Infoshop, Elephant and Castle, and members of the cooperatively owned space Kebele in Bristol. Each of the members were spoken to in an informal and unstructured interview setting, the location being the social centres themselves in each instance.

Re-occupation

I remember distinctly sitting in the dusty surroundings of the rampART social centre, in a corner that was a meeting space for radicals. It was less so a residential social centre, although there had to be people there at all times in the upstairs part of the building in order to ensure the requirements of the Criminal Law Act 1977 were being met (section 12 in relation to the control of the building). The space inside the social centre could not be described as spectacular: a series of darkly coloured wall hangings, graffiti writing and tagging indicating the centre as either empty or as a squat for some time. Of course, in a social centre, particularly one that is squatted transgressing from individual ownership through collective DiYism, it is permitted to write on walls, in fact it is thoroughly encouraged. I remember attending the National Squatters' Meeting in Leeds, where I noticed scribed on a door in Tip-Exx 'Death to Academics and Journos', which of course made my participant observer role covert in this instance. The fact is, the writing is on the wall – because it can be.

It is this quiddity that is arguably the most animating aspect of squats and social centres, seemingly devoid rooms of salvaged foam sofas with bits of floorboards hanging from ceilings, exposing electrical fixtures manipulated to function despite their dishevelled appearance. It is a form of everdayness that speaks of practicality over idealism, where despite the apparent obstacles in the way of achieving cohesion and organisation, there does not seem to be a barrier to the social centre participants occupying spaces and acting out their alternative form of law. What was clear was that between the three stages of social centres that I visited the squatted, the rented and the co-owned, the role of formalism was primarily affected through the advent of capital, whereby the variant degrees of co-optation were measured according to the level of individual property

ownership that state law had accorded to the groups, over the space. Within spaces that remained squatted, despite their inevitable demise as a result of eviction, somehow a precarious collective informality is achieved, most obviously through the lack of monetary commitment by any one member of the group to the running of the space.

The development of a proposed social centre law relies on the uniqueness of their organisational techniques, the participants' use of state law, the dimensions of space and temporality and the archival re-enactment of the commons that these elements perform. Thus, re-occupation firstly refers to the dimensions of space and temporality through the proprietorial taking of a building in legal or illegal acts foreseen in a practical knowledge of state law, combined with the daily, hands-on maintenance or the everydayness of the space.

i Legally/illegally occupying space

Where space plays its role is where social centres are forms of occupation, achieving the production of space itself. This reclamation of temporal and spatial constructs means the taking of a building, the actual opening of the door to an empty and abandoned area that then becomes enlivened, lived in, through the re-producing of space as a site of legal innovation. The knowledge of the law which each member, or at least one or two of the social centre collective has, is the foundation to a successful re-occupation of a space for squatted social centre purposes. The participants' awareness of how to locate a viable building to be squatted, accessing the proposed site with as little legal consequence as possible, securing the space so that the inhabitants are protected and the requirements of the fiction of squatters' rights are adhered to, are all forms of admiration of law required for a viable occupation.

Sitting down with my interviewee from rampART and asking her whether she felt knowledge of state law was important for a social centre to become a reality, I was met with an automatic yes. Occupation necessitates the knowledge of your legal rights, and there was a firm agreement that there was a definite knowledge of state law needed on behalf of the social centre participants, and she agreed that to know the up-to-date nuances of the law was what the creation of the spaces depended upon.

The interviewee explained that in order to form a social centre there has to be an acceptance of some level of required understanding of law, coupled with other basics such as accessing the internet and checking the title at Land Registry. Another tactic is to check whether there might be any local authority planning permission pending or being sought, in order to work out the longevity and viability of the potential squat. In fact, she said she had gained knowledge of state law in order to be a social centre participant, as though the practicalities and necessities of running a social centre were a legal learning curve. Essential to this is to ensure that you know the relevant law in order to guarantee that a social centre can take place: to be aware of the legal document Section 6 is to be aware

of your civil and legal rights and the criminal or tortuous limits of these rights. It is also now the case that a serious squatter must know the criminal sanctions involved in squatting residential buildings after LASPO 2012. The tested definition of 'residential' will become, increasingly important as the case law becomes settled in the area, and how 'quasi'-commercial spaces, such as pubs, can still be squatted despite their compromised status of housing and commercial building (see *Best v Chief Land Registrar* [2015] EWCA Civ 17; *R. (on the application of Smith) v Land Registry (Peterborough Office)* [2010] EWCA Civ 200). Knowledge of these loopholes are examples of the admiration of state law that we have been discussing thus far, as though specifically utilised as a necessary strategy to allow the possibility of a social centre happening.

Another illustration of the inimitable role of state law influencing social centre organisation is an anecdote relayed by an interviewee from 195 Mare Street, which involved the gaining of entry into a building. 195 Mare Street was a space included in the research that had not given itself the name of a social centre, but had all of the attributes of one. The choice of not associating themselves as a social centre was for numerous reasons, but one of the reasons relayed from the interview was their wishing for less visibility. They did not have a website, like other social centres, only a mailing list, and thus saw the name *social centre* as something more obvious and accessible than purely having a squatted space. The building itself became theirs through the very knowledge of state law. In a way, the occupation created a new form of rights, rights to that property itself, but on different strata, he explained (Interviewee, 195 Mare Street, 2010):

> in the process of taking a building, it becomes very much 'your little baby', whereby it reproduces property rights in a different way. It was through you wishing to protect your space, wanting it to be as stable and secure as possible, but then at the same time, always knowing that eviction would be around the corner. Like a temporary state, in almost a Buddhist kind of way.

This indicates more specifically the use of state law as a tactic in order to achieve some other level of proprietorial organisation, which is of a collective determination, 'reproducing property rights in a different way', as my interviewee explained. The rampART interviewee similarly stated:

> being and experiencing social centres is to know and experience state law – to know what Section 6 is, to know your housing law, to know if there are health and safety issues then the police cannot evict, to know that the police cannot legally confiscate, etc., is all part of the experience of social centres.

This is a lucid example of some level of semi-autonomy, whereby the state-sanctioned language of rights is learnt by the anti-authoritarian group in order

for their collective to survive. It might also indicate an inherent equality of justice shared between the collective social centre participants and the state law formation of individual rights that they have become familiar with, the parameters within and without they manipulate. The interviewee from rampART shared one experience, where if she had not been entirely clued up on the illegality of a potential eviction at a squat called 'Globe Road', then herself and the collective at the time would not have been able to stop the eviction taking place. They achieved this by revealing the inappropriateness of the police action at the time, and demonstrating their level of education in state law to protect their rights, and the new rights they were fostering within their squatted spaces.

This manipulation of state law is evident in another example given by a member of Kebele social centre in Bristol, with an interviewee claiming that there exists a mutual understanding between the police and squats: when there is a big squat happening or a social centre event, police remain acquiescent to an extent. From the authorities' perspective, at least they know where everyone is at one time, making it easier to supervise their activities. This 'keeping the police on side' is commonsensical in order for squats to proceed, if only for the short time before the advent of a PO. It also acts as another example of the acceptance and manipulation of state law in order to achieve a social centre for however short a period of time. According to media reports at the time of the research being undertaken, 'the new generation of squatters have a greater understanding of the law and how it can protect them, helped in part by sophisticated legal advice available on the internet' (Bignell and Franklin, 2010). This was prior to the change in the law on squatting, however, according to a representative from the 'UK Bailiff Company', squatters had become more legally savvy, one of them invariably breaking into the property whilst the other then entered and fixed a Section 6 notice (Bignell and Franklin, 2010).

However, the social centre participants do not always welcome this manipulation. The interviewee from 195 Mare Street stated that there was an interesting tension between squatters and social centre participants at the time, due to the then less-limited version of squatters' rights and the lawfulness of squatting. He stated this was because of the legality of squatting rights that created disagreement between squatters and the authenticity of their 'autonomy' so-to-speak whereby 'we are pretending to be outside the system, even though the system creates the situation and our right to squat'. This is a revealing statement considering the reduction of squatters' rights and the expansion of criminal trespass to residential buildings, and the impact of criminalisation on the autonomy of squatted social centres; it seems some participants would agree that the less state legitimacy the more autonomous the form of social organisation that is achieved. The possibility of manipulating state law is also driven by where social centre participants come from, as my rampART interviewee shared. She explained that foreign nationals are less likely than their UK counterparts to be taking part in social centres, for fear of

arrest and deportation; if they are squatting it is perhaps more probable they will do this purely for housing reasons.

It is the very basis of state law that requires certain practices and actions to take place, in order to secure the right to exclude. The proprietorial right of resistance (squatters' rights in their reduced form) requires a level of acknowledgement of state law in terms of the Criminal Law Act 1977 (ss. 6, 7 and 12). This means there must be someone there at all times in order to ensure the property is controlled at the expense of any other claim to the realty, including temporarily the claim of exclusive rights of ownership by the proprietor. Similarly, the locks must be changed which is the most symbolic example of the reproduction of the right to exclude by the social centre participants.

Examples of this are very clear within each squatted social centre story, each telling its own narrative through the birth pangs of a collective, through re-occupation itself. As explained by Chatterton, each space becomes a new world, a new zone of reciprocity. The process of accessing a building, once inside, once with the world outside, is where this space comes alive. This re-occupation of the space is made real, or made possible, through the use of state law – either through lawfulness or despite illegality given the changes in the law, each participant having a knowledge of the law that will make their space legal or illegal. Through occupation, the space is altered, and thus the space itself stands for another way of social organisation. Spatial self-awareness is central to social centres, as this process of re-occupation means reclamation, the taking back of property since the time enclosed by the realm of property rights. In a sense, to make 'just' the space through re-occupation, recalling the works of Soja (2010), Lefebvre (1991) and Harvey (2008). According to a piece written around the history of the 'Leoncavallo' social centre in Milan, the writers see the occupation of physical space, as representing a (Membretti, 2003: 4):

> Condition for the development of collective identities and social agency, based on the mutual recognition of the subjects inside it. This is a good introduction to how social centres have been seen to understand themselves in relation particularly to Leoncavallo, remembering each social centre as peculiar to the next. It is a symbolic and concrete framework for internal communities, but also for 'external' society, and it represents the real possibility for the territory to become public.

A condition, a breeding ground, an environment where collective will and action can formulate, and organise itself. 'Proximity' is the fluid and concrete wall lying in between the space of the centre and that of the neighbourhood 'serving as a channel allowing the public sphere to flow into the system of relationships to transform the principle of universalism into reciprocity and acknowledgment within a shared horizon' (2003: 4). This spatial and temporal construct is defined within the re-occupation act itself, the legal form this takes, and the mutually remarkable and very ordinary ways this is sustained.

ii The vernacular

There is an everyday-like character to social centres that has been highlighted already by Chatterton, as he describes the constitution of activists' local *praxis*, as vernacular and yet 'complex, negotiated and pragmatic' (Chatterton, 2011: 5). This is akin to James Scott's hidden transcripts, instances of daily deference saturated in asinine enthusiasm and the belief of the social centre participants in what they do, and have the potential to do. This hidden transcript of daily deference is relayed by the interviewees, who agreed that even just within the cleaning of the toilets, or the very 'un-sexy' sides of the running of social centres, the daily dealings of securing the place and making sure everything is running properly, there was something of a law (Interviewee, 195 Mare Street, 2010). These are what Scott would see as a whole range of resistant practices (2011: 14), and in the case of his Malay research manifested in diverse forms: 'Thus, for many peasants, activities such as poaching, pilfering, clandestine tax evasion, and intentionally shabby work for landlords are part and parcel of the hidden transcript' (1990: 14). The political actions, behaviours and beliefs of the social centre project cannot be subsumed under one umbrella; deference through mischief for instance can be very different from the daily practicalities of running the social centre buildings concerned. Scott states that the hidden transcript is always present in public discourse, in some form or another, 'partly sanitised and coded'.

Despite the fact the interviewee from 195 Mare Street believed that this everydayness was reminiscent of some kind of law, he did add that he was unsure what kind of legality this was, just that he felt as though it were a law. Which speaks to the ambiguous nature of such menial tasks such as washing up or cleaning, and the question of whether they can produce something as glamorous as a legality. This everydayness is part of the same tactics of re-occupation expressed through legal knowledge and the expedience of the social centre participants in knowing state law as a semi-autonomous means of allow their resistant law to happen. It is interesting when looking at some of the social centre activities and the types of events that are organised, to see that there is a fine line between the everyday and the spectacular, from parties through to bike repair workshops.

Lefebvre is famous for combining the spectacular with the vernacular in his critique of the alienation of the everyday by capital, and his description of the 'revolution as festival' (Hess, 1988: 52–53):

> A few years after the Russian revolution, we naively imagined the revolution as an incessant popular festival … From 1925, we wrote many things on the end of work. At that moment, we saw the transformation of work as the revolutionary task.

This concern for the aesthetic within the social centre re-occupation of spaces is placed in the aesthetic of the everyday where the mundane can at times actually be re-appropriated in a decoupage of prosaic alternativeness. In a sense, there is

a living within continual exceptional moments, borne out of the same content as those days and times, which are more banal. This is the quintessence of social centre law, as it is through harnessing the power of the ordinary that the remarkable can take effect.

The interviewee from 195 Mare Street relayed this paradoxically exciting mundanity. He saw the activities in the social centres as always existing in a form of transiency where there was an ongoing dilemma over whether to resist or to create. He reflected that sounded symbolic, 'as we use symbolism all the time within resistance and everyday life'. This spectacular mundanity was revealed flicking through notes from my social centre visit made to the 1000 Flowers Social Centre, Belgrade Road, Dalston in 2009: 'The place was opulent in a grimy sort of way. Graffiti everywhere with a sound system powered by people peddling on bikes.'

The role of subversion and day-to-day amusement is something clear within the actions of the social centre movement. This saturates the practices of the social centre participants, as through their reclamation of space they are at the same time taking joy and great care in their hard work. Within this is the ultimate wish to subvert the dominant law's role, through activities such as 'Clown Workshops'. The protest group in the past often put these on the Clandestine Insurgent Rebel Clown Army (CIRCA) that ran workshops up and down the UK. They are also prevalent at protest meetings, such as the G8 and G20 rallies taking place each time the global leaders gather. There are the 'Rhythms of Resistance' that use samba music as a method of resistance within protests and have been known to come to social centres to give classes. Similarly, the bringing together of aesthetics and protest demonstrates a clear form of subversive art and statement through the Temporary Autonomous Art (TAA) of squats and examples of creative insurrection such as the CUS instigated by Adelita Husni-Bey. These subversive and creative approaches to resistance filter through into the participants' approaches to their work at social centres, arguably taking on an SI approach to their space. Below is an example of the activities and workshops available throughout the London social centres and autonomous spaces, as gathered by Autonomous London in September 2010 (Fig. 4.2):

From the list of activities can be seen alternative and somewhat light-hearted events and gatherings, such as the clown workshop and juggling workshops. In addition, there are also some very practical everyday sessions, such as welding and the bike repair workshop. These combined create an air of DiY creativity, alternative ways of learning and doing, as well as fundamental 'skill-sharing' that is needed to learn how to run a space. A weekly round-up of events 'InfoUsurpa' (Fig. 4.1) gives a similar glimpse in to the kind of activities in the centres in the same way as Autonomous London.

The photos to follow (Figs. 4.3–4.5) are from 'Bowl Court' social centre evicted in August 2008. The photos display a distinct unconventional ordinariness about the spaces, alongside also the enjoyment of the space through the putting on of events and benefit nights. There is also a wonderful collection of photos on the rampART 'Flickr' page, showing the creation of a fire escape, washing up that

Figure 4.1 InfoUsurpa

needs doing and a lot of bikes gathered by those cycling to the centre. The 'free party' culture is intertwined with the squatting and social centre scene, using the space as a stopgap away from the normal obligations and expectations of the

PERMANENT FREE SCHOOL

Skill sharing in London Free and Autonomous spaces

== Mondays ==

Welding workshop 3–6pm @ 195 Mare St E83QE
Clown workshop 8.30–11pm @ 195 Mare St E83QE
Butoh Dance Classes 6.30pm @ the rAtstar

==Tuesdays==

Bike Kitchen 2–7pm @ 195 Mare St E83QE
FreeShop 3–7pm @ 195 Mare St E83QE
NorthEast Practical Squatters network (1st and 3rd tuesday of the month)
7–8pm @ Pogo Cafe
South Practical Squatters network (2nd and 4th tuesday of the month)
7–8pm @ 56a Infoshop
Bike Workshop 3pm @ the rAtstar

==Wednesdays==

Hacklab 3–7pm @ 195 Mare St E83QE
French lesson 7–8.30pm @ 195 Mare St E83QE
Writer's circle 7–9pm @ 195 Mare St E83QE, only first wednesday of the month

==Thursdays==

Bike workshop 3–7pm @ 56a infoshop
Juggling Workshop 7.30pm @ the rAtstar
Radical Choir 7–9pm @ 195 Mare St E83QE

==Fridays==

Danse impro workshop 2–5pm @ 195 Mare St E83QE
Radical Theory Reading group 6pm @ LARC (only last friday of the month,
contact rampart [at] mutualaid.org)
Bike workshop 3–7pm @ 56a infoshop

==Saturdays==

Bike workshop 3–7pm @ 56a infoshop
Gardening 2 til dark @ 195 Mare St E83QE

Figure 4.2 Autonomous London round up

dominant culture. In a carnivalesque sense there is a *freedom* from state law, or at least attempting to be for a given juncture in time and space, those taking part in the party being those who create their own version of law for just one night (or oft, weekend).

Figure 4.3 Bowl court's everyday

Re-enaction

The second aspect of a proposed social centre law is *re-enactment* by re-occupation. It is the process of re-occupation to re-enactment that appears to happen sequentially, and yet given the nonlinear informal nature of the organisation of social centres, this appearance is delusive as the spatial and temporal formation of legal innovation occurs at self-same intervals in time and amplitude. To occupy space is also to enact space, and the same the other way around; similarly time is both the process and product of a performance. When thinking of enaction, this is really speaking to the *performative* character of social centres and their participants, who are *putting into practice* their law. Solicitors offer a similitude as they are referred to as *practitioners* – it is more the content of the law they are practicing, which contrasts the two legal paths from one another. The practice or *praxis* of social centre law is the process and product of a law of resistance that seeks to remain informal as far as it can. It is distinct from the law practiced by advocates of state law who re-enact the archive of the re-present and the individual on a continuum of formalism, as opposed to the present and the collective in social centre law.

What is essential for an understanding of the way in which social centres perform their law, and in a similar way as to how this theory may be applicable to more recent protest groups, is to return to their philosophical background. The

anarchist, anti-authoritarian and communitarian determination of the social centre participants, alongside their opposition to the capitalist culture, filters through and is embodied within their law. This is the *autonomy-as-practice* and *autonomy-as-placement*, the *self-management* and 'self-organisational' forms that each collective's decision-making processes take: the lack of leader and the reliance on consensus. This is how new ways of social exchange and organisation are created and enacted, through each meeting meticulously constructed so that every participant has the opportunity to have his or her voice heard (as far as possible). There can be no decision without the rest of the group agreeing. This is communal and collective action that may re-enact the *commons*, a rose-tinted era of collective organisation prior to the Enclosure movement. Re-enactment is thus the re-telling of a story, a story of common cause as opposed to individual concern, the practices and actions of the (performances) of the social centre participants, 'archiving' autonomy-as-practice and autonomy-as-placement. This is achieved through a) the practices and enactments of social centre participants that create informal rituals resembling codes of written and unwritten organisation, coming together as b), the performance of an archive.

i Organisational techniques – written and unwritten codes of self-management

In his paper, 'So what does it mean to be anti-capitalist?', Chatterton shows how the 'everyday lives, values and practices of participants within them give shape and meaning to the idea of anti-capitalism' (Chatterton, 2011: 2). He describes how these lives, values and practices do this by outlining five symptomatic areas: a 'politics of place' where local spaces and places constitute a form of anti-capitalist practice; 'political identities' based on 'impure, messy identities'; 'social relationships', which promote collective working and emotional involvement with the space; 'organisational practices' determined through self-management and experimentation; and lastly, 'political strategies', which reach out and connect beyond the space, to other similar movements elsewhere.

These self-managed characteristics are similarly described in a piece on the history of the 'Leoncavallo' social centre in Milan, where the participants underline the centrality of self-organisation, to holding together the egalitarian form of their organisation; the universalism of their reach and those who are welcome within the centre; and rights that are those afforded 'not according to a logic of aid and sales' (Membretti, 2003: 4). Autonomy is seen as the primary force by which the independence of their space and organisation is propelled, away from other notions of organisation and hierarchy. The piece on Leoncavallo re-asserts the underlying constitution of a particular social centre, its self-reflections, how it understands its position within public space, its relation to the outside neighbourhood and conventional culture. There is also a clear role of space, what it means to the centres and how the conversion of an occupation to an alternative spatial ordering can change the organisational composition of a

place. Having spoken to, and sat in on meetings and attended events at social centres, there is an authenticity to the DiY of the centres.

Whereas Chatterton (2009: 21–22) tells it as the politicisation of each collective's actions, I argue political ignition as creating a law: a political legality. As one narrative relays (Munsan, 2006: 4):

> Once you have people together, you need to have lots of meetings, mainly to plan for the co-op, but also to shake out those who aren't serious enough to commit. Also, you develop relationships with your future co-opers […] The by-laws are necessary so that you have organised procedures for shipping new members and removing troublesome ones.

These forms of collective and self-managed means of organisation were evident within the social centres I visited, and the apparent manner in which they formed an ulterior juridical coherence. Speaking to the interviewee from 195 Mare Street, he saw the symbolic organisation of the meetings within the centres as something of a given normativity, the peculiar traits of collective decision-making specifically characteristic of left-wing social centres, and protest movements of similar political persuasions since, such as Occupy with their group consciences and consensus resolutions. The interviewee from 195 Mare Street shared he felt there were situations where a law was created by default within social centre meetings, by using hand signals (much like those of Occupy mentioned earlier) to express agreement or disagreement, and the learning of each members of the group what these gestures mean in the first place. He believed that in general things were worked out in terms of consensus, although there were obviously problematic instances. The underlying principles are those of agreement and accord, and he used an example of having a workshop on consensual decision-making as a clear illustration: 195 Mare Street hosted a whole weekend on consensus decision-making in the summer of 2010.

Within the literature that is available on consensus decision-making, one of the most well-known pieces is *Tyranny of Structurelessness* (1972). This was written by Jo Freeman and has appeared in a number of journals and publications since first printed in 1970. The piece was written as a critique of the concept of structurelessness, arguing that there are always structures within a group setting no matter what. Freeman lists some essential components of group organisation that can lead to a more effective and functional non-hierarchical setting: delegation, democratic decision-making, responsibility, distribution of authority, rotation of tasks amongst individuals, allocation of tasks on a rational criteria, the diffusion of information and equal access to resources. It was reprinted in Berkeley Journal of Sociology in 1970 and later issued as a pamphlet by 'Agitprop' in 1972, issued as a pamphlet by the Leeds women's group of the Organisation of Revolutionary Anarchists (ORA) and then re-printed by the Kingston group of the Anarchist Workers' Association (AWA). By contrast, there was an interesting account of horizontal organisation given by the rampART interviewee, introducing the

presence of 'dictators' into the organisational structures. Remarkable that she mentioned this, as dictatorship is the extreme example of vertical hierarchy and non-democratic governance, the conception itself striking when considered in relation to connotations of social centre norms. The relaying of top-down hierarchies was explained occurring in instances when social centres need someone to take charge and facilitate at moments where consensual decision-making cannot be reached every time, similar to an executive power within a democratic constitution. Creating more of a paradox was the decision if there was to be a dictator, which had to be consensually decided meaning a democratic leadership very similar to the institution of state law. These are the limits of

> Safer spaces is a concept that talks about creating spaces and relationships that are safe. A SSP is more than a document or a set of rules it is an ongoing process and a goal that we all work towards! Safer spaces are welcoming, inviting and engaging. They include respect for others, no discrimination, oppression, exclusion or marginalisation based on sex/gender, race, sexuality, class, age, ability, religion, parental or relationship status…
>
> The London FreeSchool would like every participant to enjoy the event in a relaxed atmosphere, but also to understand the political meaning and the impact that their behaviour and words can have on others.
>
> There are all sorts of oppressions in our world, sometimes we are oppressors, sometimes we are oppressed. Even not intentionally. we can all do or say something that would hurt or be abusive to someone.
>
> Therefore it is necessary to interrogate and challenge ourselves and each other. As part of this we need to accept and be responsive and open to the possibilities of being challenged, and someone saying 'THAT IS NOT OK'. We think that being challenged is very useful, and we try to see it as constructive criticism. Also we all are expected to take responsibility for the things we say/do. If it is clear that there is no will to deal with the issue in a positive and constructive way, the person who's been challenged may be asked to leave.
>
> At this space we ask everyone not to make too many assumptions about people's gender identity, background or abilities. Better asking than assuming! Let's be aware of how much gender binaries are embedded in our language, and allow each person to define and redefine themselves as they wish.
>
> To help us think about gender oppression and emancipation the workshops are to end with a kind of debrief wherein participants are welcome to express how they felt about the workshops, the dynamics of the group during it, or if they felt uncomfortable/oppressed/unsafe/silenced at any time.
>
> We feel that it would be better if people kept the space alcohol, drug and smoke free during the workshops, thanks! Not necessarily because of the substances themselves but because they can sometimes alter and make us feel less responsible of our behaviours.

Figure 4.4 London freeschool SSP

consensual decision-making, whereby through efforts to avoid creating hierarchies, there are those created in an extreme autocratic form as a result.

There are codes of conduct and quasi-legal frameworks and agreements within social centres. A more recent adaptation of this is the Safer Space Policy (SSP), the formulating of a framework for what is acceptable and unacceptable within a given space, and not developed as a result of imposition. At the 'Bristol Squat-meet', they spoke of SSP as 'self-managed asylums'. An interviewee said they were a problem in themselves, as they begin to set boundaries and guidelines and ultimately limits 'and so who sets the limits?' See Fig. 4.4 for an example of an SSP (from the London Freeschool). Similar to the law of which Santos speaks in his fictitious Pasargada settlement, there are codes and symbols that are used and relied upon in order to manage moments of dialogue, and conflict; those that are written, unwritten, and at times silent. Members of the collective at The Library House spoke of how they were considering writing a constitution, and there are numerous instances of squats using written codes of action, for instance, there being codes as part of a squat party collective or 'sound system'.

There is an account from a social centre ('Notes from Nowhere') piece that states they try their best not to create laws, particularly highlighting the gap between squatted and rented social centre visions (Space Invaders, 2003: 185–188):

> The squatted social centre is radically politicising in and of itself. As radicals, we try to challenge or bypass laws, regulations, routine, hierarchy. Not only this, but I would argue that by desiring and seeking permanence through legal social centres, in a sense we collaborate with the system.

This is interesting, as the laws that they speak of here are those the state would recognise as aspirations to imitate positive law, and not laws that do not look like state law, such are the oral, corporeal, practical symbolisms and performances that are associated with social centres and indeed autonomist, DiY, self-managed groups in general.

Stone's (2011) discussion on Anthony Bradney's distinction between the terms 'written law' and 'customary law' is useful here in understanding the form that informality takes, over that of formality. Bradney explains that 'customary law is a set of biologically instinctive norms that are necessary for the practices of mutual aid. Written law, however, is a codified set of rules that combine customary laws with other regulations that are exploitative of the majority and which confer exclusive advantages to the ruling minority' (2011: 88). The fact that social centres prefer to organise themselves in terms of symbolism, images, practices and oral cultures, replicating to some extent tribal forms of law and the lack of written law as such, speaks of the almost customary nature of their proposed law too. It is through the continuum of institutionalisation that we see customary laws of groups become the chosen regime of the day. Stone reminds us that anarchist Kropotkin himself reasserted the basis of all evolutionary laws (whether laws of

resistance or otherwise) come from the collective, and the present, which in our terms is resistance: 'all [written] laws have a twofold origin', cementing customs but simultaneously incorporating 'the germs of slavery and class distinction' (2011: 88). The organisational practices of autonomy are therefore less likely to use written constitutions, although we have seen examples of safer spaces, the accord for 'health and safety' and constitutions within social centres (noted by the Space Invader Interviewee).

I would argue that the use of written and unwritten forms of organisation are indications of their semi-autonomy, the co-optation of state law as at times either tactic or an example of a move down a continuum of formalism and not that of nonlinear informality. Their self-managed organisation is reminiscent of a communal proprietorship, at times unsaid collective, and at times, very clearly pronounced. That said, the archival nature of social centre law is what allows for moments that are sonorous or oral, to be captured and create a memoretic self-reflection thus building a social centre's awareness of itself; creating jurisprudence of how things have been done elsewhere, before, since, in other social centres and connected DIY cultures and protest movements. It is more that this archive has an alternate content to the content of state law archive, the personality of the social centre archive we will come to now.

ii Archiving

LFM:	Is there an archive to social centre law?'
Interviewee:	Yes and no, as they live within the inherited structures of the past whereby there is a certain amount of a framework and so when there are those who come along, like the 'Julians' and 'Psycho-Daves', then there is a lack of understanding of the social centre law. Thus they then have to re-tell the archive.

The archiving of social centres seemed to manifest itself in the various means of recording, cataloguing, collecting for the future, which happened in some kind of jurisprudential form, always to be referred back to and readily available. Apart from the various obvious constitutions and safer space policies (which the rampART once had) and other such examples, this is where any proposed law was in its most tangible form. These are the fragments that can be understood as replicating some kind of jurisprudential effect acting as a self-reflective memory of not just one social centre but how they foresaw themselves at different spatial and temporal junctures, and in relation to other social centres and movements of a similar concern. Images are relentless within the social centre movement, they are part of their means of remembering. The sort of images spoken of here, are those where links with other centres can be detected, such as the pamphlets raising awareness for causes all over the world, all relating to similar issues of dispossession, land rights, reclamation of space, displaced peoples and anti-

capitalist protest movements. These issues date back through time, they are one and all in opposition to the processes of enclosure and its effects from the fifteenth century (relating to the commons). There are a number of causes that the social centre cause linked themselves to, such as 'No Borders', 'Climate Camp', 'Critical Mass', RTS, and The Land is Ours. Figure 4.5 below shows a display of flyers at one social centre, and the stickers and old posters of various causes stamped all over the wall at the 56a Infoshop archive.

The most illustrative empirical image of an archive from my research diaries came out of an unstructured interview with Chris from the 56a Infoshop collective. At 56a, a previously squatted but now rented centre, there is a designated archive devoted to all things anti-authoritarian and alternative. Chris had worked for years voluntarily within the archive that they have at the social centre in Camberwell, London. The archive, and the library, is a collection of autonomist, anarchist and social centre-related literature that is either written by participants from different spaces, or core philosophical texts, as well as practical pamphlets and printed zines. Although 56a Infoshop is now a rented space, due to its longevity, it has established links and connections to many of the squatting and social centre projects in London (a lot in South London) over the years that it had been running. As a result, it has become something of an information point

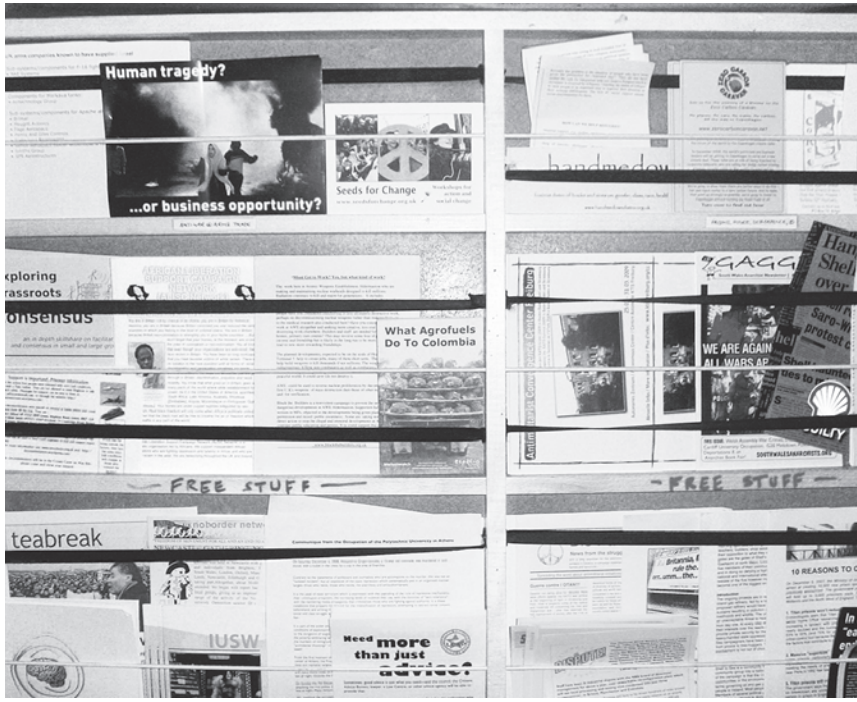


Figure 4.5 Connections to causes

and a place of reference for those squatting, part of the social centre scene and those just wishing for more information and access to alternative literature. Here is a recount from my write-up of the visit:

> Upon my return visit, I surveyed there was an actual alternative bookshop, selling books, but also swapping them too, so the idea of keeping out the value system was clearly there. There was a whole room full of archives of squatting and social centres, and other related causes. These ranged from a library of anarcho-punk, to particular causes across the world – you name it, it was there. I took some photos. We went on to talk about the idea of history, memory and the commons. He was so helpful here and had brought with him a timeline that had been made by the members of the social centre, tracking the various participants, movements, squats and related issues that had been going on since the seventies. He said I could come back and use the time line at a later date, but not take it away. He kept using the words 'archive', and 'trajectory'. He said the whole of the timeline was all part of a different society, a different form of social organisation, and one which he agreed was a remnant of the commons.

There were two great finds here and revelations for this work, in real time. Firstly, to see that archive, in its worn authenticity, but also its air of importance and orderly organisation, was something quite special. Stickers, colours, painted doors, files for 'empties' (unused squats/spaces that are ready to be filled), videos, CD-ROMs, black marker-penned labels. This was a living and breathing example of how these social centres allow other causes and linkages to blossom within their space. The ghost of collective property and the commons was ever-present through posters for benefits nights, old theses on land rights and Zapatista coffee. It was the archive, as archived. Chris knew exactly where each item was: from old zines to free pamphlets, to books on Situationism.

Equally, the timeline offered a visual and irretrievable form of memory as cast through an image of the commons and of the social centre's role in this. Its archival effect and its temporal saturation made clear the role of history in the present, and not just that of the movement, but of any scenario. What was so fascinating, and so important for any suggestion of the nonlinear informality of social centres, was the fact that the timeline was not drawn in any kind of linear fashion at all. There were different shades of crayon, pencil and felt-tip pen that earmarked where each contributor came in and left the movement, but in askew swirls and revolving twists that in no manner represented a trajectory from one end of a line to another. Not least bringing home its importance was that this timeline (or more appropriately, 'time-mesh') was obviously something Chris wanted to make sure was kept in a safe place, and something he felt needed continuing, as it had not been contributed to for a few years. Here was a collectively made non-linear time line that carved out a history of the now through the linkages of other nonlinear movements.

Figure 4.6 The 56a Infoshop archive

Another interviewee who was an amazing source of informative quotes and interest, was the interviewee from rampART. On a personal level, she was particularly taken with the idea of Derrida's 'archive', and even suggested its use as a descriptor for the performative process and product we have been discussing. She recounted the times when she used to attend 'Artslabs', that were frequently squatted in the sixties, but she says there was no deliberate record of this as far as she knew. Another explanation of this might be that there was not the culture of recording as there is now and that the recordings were perhaps within the art that was produced, and that alone. She said that there have been attempts to locate the movement within its own history, and the time-mesh at 56a was mentioned. She felt that there was more of a cartography of social centres, and less of a history, so one based upon a mapping geographically and spatially, and not solely temporally. She said that the internet had a lot to do with any linkages that had been made overtly in recent years. She also acquiesced quite humorously 'that it can be a little difficult to plot a timeline of social centres when you're dealing outside of linear time!'

Archiving is not just one element of social centre law, archiving happens when a building is accessed, when a benefit night is put on, when a meeting is happening and when a deliberate self-discernment of the placement of social centres in relation to others is recorded, whether in written form or through

Figure 4.7 The 56a Infoshop timeline

images, posters, flyers, stickers. The nature of the archive is that it infers the repetition of acts, an iteration, always altered from one to the next, which move from practice to habit to ritual to custom. Archiving is all of these performances of re-occupation and re-enaction happening as the coming together of memory retrieval with specific real-time activities – the process in the act of formulating the product. Archiving is a temporal and spatial practice, and practices are performances that are both processes and products of a law of resistance. There are material and immaterial results, reminiscent of arché-materiality of Hägglund or the arché-fossils of Meillassoux. Social centres and other such occupation protests that utilise re-occupation and re-enactment as expressions of their law of resistance, are *archiving the memory of the commons* whilst, *state law archives too, but the memory of enclosure*.

Nonlinear informality versus continuum of formalism

From these empirical accounts and interviews, it is clear that there is a self-awareness to social centres. This recording, linking, the cataloguing of connections, is a process, a performance for the future, like a mapping of precedents. This is very much like a mechanism of law, a jurisprudential layering effect, as law is fundamentally an archive in substance. This relates back to state

law through their admiration of law and law's processes, although the content of the archives of state law and social centre law are of course very much altered. Referring back to the first chapter of this book, we discussed the necessity of force, representation and hierarchy for there to be any acceptance of a state law form to exist. Yet we did also mention that we must accept there may be ways of law that exist that do not remind us of positive law at all; and it is these we must look to for guidance in the social organisation of the future. This means that there are laws that do not express force, representation or hierarchy, at least in an institutionalised form.

Remembering legal pluralist Tamanaha, he spoke of a law as that which is non-essential, and thus can be applied to situations that are not institutionalised by the state (2000). Falk Moore similarly illustrated to us the semi-autonomous placement of plural laws, and Teubner was a good pointer towards how social centre law is a performative process through its non-essentialism (1992). Nevertheless, what are the tangible results of this law? How can it be considered law at all if the groups involved firstly see no place for a law between individuals, and secondly, do not believe in vertical hierarchies, the use of force, or that of authority and representation? This is because the strategies and tactics are such that they are not utilised in an exploitative manner, different in terms of the pervasive role of capital and individual property rights elemental to state law. It seems, nevertheless, as though all the components of a positivist conception of law are missing. Although this is true, there are facets of state law-like behaviour and codes generated through the actions of the social centre participants; characteristics of the law that incorporate an admiration for state law, and mimic it, as in the instance of the use of the right to exclude, and the technology of the archive itself. Then there are the entirely alternative uses of hierarchy where there is the striving for autonomy as far as possible, where horizontal hierarchies are achieved through collectivity, in order for group rights to be put into practice. This nonlinear informality and its day-to-day *praxis*, produces a legality that is altered from state law. Ultimately, it is more about what is absent from this social centre law, and does not admonish the coercive and obligatory enforcement of state law, which makes social centre law the peculiar legal regime it is.

The relations of rights and duties between the groups are more of a communal nature, and thus this relies on the notion of self-management whereby there are systems in place decided upon consensus and reliant upon the good of the community. The lack of force, representation and hierarchy means that there is a law that has no authority, or does not aspire to have authority. It is more a series of practices that transplant themselves into motions of a legal nature, through re-occupation and re-enactment in which an archive takes place. Taking from Tamanaha and Teubner, this is a form of law that has no essential form, but one that is performed, and this performance is made obvious through their archival processes and the performance of self-management. This makes social centre law a more immanent form of law, and one that relies on autonomy (self-legislation) as expressed through self-management, as a means and an end of regulation. This

is where horizontality, mutual aid and cooperation, are enacted through a form of trust, these being the practices of the philosophical background of anarchism and autonomism that filter through this movement. The role of the *archive* will become clear as the means by and through which social centres are recognised as producing their own law.

Returning to Tamanaha's problem, whether without the functionalist and essentialist elements, may it be possible to denote what is law and what is non-law (2000: 101), we strike upon this central legal pluralist conundrum. Despite this, social centre law has been argued as a legality through the use of the archive, and one that relies on autonomy as expressed through self-management. This reliance on the archive is divisive when it comes to where social centre law breaks down, where the actions and performances within spaces are not considered a part of social centre jurisprudence.

When *praxis* within social centres does not constitute law, is when, quite simply, performances are produced for the betterment of an *individual*, and not for the considerations of the *collective* as a whole. This is where the binary of re-occupation and re-enactment does not work; a realm whereby a distinction between what is and what is not social centre law, can be made. For instance, when one of the collective at Kebele social centre took money from the Kebele bike repair workshop, this was very clearly an instance that did not operate with the collective in mind, and thus could not be considered a performance of social centre law. Similarly, when individuals at various spaces that the rampART collective frequented became more influential than others, there appeared to be a lack of understanding and respect for what the centre movement was about, and this is where the archival schema of social centre law, was miscomprehended. In a sense, it is interrupted by individualism, but not corrupted, as the *praxis* of those who are acting in the interests of the collective are still performing social centre law. Thus, the archive of social centre law allows for limits, to an extent, whereby if there is a lack of understanding of the archive, then this is where social centre law is not produced.

Similarly, and as discussed previously with regard to the continuum of formalism that resides within the social centre movement, from squatted, to rented, to owned, there are boundaries within which social centre law does not continue from squatted to rented, in a formal form. The divide between more static state law and social centre law is obvious through the presence of legislation, and the institution of law as felt by POs, rulings, force and evictions. Where there is less of a distinction is where a social centre uses its own archive, in the same manner as state law. The difference in forms of organisation between types of social centres indicate how more vertical and non-oppositional forms of organisation developing within a social centre, can eventually lead to the disappearance of legal innovation. This is where the role of individual rights starts to take hold (for instance, where there is introduced an element of ownership, by landlords, tenants, etc.) Within social centres that begin to operate according to traditional hierarchies, the fact that there is no conflicting use of state law within the

occupation of a building, maybe based on the structural settings of social centre law being missing, and thus the limits of social centre legality are felt at these junctures.

Praxis

Teubner's *The Two Faces of Janus: Rethinking Legal Pluralism* (1992), speaks of non-essentialist and autopoietic determinations of law, holding a striking resemblance to the legal manifestations of social centres. Occurring, occupying and taking buildings in order to create spaces of autonomous law, reminds us their methods are transient, interstitial and liminal. These acts of law, is the creation of law, springing forth from a 'nowhere', *ex nihilo*, the void. Teubner compliments this performance of law through *autopoiesis*, whereby a system creates and recreates itself, and resists itself simultaneously. Assumptions of law normally fall under the bracket of trying to create a formula for what law is, and what it is made of. Social centres are discussed as using an *archival* form that mimics the recording processes of common law jurisprudence, for instance; the difference is that social centres are archiving the memory of the commons and state law is archiving the memory of enclosure. The content of the law is different and there is no force, representation or vertical hierarchy. This law of the social centres is therefore a 'politics that does not look like politics' (Duncombe, 2002: 82), the combination of life and resistance through culture, a law of resistance along Santos' continuum of formalism.

Praxis is placed within the everyday, whereby the law being described by social centres emanates from the habits of the social centre participants as well as the space themselves. This use of practice means that social centres could be described by a MacIntyrean conception of 'politics of local community' (MacIntyre, 1998: 246–250), as characterised by small-scale localities that share a practical understanding of goods, rules and virtues and are not concomitant to the corrupting influence of the large-scale market (1998: 50). To use MacIntyre as an example is to show, without relying on his Aristotelian take on community, how social centre law is a practice, both of time, space and the participants. This is relayed through their *performance of re-occupation and re-enactment.*

Social centres are therefore argued as creating their own form of law through re-occupation and re-enactment, bringing together an admiration for law and resistance, in the creation of a law of resistance of either a covert or overt a-legal vacuum of criminal trespass or squatters' rights. Self-management and self-legislation (autonomy-as-placement and autonomy-as-practice) are both the distance at which social centres operate from the state as well as being the philosophical and foundation of legitimacy of the movement. This is achieved through a performative motion of archiving, operating in a spatio-temporal motion of memory retrieval of resistance, law and law of resistance.

Chapter 5

Reclamation of social space and the theatre of the commons

> The reclamation of 'social space', whether in terms of common ground for a community or for one's own household, has been a clarion call of the oppressed throughout society.
>
> Wellbrook C. (2008), Social Centre – a working class history, p 10

We have now recounted the process and product of social centre law characterised through the legal knowledge of accessing a space, the daily chores involved in running the centres in accordance with the principles and organisational practices of autonomy and self-management – all in turn creating a form of social centre law archive through re-occupation and re-enaction.

It is this archival attribution of social centres that allows for an understanding of the spatio-temporal character of their organisation, happening and recorded in their diacritic fashion, in gathered and transient events in time. Not only does the social centres' archive tell us about how they operate and resist the dominant culture and its law, I argue that social centres and their archive can go further and teach us about the movements between law, resistance and the *poiesis* of a law of resistance through the meeting of formalism and informalism, linearity and nonlinearity.

We have briefly mentioned the import and interlinked history of enclosure and the commons. By recounting the story of the enclosure movement, we are also retelling the story of the commons through a memory retrieval process of archiving where movements and events of the past and the future are realised in moments of the now. This is expressed in the practices of the social centre participants through their links to other causes and social centres, the literature and the existence of a designated archive within one of the social centres. Archiving is similarly produced through less-explicit archival practices, such as organising events, fixing electrics, changing locks and, importantly, through how these performances and practices are organised based on self-management and self-legislation (autonomy-as-practice and autonomy-as-placement). Thus archiving is the performance of time and space where because of the process of archiving, the archive is produced in cumulative allotments. It is the contingent assembling of social centre law manifested in the iteration of performance that inevitably forms

the spirit and matter of alternate jurisprudence. This alternative form of organisation, through leaderless, present and collective self-management, is resonant of collective organisation of property and resources emanating from the commons. It is the enclosure of the commons by state law, as the story that can teach us the most about the behaviour of law, resistance, laws of resistance and the role of landed property (whether individual or collective) in our political and social cohesion today.

The commons come in myriad descriptions and definitions, they can be both resource and method of resource management, intimating the common field that gave the commoners who lived off the land their 'common right' prior to the enclosure movement; it can also denote a collective manner of resource management. For the purposes of this investigation, the commons denote the communal, semi-autonomous nature of the space that social centres seek to replicate, as well as the self-organised and self-managed way in which they are managed. Enclosure thus speaks of the force, representation and hierarchy of individual property rights, and the way law is linked specifically to the land through the imposition and encroachment of the enclosure system from the fifteenth century onwards.

The process of archiving thus signifies the actions of a collective memory, which intimates a sublunary as well as extraneous content, in other words, the social centre archive is placed in time and space, and is constituted and contingent of the same. It is in this chapter that the concern for space will primarily be examined, although this is not to extract time from space, but to refer to some of the law, space and legal geography literature describing the landed nature of legality so well. In a similar sense to how legal pluralist literature might help us understand the spatial and temporal constitution of resistance and not just law, the literature written on law and space and legal geography is useful when considering not only the structures and machinations of state law, but also the rejoinder of resistance.

Social centres and squats are the opening out of space, an example of the collective utilising the state law tactic of the right to exclude in order to initiate their own form of social cohesion. This is a form of admiration of the law again. From a different perspective, would social centres and squats that exist outside the legal framework of LASPO s.144 be *not* admiring the law, their informal nonlinearity and semi-autonomy from the state resultantly clearer? The answer to that would be yes, but at the same time the act becomes illegal, criminalised and harder to achieve for any length of time without the potent imposition of state law in all its force, representation and hierarchy. As social centres seek to reutilise space along collective concerns using practices of self-management, reclaiming space from the category of individual property rights, they are arguably making buildings and the apertures that they choose, 'spatially just'. *Spatial justice* links social justice with spatial, architectural, environmental uses of the urban or rural environment, bringing justice into four-dimensional terms; the ethical basis of utilising space in a just manner returning us back to the underlying presence of

justice in social centres' activities and their principles, intrinsic to the functioning of law, resistance and a law of resistance.

Enclosure and the commons will be discussed to historically place the import of land in the development of individual property rights. The terrestrial grounding of land is integral to the force, representation and hierarchy of the system of state law that we have today (exemplified in painful removal from land such as through eviction and the criminalisation of residential squatting). Logically there is therefore a congenital trait of land in resistance and laws of resistance at the same time. By reclaiming space, squatters and social centre participants are described as re-occupying and re-enacting performances of their law of resistance as an archive, in order to achieve spatial justice in land.

Considering how enclosure moves to claim the commons, we will see that not only are there new enclosures created as a result of private property accumulation, but there are also new opportunities for commons too. I will argue that encroachment and categorisation simultaneously create moments of *taking back* through the opportunity of both an overt *proprietorial right of resistance* of squatters' rights, as well as the production of covert *nonlinear spaces* as a result.

Reclamation of social space

Remembering the chronological continuum of formalism and the hyperchaotic informal nonlinearity, the proprietorial right of resistance and the a-legal vacuum, we are drawn to see the way social centres and occupation protests are located within space, time and place. They are bounded entities that we find on land, shaping the way these resistances and any formation of resistant law, take form. This directs our understanding of occupation resistance, as that which, as literally it says on the tin, takes a building. What do we mean by 'taking' however? Why do social centres as our chosen movement, do this? To take is also a form of *reclamation*, a *taking back* more than anything whereby previously shared resources are divided up by private property rights, followed by attempts to return them to public use through the contestation of proprietary rights themselves at the same time as occupying the space. This has become what we more familiarly refer to as *spatial justice* (Soja, 2010; Philippopoulos-Mihalopoulos, 2010, 2011, 2015), a form of re-using space in order to cancel out its misuse, which is essentially what social centres do and is a central part of their philosophy of autonomy where space is opened out for the collective and greater good. Spatial justice is exemplified in other land- and place-based protest movements. Blomley speaks of 'guerrilla gardening' (2011), the act of planting seeds and re-appropriating the earth without permission in a contested space, the literal shift in time to digging, to altering the layers of the soil so those lost in allodial time are brought to the surface in a display of dissent. A palpable example that always springs to mind is the RTS and their fight against the building of new roads. In their protest against the construction of the M11 (as part of a street party attended by 8,000 people), they 'dug up the tarmac with jack-hammers and in its place, planted trees that

had been rescued from the construction path of the M11' (Finchett-Maddock, 2002; 2014). McKay (1996; 1998) and Chatterton's (2003) formative works on rave culture and protest parties imbibe a similar atmosphere of mischievousness through the re-appropriation of space in numbers as a plea against the onset of modern enclosure.

In order to understand this movement of reclamation that spatial justice persists, spatial theories of law, land and, most importantly, the role of the concept and the actual *commons* can be referred to. The terms and notions relating to the commons and enclosure will be discussed at greater length shortly, the commons themselves becoming both a practical way of managing resources, whilst also serving as an analytical tool for investigating the division between individual property and communal property claims and all those that exist in between. Similarly, commons give us a philosophically driven argument for the success of communal rights over those of the individual. These shared and collective forms of organisation are predominantly viewed through studies of the Parliamentary Enclosures through to the 'Urban Commons' literature of today, placing spatial approaches to law in tandem with those of a communal nature. The reclamation of a sacred pre-modern commons has been the recent focus of architect and environmental activist Karl Linn, who affected his own version of spatial justice through the design of 'neighbourhood commons' in the vacant lots of the East Coast cities of the United States, the use of temporary or permanent gardens as a form of protest (Blomley, 2011). It is a similar opening out of space through the philosophy of common ownership and sharing that reminds us of Chatterton's argument that social centres are examples of autonomous movements fighting enclosure (2010). I argue social centres achieve this through the creation of their own law. Nevertheless, what can commons and enclosure literature teach us about the reclamation of social space that social centres are argued as pursuing?

The ethos and mechanisms of resistance that underpin the squatting and social centre scene are those that have propelled protest movements since time immemorial, since opposition to authority in the form of the monopoly of power and violence began, and thus since the inception of law itself. What has been demonstrated since 2011 is a wave of unrest and resistance, now well-documented with theoretical engagement maturing, as the situations are still ongoing and unfinished. To speak of the eviction resistances fighting neo-liberal property giants in London, the Spanish '*Indignados*', the Summer Rioters, the Arab Spring, is to also speak of the work-in-progress nature of struggle that emanates from squatted social centres. Poignantly relevant to social centres and their cause has been the global visibility of *occupation protest* (Mead, 2010), such as the Occupy movement (*City of London Corp v Samede* [2012] EWCA Civ 160); the student occupations (*University of Essex v Djemal* [1980] 1 W.L.R. 1301 (CA (Civ Div); *University of Sussex v Protestors* [2010] 16 E.G. 106 (C.S.) (Ch D); *School of Oriental and African Studies v Persons Unknown* [2010] 49 EG 78; the Parliament Square protests ('Democracy Village'); *Mayor of London v Hall* [2010] EWHC 1613 (QB); and the high-profile case of 'Dale Farm' in gypsy and traveller occupations (*Egan v Basildon*

BC [2011] EWHC 2416 (QB)). These movements of resistance all desire to affect the *taking of land*, echoing the cries from histories past of The Diggers and The Levellers; the contemporary Movimento dos Trabalhadores Rurais Sem Terra (MST), Brazil's Landless Rural Workers; the Zapatistas in Mexico, more recently Via Campesina; the International Peasant Movement; and Reclaim the Fields to The Land is Ours in the UK. These movements are premised on the right to land as part of an historical and continual fight against dispossession incurred by state re-appropriation of indigenous and culturally matrixed relations to land. Where there have been moments of insurrection based upon the reclamation of land and space, so too law has used occupation as a tool too. This is where instances of dissent, utilising land as a symbolic and actual vacuum of a-legality, are sought out by state law to locate these resistances and diverge them of any opportunity of living, resisting, occupying. This filling of the void with state legitimated law effectively ceases that particular occupation or indeed any future protests on that land in the future.

Prior to and in greater velocity since the Occupy movement and the focus on squatting and social centres that this work discusses, there has been the inevitable attempt arising from academia to comprehend these movements of law and resistance specifically in terms of the occupation of space. Theoretical enquiry into the understanding of protest or the use of urban or rural space to oppose the appropriation of land and ways of being by state or economic sanctions has turned to the use of geographical or *spatial* understandings of law, property rights, land and economic processes themselves (Blomley, 1994, 2001, 2004, 2013, 2014; Delaney, 1998, 2001, 2011). Familiarly described as the 'spatial turn' in legal theory (Blomley, Delaney and Ford, 2001; Blomley, 2004, 2013, 2014; Delaney, 2010, 2014; Philippopoulos-Mihalopoulos, 2010; Braverman, Blomley, Delaney and Kedar, 2014; Holder and Harrison, 2002), the shift to spatial thinking in law came from spatialised understandings of the built and natural environment described by Doreen Massey (1994, 2005) and Edward Soja (1994, 1996). These theories cross the boundaries of political, social, cultural, economic, aesthetic considerations of the world around us, not just in terms of the dominant models of economics and property, but also allowing for the reconsideration of alternative and communal understandings of law and resistance. Esteemed legal geographers Nick Blomley and David Delaney, amongst a rapidly burgeoning community of other names in legal geography,[1] use spatial theories to describe relations of territoriality, sovereignty, the division of land in terms of private property and how this effects or produces our experience and internalise our external world. Braverman *et al.* have recently penned a comprehensive literature review on the development of legal geographies and spatial studies of law since

1 Such as Gerald Frug, Gerald Neuman, Keith Aoki, Rosemary Coombe, Chris Butler, Robyen Bartel, Sarah Blandy, Phil Hubbard, Antonia Layard, Andrea Mubi Brighenti, Andreas Philippopoulos-Mihalopoulos, Sarah Keenan, Irus Braverman, Sandy Kedar, Davina Cooper and Don Mitchell (see intricate literature review of Braverman *et al.*, 2014: 9).

their first appearance in the early eighties to which an avid legal geographer will find a much more intricate genealogy of the movement than that given here (2014: 3–17).

How does a spatial consideration of law work in practice? Law creates narratives of inclusion and exclusion.[2] If we take the issue of homelessness as an example, which is closely linked to the question of social centres, protest and integral to a discussion on squatting, there emerge some clear indications of the way in which space can help us study law, and the vice versa. Homelessness exists in a spatial and territorial realm, which would traditionally interest human, political and urban geographers, and now those of a legal geographical inclination; what constitutes the street, 'housing', the home, a squat, a hostel, the public, the private, a prison and a police station. Sovereignty, rights, boundaries, borders, walls, housing, rights to the city, spatial justice, cartography, surveillance, occupation of space, resistance, alternative property narratives, art, architecture, urban planning and complexity would all speak to a legal geography in terms of the interjections of time, space and place in the defining of legal responses. This is not least that of the concern for the commons. Why is space so integral to an understanding of resistance to law, and a law of resistance, commons and enclosure? In addition, what do we mean when we speak of space exactly, and how do we understand time's role in this? We will come to time's role in space in more detail. As we will see through the literature on commons and enclosure and the motion of social centre law itself, law categorises space and time through the method of enclosing and engrossing. As to the spatio-temporal this is an integral part of geographical notions of the world, landscapes and peoples and has become an important influence on legal studies and legal theory in understanding property rights attached to land.[3]

The alteration between space and place brings up questions of measure, geometry, the coordinates of position and situated trajectory, concepts of *topoi* and the drawn space of the line. The meeting point of law and space is reciprocal, whereby to interrogate a spatial conception of law is to purport a legal conception of space and temporality. Considering the usefulness of a law and space context to this work, a spatial understanding of law might also explain a spatial under-

2 Those who can be considered as 'statutorily homeless', of 'priority need' (s.2 Housing (Homeless Persons) Act 1977; s.7 Housing Act 1996; s.2 Homelessness (Priority Need for Accommodation) (England) Order 2002, categorising the 'entrenched', 'undesirable', 'vulnerable'; those whose visibility on the street creates an invisibility in terms of law's engagement with their right to a private and family life (Article 8 European Convention on Human Rights, hereinafter 'ECHR'), as an example.

3 Massey has drawn particular consideration to the variety of meanings attached to concepts of the spatial, and yet, as discussed by Malpas (2012), this questioning of the very nature of what we mean by spaces is rarely part of academic conjecture, therefore concealing 'a debate which never surfaces; and it never surfaces because everyone assumes we already know what these terms mean' (Massey 1994: 250 in Malpas, 2012: 227). This 'relational geography' is contrasted with the work of those who see space as extendedness, the abandonment of 'distinction, the definition, the dividing line' (Malpas, 2012: 230).

standing of resistance. If there can be a kind of 'politics of space' (Pickerill and Chatterton, 2006: 741), space as reclaimed, transformed and subverted, then perhaps there can be a law of space, or just simply a space for law. Space is thus the way in which we can perceive the landed nature of law repeated in the act of enclosing, whereby time and space itself (commons) are enclosed.

It is through understandings of the commons and enclosure that the *content* of law and resistance is explicated, illustrated through the social centre example, and how they archive the memory of enclosure and the commons. Bringing the spatial and the legal together, this piece has chosen to follow the path of Chatterton (2002; 2006; 2007; 2008; 2009), Harvey (1973; 1985; 1999; 2008; 2012), Hardt and Negri (2009) and narrate the commons as exemplary of practices and aspirations of the social centre scene, and the imposition of property within law and resistance and resistant law.

Theatre of the commons

> the conflict between common and private is still being played out with great intensity across the world.
>
> (Davies M., 2007)

The term *commons*, according Ostrom *et al.* (2002: 6), appeared rarely within academic literature prior to the immensely influential article by Garrett Hardin, 'Tragedy of the Commons', published in the *Science* journal in 1968. His article concerned the issue of human overpopulation, and although his account does not give much of a solution to the population/human nature matrix that he conjures, his paper was one of the first to approach the topic of the commons under this lexical rubric. Prior to this, Ostrom *et al.* claim that titles including the words 'commons', 'common-pool resources' or 'common property', appeared as little as seventeen times in Indiana University's 'Common-Pool Resource Bibliography' (Ostrom *et al.*, 2002: 6). According to Hardin's rather pessimistic prognosis: 'Ruin is the destination toward which all men rush, each pursuing his own best interest in a society that believes in the freedom of the commons. Freedom in a commons brings ruin to all'. Hardin argued that 'man is locked in to a system that compels him to increase his herd without limit – in a world that is limited' (1986: 1244). This article concerns itself with the basic problem of overpopulation and a limited amount of resources within a self-contained expanse of land. Hardin took a hypothetical situation, one that had been previously posed by William Forster Lloyd in a pamphlet of 1833, where a group of herdsman, all with equal access, place cows to graze upon the shared resources. This was written in relation to issues of poverty in light of increased deprivation and a simultaneous population growth at the end of the nineteenth century. It is in the interest of each herdsman to place more cattle on the land, even if the resources become depleted through overgrazing, and in the long term, the resources entirely destroyed. This is what

Hardin proposed as the dilemma of the 'tragedy of the commons', an inevitability described by Hardin, whereby his solution to this problem has been taken as dividing up this common resource along the divisions of private governance and property rights distribution. Thus, it has been predominantly regarded as a piece advocating the benefits of private enclosure.

What has come to light since this article, is an explosion of debate around the commons, and the desired intent the message of Hardin's article was meant to propel. Elinor Ostrom, the Nobel Prize-winning economist and acknowledged commentator on common-pool resources, has questioned whether the commons dialogue put forward by Hardin, has been kidnapped by a privatisation rhetoric. Her work focuses on collective action, trust and cooperation in the governance of common-pool resources. She has been developing her 'institutional analysis and development' (IAD) framework and has authored many publications. Her focal point is how humans interact with ecosystems and develop long-lasting relationships. She argued that Hardin's tragedy could equally be managed by government regulation and international infrastructure, and not necessarily something that had to be cut up and siphoned off in the form of property rights. According to G. N. Appell (1993):

> Hardin's claim has been embraced as a sacred text by scholars and professionals in the practice of designing futures for others and imposing their own economic and environmental rationality on other social systems of which they have incomplete understanding and knowledge.

Heller has proposed an alternate situation whereby any tragedy of the commons is not due to over-use of resources, but a lack of coordination and cooperation, resulting in the under-use of the commons. This is better known as the 'tragedy of the anti-commons' (Heller, 1998).

Sadly, this tragedy is part of the enclosure process, which we will come to shortly. Yet there are other conceptions of the commons that speak lucidly with the cause concerns of social centres. The authors of *The Drama of the Commons* highlight the relationship between humans and the surrounding natural world as being not as simple as an inevitable tragedy. Furthering Prigogine and Wallerstein's conception of 'bifurcation' (1980) whereby a single theory cannot be applied to the mass of experiences in the world, the dilemma of the commons is not one that can be determined within the straight jacket of one theory. In *The Question of the Commons*, Bonnie McKay and James Acheson (1987) argue that there is not always a tragedy looming at the end of this chicanery, stating the case for resilient institutions (not private allotment) to hold together and oversee the management of resources. This has been repeated through the chronicle of the 'comedy of the commons', one detailed in an article by Carol Rose (1986). The comedy of the commons is the version with a happy conclusion, dubbed as where resources can be shared through mutual cooperation and understanding. This is a commons in which the virus of self-interest has been curtailed by losing

the individual tie of property, and ensuring stewardship of the land. This more uplifting and relieving piece of theatre has been repeated by Mancur Olson in *The Logic of Collective Action: Public Goods and the Theory of Groups* (1977). The happier ending of the commons recalls a collectivist understanding of property, one to be shared and maintained for the use of all. By describing the social centre law of which social centre movements are told to be producing, it becomes clear that the same goals and ethos propels social centres as that of a comedic version of the commons, that which relies on a benevolent trajectory. How is it, nevertheless, that the more familiar version of the commons is one propelled by force, representation and hierarchy, supported and legitimated through law? Seeing that there are alternate conceptions of the commons can ultimately demonstrate ulterior forms of organisation that are not recognised by the law, highlighting an existence of a comedic commons that has no force, representation and hierarchy, one outnumbered by the tragedy of the commons of which Hardin so shrewdly depicts.

This concern that Hardin and his supporters have had with an unhappy ending, has relied on the selfishness of human action, echoing Adam Smith's assertion that 'we are not ready to suspect any person of being defective in selfishness' (2009 [1759]: 235). The alternative to this is accepting that there may be a presence of altruism, and the interests of an entire group may be taken into consideration within the actions of individuals. Ostrom claims, 'the tragedy of the commons could be averted by mechanisms that cause individuals to act in the interests of the collective good rather than with narrow self-interest' (Ostrom *et al.*, 2002: 4). According to Ostrom *et al.*, the tragedy of the commons is applicable only under certain circumstances, when 'resource users cannot communicate and have no way of developing trust in each other or in the management regime, they will tend to overuse or destroy their resource as the model predicts' (2002: 456). The presence of trust, cooperation and the anticipation of future forbearances will avoid and foresee any adverse reactions of the environment and its resources. Over time, these levels of cooperation form norms and rules of action in the form of institutions (2002: 4). Accordingly: 'Much of the research since 1985 can be understood as an effort to identify the factors affecting the likelihood that the resource users, by themselves or in conjunction with external authorities, will develop such rules, with accompanying incentives, and conform to the rules' (2002: 456). Deliberative processes in decision-making have been proposed as alternate means of operating these institutions and their management processes (2002: 4). These are very similar to the consensus decision-making models of social centres and other anti-authoritarian occupation protest movements.

The traditional and early modern European idea of the commons relied on a notion of 'the bounty of nature available to humanity'. This was often determined within the bounds of religiosity, that which was given by God, in its plenitude, abounding as the earth, the flora and fauna, the oceans, the sky, and the very atomic material that makes up the requisite land and being (Hardt and

Negri, 2009: 8). According to McCann, whether being in reference to the enclosure of land from the fifteenth to nineteenth centuries, or more the corporatisation of space in general, he describes there being two distinct categories of commons literature and intrigue. The first categorisation covers the commons as a 'resource-pool' in need of management, thus referring to the resources that are held in common as anything that falls outside of the private sphere. McCann puts forward the commons as seen in the second instance, as 'a particular character of uncommodifying social relations in a localised context of community' (McCann, 2005: 5–8), whereby the commons are structured through relations of 'interdependence and cooperation'. This is the method of managing the commons. Within international law, the resources that remain as a common heritage would be outer space, the oceans, and Antarctica (in the words of Pahuja, Antarctica being a type of pseudo-commons, as a number of nations have laid claim to areas of Antarctica, 2010). These are the tangible and intangible attributes of the earth that are shared and are not consigned by property rights. The United Nations Educational, Cultural and Scientific Organisation (UNESCO) Convention concerning the Protection of the World Cultural and Natural Heritage (1972) refers to those spaces and areas of the planet that are properties belonging to the whole world as '*res communis*' (art. 1 deals with cultural heritage such as monuments, buildings, sites and art. 2 defines natural heritage in geological and physiographical formations, natural sites of conservation and beauty).

In addition to this there are those commons that are not derived from natural resources but are 'cultural commons'. This covers new commons that have evolved and shaped out of human interaction. These commons would thus cover language, literature, music, art, film, radio, theatre and such forms of culture that are created and uttered through communal and racial interweaving. Public space, human relationships of cooperation, shared services and welfare provisions fall under this bracket. These resources are in no way scarce, but abundant, they are contained within the earth, but their stretch is beyond the limits of measure, and yet equally determined by their lack of infinity (McCann, 2005: 5–8). They are in this sense seen as 'public goods' available to all without a claim by any one individual along the lines of property division.

This introduction to commons literature is one that speaks of a time more reminiscent of the past, with an almost rose-tintedness. Indeed, Hardt and Negri do not decipher between a commons of organisation and a commons as resource at all, nor the problematics that come with this. In David Harvey's *Rebel Cities: From the Right to the City to the Urban Revolution* (2012), he illustrates that the question of the commons is itself contradictory and therefore contested (2012: 71). He speaks, following from Rancière, of where politics is the sphere of activity of the commons that can only ever be contentious, the commons themselves as a process and not a thing. This resonates with our understanding of resistance to law as a performance. He describes them as (2012: 73):

> an unstable and malleable social relation between a particular self-defined social group and those aspects of its actually existing or yet-to-be-created social and/or physical environment deemed crucial to its life and livelihood. There is, in effect, a social practice of communing.

This is interesting to note, as this motion of 'communing', or 'commoning' as it is more widely referred to, he sees as a practice, a performance and a standpoint that will be returned to later in the text when considering the character of performing and archiving of law and resistance. Harvey states that to understand communing is to realise that central to the practice is the relation between social groups and the environment being treated as common, a relation that is both collective and uncommodified (2012: 73).

Hence, the two types of commons approach concern firstly, what the substance of the commons consist of, and secondly, the means by which the commons are administered, with the recent application of Harvey's theory straddling the two. When considering the use of squatting as a housing or protest means used by the social centres looked at, this can be seen as coupling both the two categories together, the framework with which the two types of commons are striated being the violence of enclosure. Participants of social centres invariably believe there to be *rights to the city*, meaning the city is a common resource that should be shared and enjoyed in exactly the same manner as the commons mentioned above. Thus, making buildings, pavements, parklands, piazzas, playgrounds, abandoned apertures and public space itself, there for the common heritage of those that live and visit the cityscape. By advocating this, they are denoting the city as the commons, and in turn, their autonomous zones. Secondly, the division of the city in terms of private property rights is seen as a continued and expansive project of enclosure. In light of this, to occupy buildings and rejuvenate spaces for habitation and gathering, is to *reclaim* these areas from enclosure and 'gentrification', under the aegis of self-management, horizontality, mutual aid, trust and cooperation (Chatterton, 2007, 2008).

The history of enclosure and the importance of both land in law and resistance and revealing the possibilities for other understandings of law, is made clear through the existence of the legal form of the commons in the lost 'Charter of the Forest'. Linebaugh depicts this division in social organisation through the narrative of the Magna Carta, and its 'lost' cohort, the Charter of the Forest (2008, 2009). The Magna Carta has become the epitome of the upholding of individual rights; the Charter of the Forest, however, was concerned more with socio-economic and common rights, the pre-eminence of the Magna Carta demonstrating the force and imposition of enclosure over the commons. The 'missing charter' preceded the Magna Carta (2009: 42), stating the basic economic rights prior to the political and civil rights of the Great Charter. The Levellers linked the Magna Carta to the concept of the nation, whereas the 'lost charter' (2009: 93) has been consigned to the chattels of history, very much like its subjects, the commoners and the common fields. The Forest Charter has been

relegated to antiquity through its neglect (2009: 42), albeit having been recently discussed in relation to the squatting of famous Runnymede site where Magna Carta was signed in 1215, which we will come to later. The Forest Charter sets out the rights of the commons. It can be said that the Charter of the Forest offers a similar depiction of social centre law or a law of resistance, and this sententious link to the commons allows an image once again how they been wiped away, lost, but are still in existence somewhere outside of state law institutionalisation. It is in the memory-work of the commons that the Charter of the Forest is re-found, literally through the searching and researching of the archive of the commons, social centres, protest movements. It is in the totalising project of the removal of the proprietorial right of resistance from within law through the ongoing archiving of the memory of enclosure over that of the commons that we are reminded of Magna Carta's ridding of its communal twin.

Enclosure and eviction

The alternate conception of the commons is linked to the reclamation of space, the taking back of land, space, resources, goods. There is a process that needs explaining before the reclamation can begin, that of *enclosure*; a process of naming, a move towards total ownership. This reclamation in light of dispossession has been a reaction to enclosure, a system that most oft considered in reference to the English enclosure system that saw the fencing of land for private use. This occurred during the fifteenth and the nineteenth centuries, a policy that moved from unpopularity to that of a national regime, the people convinced through its promotion as in the interests of the country as a whole. The process of enclosure took three forms: piecemeal enclosure whereby individual landowners withdrew from any common farming traditions; enclosure by private agreement; and enclosure by an act of parliament (Davies, 2007: 67). The parliamentary forms were seen as the most politically and socially destructive, as 'it removed a core means of subsistence from villagers who did not have a freehold title to land, but were nonetheless reliant on common use-rights'. All methods involved the closing of a mixture of pasturelands, as well as the 'common field' being marshlands, those difficult to farm and with unyielding soil. Nevertheless, these often 'strips' of land were communally run agricultural holdings, altered into fields with man-made boundaries. To use the English example is to understand a range of social change criteria that has resonance today (McCann, 2005: 5–8). The connotation of enclosure would be to close in and suffocate, and this has been its negative understanding as it is seen as the gradual (and sometimes rapid) encroachment of private property in all regimes of life (McCann, 2005). Using a free market assumption, enclosing is a highly productive way of using land, creating unparalleled growth (McCann, 2005). So if the commodification of land is through enclosure, then to reclaim back this land, or to 'uncommodify it', is in the communal sense the processes and actuality of the commons, or communing. The commons does not produce a product as such that tends to be bought and sold.

Going against enclosure is consequently seen as a 'fight for the commons', a fight for the reclamation of time and space from the exploitative task of private property.

Enclosing is a method of categorisation and apportionment, whereby the right to the soil (Linebaugh, 2009: 314) becomes a claim for entitlement in response to its re-formulation as a commodity. The process of enclosure can be seen as a movement of naming, as a method of labelling, tagging and claiming ownership. To name is to place a title to something, and within this 'naming and expropriation go together' (Linebaugh, 2009: 150). In the words of Linebaugh, after naming came the law (2009: 151); just like the original Greek meaning of 'character' is 'engrave, to scratch or to imprint'.

There is a violence to the story of enclosure, the Parliamentary Enclosure story being one that denotes a sense of loss (Neeson, 1993) and that continues today. J. M. Neeson's (1993) 'Commoners: Common Right, Enclosure and Social Change in England, 1700–1820' is one of the most extensive accounts of the effects of parliamentary enclosure on the commoners, and has been revisited by Linebaugh in 'The Magna Carta Manifesto: Liberties and Commons for All' (2009). Neeson resuscitates the unsaid accounts of the impact of enclosure on those who suffered the most from its imposition. This memory retrieval is a means of re-telling a hidden story, a way of depicting an untold truth. The representation of enclosure has been promoted in terms of the rhetoric of progress (a linear conception of time) within the scripts of history. According to Neeson, this was an argument put forward to those who were the subjects and objects of enclosure, as a means of fostering the national good, some determination of the 'commonwealth' as they were forcibly dispossessed. Prior to this, the commonwealth implied common livelihoods, enclosure re-mapping this to what is now understood as gross domestic product (GDP). Population growth was under scrutiny from the fifteenth century, the matter of depopulation being necessary for the country's economic survival. When enclosers and engrossers would stumble upon the commoners, those living from the common field, they could not understand the sharing of the resources, could not behold that there might be something such as a *common right* (Neeson, 1993: 3). Those who were moved on and fenced out of their own dwellings were at once considered the very impecunious and yet, according to Professor J. D. Chambers, having the common right gave them 'the thin and squalid curtain between poor and very poor' (1993: 6). Taking away this common right meant those that dwelled on the common land were suddenly thrust in to waged work, as opposed to their oft-informal exchange system of unwaged employment (1993: 14). This is where the logic of privatisation overtook them. The commoners were not a profitable addition to the land, and they 'in general stood in the way of national economic growth. Instead of the nation's pride they were a measure of backwardness' (1993: 32). The commons were perceived as giving support to 'naughty and idle persons' (Linebaugh, 2009: 76). At the same time as the start of the privatisation of England, the division of public and private altered the legal dichotomy of legality and illegality through ownership (2009: 47).

The legality of the Parliamentary Enclosure movement fell within the 'Inclosure Consolidation Act' (1801) (Linebaugh and Rediker, 2009: 314) and 'General Inclosure Act' (1801). William Pitt's Lord Chancellor (1773–1801) and Chief Justice of Common Pleas (1780–1793), declared against shared land use in exchange for exclusive enjoyment of property and ruled that the 'right to glean could not be defended in common law' (Neeson, 1993: 26). The common right was removed, and enclosure was legitimised by law, and with law.

Parliamentary enclosure ended with the Commons Act 1876, after that there was very little left then to enclose (Davies, 2007: 71). Through law, there are divisions. There are the included and excluded, and those that fall entirely outside of the scope of law. Not only was the common field expropriated from those that thrived off its countenance, but so too was their common right, their shared framework of understanding. This, 'laying down of the law', its violent interjection onto the land and the people living on it, remains in its modern form as *eviction* and *possession orders* – and now the outlawing of squatting itself.

Any squatter will understand the violent force of property rights, just by entering a building and surveying the destruction of the internals of a building. Part of the deterrent that landlords and councils use to stop squatters entering and social centres being created, is to destroy any means of basic amenities that those looking for an emptied space may wish to use. This includes 'gutting', the smashing up of all the plumbing, the destruction of staircases rendering floors other than the ground floor inaccessible. This is the tearing up of space, and the job of those who come to occupy is then to rejuvenate and to rebuild. Similarly, eviction is one of the most directly destructive and apparent forms of enclosure's violence that we see today. Direct housing lawyer and squatter Ron Bailey accounts an illegal eviction at Redbridge 1963–1965 (Bailey, 1973: 63):

> Six of the bailiffs there were', said Ricky 'they smashed open the door with long crowbars and rushed into the house. They beat us up, hit us with bars and started throwing the furniture out. Two of them rushed upstairs and dragged Karen out of bed and threw her on the floor.

Despite common understandings of squatting, occupation movements and social centres, those that see squatters as violent intruders into property, those that determine the centres as a negative presence, the only violence that takes place is that conducted by the state or those who are the owners of a building and order bailiffs to gain repossession. This is the violence of possession orders, a clear depiction of force and hierarchy monopolised by the state as expressed centuries ago through the actions of the enclosers and the engrossers.

Considering the eviction of rampART, and one amongst many other examples, there were raids that swept through the centre causing distress and injury to those who were staying there, and with no possession orders in place. An interviewee also relayed another rampART eviction attempt, where during a

raid, someone was tasered, handcuffed and questioned for hours with someone's glasses were deliberately smashed.[4]

Eviction reminds us of enclosure's limits and how it protects the boundaries of property rights. The eviction of rampART is an example of the liminal, boundaries and the limits, the threshold, the proper, improper, commons and acts of enclosure: the holding out of the hand, and the pushing away of the hand at the same time. The law of limitation enshrined within the Limitations Acts of adverse possession, is the act of limiting which is enclosing itself. It is the resultant threshold between individual rights and commonly held rights, and the squatting conundrum is the residue of the commons that state law sought to enclose. By limiting, there is a boundary, and it is these boundaries that protest movements and those of a similar inclination, are seeking to break down. Because they are interstitial, fluctuating and forming in and out of the system and their own system, they confuse state law somewhat by their liminal existence. As Prichard states in his (1981) technical summation of squatting and the related legal areas *Modern Legal Studies: Squatting* (1981: 7):

> Relative ownership promotes the importance of possession even further. For this reason the policy of limitation will be invented, not just to discourage delay in suing till claims are stale, but to achieve virtually impregnable title once enough years have passed. Possession, or a refined and confusing version of it, adverse possession, is the pre-requisite for the running of time to establish limitation.

Eviction is hitherto today's answer to the physical interjection of enclosure, as it seeks to do the very same thing that the parliamentary enclosures did back in the beginning of the sixteenth century. In this way, it is clear that violence secures title to land. The first landowner appeared with the first man who had slaves to work his fields (Corr, 1999: 12–15). Corr summarises the anarchist-tinged literature on property, stating that land ownership 'exists when an individual has the violent forces necessary to evict or subdue the inhabitants of a given piece of land and claims 'ownership' (Corr, 1999: 12–15). He also highlights how this is a process that has taken place again and again, along different stratas, within different areas of the world, and at alternate times and spaces, claiming that such a replication 'will remain that way inasmuch as the system and ideology of spatial property is the salient inter-human relation to land' (Corr 1999: 12–15). In order to maintain this striation of inequality, absentee landowners evict those

4 When illegal evictions are resisted, it works, but with those of a legal nature, there is not much chance of escape. Through the process of eviction, the bailiffs first normally come on their own, and then arrive with backup from the police at a later date. The residents do not really know when they are coming, and so it can end up with a house being empty because of the 'threat' of eviction. This happened in both 'Non-Commercial House' and 'Dalston 1000 Flowers' in London. One interviewee saw eviction as an opportunity for something new (a positive outlook, indeed).

who are living within or on their land. This is the pain of eviction, and once again, is experienced in many ways and on many levels, the force of enclosure operating through the legitimated regime of expropriation in the form of forcible removal from land or property. Highlighting the philosophical underpinnings that squatting takes from anarchist literature, eviction is understood as a waste of human life and energy, when the evictee has less access to resources that the evictor (Corr, 1999: 4).

Urban commons and spatial justice

> Social centre commons
>
> My rampART interviewee mused on the question of the commons and believed that with regards to the commons itself, the whole notion is not considered solely as part of the land reclamation issue. She mentioned something similar to that of the Greek 'agora', a meeting place, and this was felt at the social centre network meetings such as in Barcelona in 2009. She very much liked the description of social centres as liminal and agreed that they were a remnant of the commons.

The second depiction of the commons as one of a shared community, the management of those resources which the first depiction of the commons exist is adeptly the subject of theorists of radical geography,[5] spatial justice and, indeed, those of geographies of law. The commons as a method of resource management comes after the violent imposition of enclosure, whereby commons as resources and commons as collective enterprises have been striated by the limiting and closing in of private property. What social centres and similar movements do is to try and reclaim these spaces from the limitation of private property by organising the (more often than not) urban environment in terms of the commons as method of resource management. This reclamation of space has been profoundly expressed through the works of Lefebvre (1958, 1991) and then famously taken on more recently by Harvey (1973, 1985, 1999, 2008, 2012).

In Lefebvre's *The Production of Space* (1991), he is famous for describing space as a product, whereby the actual contents of space are taken up by practice, iterations and reiterations. The contents of space are the social (spatial) practices (1991: 18), making the results of this: '(Social) space [a]s a (social) product' (1991: 26). He describes space as a message, a reading (Lefebvre, 1991: 7), which would indicate a performative motion where space is read as a text, one that is both the content and the vehicle of dissemination at the same time. The work of Lefebvre

5 For instance, Ian Boal and George Caffentzis. Caffentzis as a political philosopher and an autonomist Marxist, founding the 'Midnight Notes Collective' and founder member of the co-ordinator of the 'Committee for Academic Freedom in Africa'. Ian Boal is a social historian of the commons.

has outlined the constructive and determinant relation of space, and one where the commons can too be seen as a product and a realm in which politics is constructed. Lefebvre's now illustrious and very familiar work shows that this in itself is a social product, hinting to the process itself. The mapping of space, using Lefebvre, and his unravelling of the 'truth of space' (Lefebvre, 1991: 9), gives way to an understanding of space and justice, or spatial justice. By allowing for an understanding of space as that which is produced, and perhaps not something that is there *a priori* would answer a political question as to how politics is motivated within practices and processes which are embedded in the multi-dimensionality of experience. Similarly seminal is the work of Doreen Massey (*For Space*, 2005) who repeats the same observation of the coming together of product and practice of space as the home of power: 'Space is by its very nature, full of power and symbolism, a complex web of relations of domination and subordination, of solidarity and cooperation' (Massey, 1992).

It is back with Lefebvre and Harvey where depictions of space, law and geography come full circle in the right to practice the commons. Understanding the management of resources in the Lefebvrian and Harveyan conception would be to first and foremost grasp space and its production, and its transformation into the 'right to the city', which resonates closely with an understanding of social centre legal innovation. The link here is to the urban involvement of the commons, where spatial practice, representations of space and representational spaces are political activities. The role of Lefebvre's work in connection with the commons has moved to determine the commons as now an urban phenomenon, whereby a cultural shift from natural resources to that of created resources becomes a fight for common space taken over by a process of corporatisation. As at the same time the likes of social centres and their planetary counterparts have created their own space in light of the enclosure of land, the space of enclosure has been practiced and outlined simultaneously. Harvey relays Lefebvre's notion of *heterotopia* (1958, 1991), the liminal spaces 'where something different is not only possible but foundational for the defining of revolutionary trajectories' (2012: xvii). If we consider the activities of a squatted social centre, and the participants themselves, this interstitiality allows for what Harvey simply terms as space for 'something different' 'not necessarily aris[ing] out of a conscious plan, but more simply out of what people, do, feel, sense, and come to articulate as they seek meaning in their daily lives' (2012: xvii).

Here is where the fight for the reclamation of the commons and the re-telling of the enclosure story speaks of space, the city and its inhabitants. Through the development of 'corporate playscapes' (Chatterton, 2002: 2), a simultaneous utilisation and production of space has been formulated to reinforce the story of capitalism, and its theatre, whereby private property has taken on a rigid transparency of its own, one that according to Lefebvre (Lefebvre, 1999: 29):

> The illusion of transparency turns out (to revert for a moment to the old terminology of the philosophers) to be a transcendental illusion: a trap,

> operating on the basis of its own quasi-magical power, but by the same token referring back immediately to other traps – traps which are its alibis, its masks.

This is the *proper* and *improper* illusion (Davies, 2007), one where the natural simplicity of space, gives force to the natural simplicity of individual property rights. The transformed landscape of the commons has been re-moulded into the city, and became the new context in which basic forms of expropriation and colonisation take place. Acting in retaliation to this new regime of enclosure (including gentrification), the *right to the city* takes centre stage. The population of the city wish not only the right to the city commons, but the right to experience the city: 'The right to the city implies not only the participation of the urban citizen in urban social life, but, more importantly, his or her active participation in the political life, management, and administration of the city' (Harvey, 2008). The right to the city is the right to have a say in the management of the city; it is the right to occupy the spaces of the city as one sees fit. It is the creative inclusion of all experiences, not just of the owners of the metropolis, but of those who use and formulate the space on a vernacular level. What Harvey argues is the push for an alternative experience of the city, through self-management (2008: 29).

Predominantly the social centres to which this book refers are talking about *urban* spaces and not those that are rural, taking place within the city. The importance of the city to Harvey lies in his discussion over whether the social relationships that exist within its bounds offer a microcosm of macro systems of organisation and exploitation (Harvey, 1973: 304). The city is born out of a contradiction between the social relations of production and the forces of production, between the building site and the slums, and urbanism relies on these basic structures of spatial organisation (1973: 307). For Hardt and Negri, the city is the space where the peculiar traits of the commons are harboured. As cities become biopolitically enclosed, then there are further parallel flows of insurrection to match, creating the opening up of the urban complex. The disparity between the commons and the public, (the former being a resource that can be used up, and the second being a good that is in abundance), is pinpointed by Hardt and Negri as where communal management of 'public space' is where the commons can evolve in a postmodern, urban setting (1973: 7–14). In their own words: 'Despite the fact that the common wealth of the city is constantly being expropriated and privatised in real estate markets and speculation, the common still lives on there as a spectre' (Hardt and Negri, 2009: 154). These traits are the 'spectres of the common', with the aim being to track down these ghosts, and social centres, squatting and occupation protest movements are exactly the sort of urban resistance replicating this that Hardt and Negri are getting at. The use of a spectral image here, one that very much conjures an historical and past formation of social organisation, is more to highlight the corrupted nature of the contemporary commons, and its marginalisation as a form of resource and resource management, in extant circumstances.

Using the example of social centres within the modern day city, one can see how moments and ruptures of the commons break through, and are reinvigorated. The commons come over as ghostly, because they are degraded in their present form, but remain within the now as viable forms of collective resource management, despite the enclosure system that exists today. To say that the commons are from the past is to say that enclosure is a finished project, and it is clear from the constant manipulation and innovation of spaces and resources, law and resistance, that both commons and enclosure are most certainly not complete. Nevertheless, the commons are eclipsed through their connotation with this sense of times past, due to the both glacial and rapid expansion of the enclosure system and the resultant reduction of commons as resource and resource management in comparison.

Urban commons are the conceiving of the commons within an urban landscape. Yet the commons is not *all* about land necessarily, as has been shown, but the appropriation and re-appropriation of natural, and cultural commons, according to Hardt and Negri's delineation between the two. Thus, following from them, the metropolis inscribes and reactivates multitudes of the past (2009: 249), by acting as the hub of the community, whereby it is 'the site of biopolitical production because it is in the space of the common, of people living together, sharing resources, communicating, exchanging goods and ideas' (2009: 251). It is inorganic in its framework, and yet they argue the common is becoming nothing but the life of the city itself (2009: 251). In a similar vein, Harvey speaks of Lefebvre's right to the city as both cry and demand – always open to the perpetual process of unknowable novelty (2012: xiii). This notion of the multitude is replicated in Harvey's appropriation of the 'irrupation as inevitable', where the right to the city itself 'primarily rises up from the streets, out from the neighbourhoods, as a cry for help and sustenance by oppressed peoples in desperate times' (2012: xiii). Harvey's more recent thoughts on the commons and the right to the city speak of the further encroachment of biopolitics epitomised and actualised by private rights of property, through the use of the city, by the corporate, in the name of the commons (2012: 79):

> Much of the corruption that attaches to urban politics relates to how public investments are allocated to produce something that looks like a common but which promotes gains to private asset values for privileged property owners. The distinction between urban public goods and urban commons is both fluid and dangerously porous.

This warning of the mis-use of the commons is further anticipated through Harvey espousing the right to the city as no longer in existence, as between equal rights resides force, meaning those utilitarian rights will only benefit the few, in the name of a few.

Returning to the role of space and law, from the common fields of the fifteenth century, through to the abandoned spaces of the twenty-first, there is this collective

mourning, a sense of loss, a ghost, forming an historical continuum from one epochal scene to the next. This is the proposed *theatricality* or *drama* of the commons, but of course, the commons were, and still are an existing phenomenon and practice. The role of enclosure, in its various guises, has ensured the near dissolution of communal ways of life, and yet the struggle to revive and give prevalence to the commons as a space and method of living, has evolved as a result (in the chinks of the world machine, Sheldon, 1972). The spatial dimension of justice is given life, a means of re-telling a story, properly this time, including 'those both from above, and from below' in the language of Subcommandante Marcos of the Zapatistas. The spaces now are found within the city, as this is where resistance exceeds, where rebellion transforms, a postmodern piece on the retrieval of memory, where memory-work constitutes some kind of juridical act. This link between space and justice is clearly displayed through the *taking back* of land from modern forms of enclosure. This is a symbolic and actual resistance, and within it, the space being reproduced. It can be seen in a simple motion:

According to Wellbrook (2008), the reclamation of social space 'whether in terms of common ground for a community or for one's own household, has been a clarion call of the oppressed throughout society' (2008: 10). There is a history present as an interweaving link throughout the resistances of the planet; expressed as the defence of the commons. Just as today, the links then were global, the commoners in the United Kingdom had their 'counterparts in the Americas and Africa' (Linebaugh, 2009: 105). Indeed, 'common sense' is the 'capacity for judging of common things' (Neeson, 2009: 126). In order to rectify this loss, social movements, such as the squatting and social centre movements and protest movements using occupation strategies in general, try to *take back* these buildings, occupy them and set them free from the market logic of speculation that operates and prompts property owners to leave buildings empty, in order to gain value. The reclamation of the spaces, the reclamation of land or anything else that has been snatched from the hands of those that were there in origin, is this other determination of the commons. This is the means by which the space (and time) is retrieved, resembling those living on the common field in the fifteenth century, whereby the spaces that are reclaimed are managed with trust, cooperation and a communal sense of right, as opposed to the right of the individual.

Evident within the alternate form of organisation that the commons as resources management system supports, that of a happy ending to the story of the commons and leaving out the interjection of enclosure, is the law of resistance of social centre law. These principles are not just present in social centres but are in history, both recent and older, and will no doubt be within the movement from resistance to law as long as we maintain a system of private property rights. Coming back to the role of land and going back to the Diggers and the Levellers, one can see clearly the freeing of the commons as something that resonates now. In 1649, a group of landless commoners who were radicalised by the English civil war and disillusioned with its outcome, occupied a hill outside London. Here they planted crops and saw the earth as a common treasury to be enjoyed by all

(Christopher Hill in Duncombe, 2002: 17). Led by Gerrard Winstanley, the Levellers and the Diggers, dug waste land, rendering the symbolism of the assumed ownership of the land (2002: 20). The use of the word 'level' used to assimilate hierarchies being beaten down, equality achieved and disappropriation quashed. The narrative survives through the planetary formations that solder the squatting and social centre movement to other movements, both in the United Kingdom and further afield; they offer a network image; a grid upon which the coordinates of rebellion across the globe can be placed. In Linebaugh and Rediker's influential historical account of the revolutionary Atlantic (Linebaugh and Rediker, 2008), the authors' primary goal within their research is to expose the links that existed between geographically differing movements. Linebaugh was actually invited to give a talk by one of the social centres that originally participated in this research, according to the interviewee from 56a Infoshop. In fact, the only factor that separated these movements of resistance of the slave trade, from the rise of mercantilism, to colonialism, was the very space that kept them apart. The elements that made up each fight were strikingly similar. This is a view of history as a global effort, and one not prescribed and given as a process. It is a battleground, and not more so than that of the times of the European colonisers. The revolutionary Atlantic fought planetary-wide combat, over the 'right to the soil' (2008: 333–334). The social centre movement as an example is characterised by and representative of the many social movements of both the South and the North, the link here being the expropriation of land, and the rights that are attached. These movements are those of retreat, in the North, and of liberation, in the South. In the words of Subcommandante Marcos of the Zapatista movement in Chiapas, history should consider the achievements of not just the dominating class, but so too those of the underclass; the wind from above and the wind from below (Linebaugh and Rediker, 2008: 3). The history from below and history from above must be referred to for an informed consideration of the past, and ultimately the future (2008: 35). The wont to reclaim space in the name of justice is understandable and inevitable.

To be spatially just, therefore, is to re-appropriate with an authenticity at its heart, however the quantification that truth of space can be measured and practiced. Philippopulos-Mihalopoulos suggests that a conception of spatial justice is that which gives a clear indication of the presence of a spatial law, and yet one that does not rely on given concepts of distributive or social justice (2010: 201). Instead of re-distribution, Philippopulos-Mihalopoulos underlines the always inert and actual *potenzia* of a space, and of the *lawscape* itself, one which means an 'acknowledgement of the impossibility of common space, and a resolute withdrawal before the priority of the space of the other' (2010: 216). He is critical and supportive of spatial justice at the same time, claiming that while spatial justice has the possibility to become the most useful product of the spatial turn in understanding law, he states that it remains a geographically informed version of social justice, perhaps substituting and subordinating the centrifugal role of space itself (2011: 1–6). He asserts therefore that 'space is not just another

parameter for law, a background against which law takes place, or a process that the law needs to take into consideration', critical of a move to geography that sees the space of law as actually a process of de-spatialisation (2010: 202). In his very recent 2015 work on lawscape, he again reiterates spatial justice as the moment when one body withdraws to make way for another. Coming from geographical perspective in *Seeking Spatial Justice* (2010), Soja speaks of a 'consequential geography', one which highlights less the promise of re-appropriation but the spatiality of (in)justice (2010: 5) and the production of unjust geographies (2010: 31). Soja is known to be unhappy with a dialectics of space and thus offering a third way, which connotes a performance of commons and indeed some of the movements of which will be discussed in the coming pages.

Social centres are the coupling of both categories of commons titillation, the framework with which the two types of commons are striated, being the violence of enclosure. They are both a form of commons, and they are managed accordingly in a communal manner. They are at once commons and *communing*, archive and archiving, process and product. The sense of loss that precipitates the movement is requited through the linking of the space itself to an alteration of justice, to a representation of reparation. Law and walls, laws are walls, thus they divide, they also contain. The acts of colonialism are the tragedy of the commons, the imposition of one form of life on another; the encroachment of one form of law on another. Ostrom's research into common-pool resources has led her to conclude individuals in most instances, will communicate, with levels of trust, and thus will agree a set of rules by which to govern (institutions). These are deliberative processes in decision-making, methods of consensus and juridical acts of organisation. In response to dispossession, the response of social centre groups, other similar protest movements, and those wishing to share common resources in a deliberative and consensual way, there is the laying down of an alternative law. If the law taketh away, then a law can giveth back.

It becomes evident that the role of the commons as both a form of space in itself as well as offering a description of a process, a performance, speaking to the movement from law to resistance of which was the focus of the first chapter. A kinetics of constituent to constituted power, demonstrates the legitimacy that has been given to the regime of enclosure over that of communal rights, whereby practices of collectivity become rebellious acts in reclaimed buildings at the cost of being removed by enclosure. The legitimate regime supports a removal of those spaces in which an alternative model of existence can remain. The only way to encourage any differing conception of social organisation is to take space back and give it the 'justice it deserves', remembering other movements of resistance not only geographically distant, but that exist in time brought forward through remembering and the act of not forgetting, which is in a sense *archiving*. Social centres rely on this memory process, highlighting the role of time, performance and archiving in not only resistance, but also laws of resistance, and state law itself.

Nonlinear spaces

Considering the divisive manner in which enclosure moves to outnumber the commons, we can see how encroachment and categorisation simultaneously create moments of taking back through the opportunity of both an overt proprietorial right of resistance of squatters' rights, as well as the production of covert *nonlinear spaces* as a result.

It is useful to reconsider the originating discussion on the contingency of law and resistance and its *entropic* creation of law and resistance. Entropy is actually a fitting description for the coming to being of social centre law, entropy being a *measurement* of the state of a given system whilst simultaneously being the *product* of that state. For instance, the famous example of the making of entropy is melting ice, a *tipping point* between frozen water and melted water where a specific quantity of external heat transforms the system from one state to the next. If we think of this in terms of the process and product of law and resistance, the meeting point of the continuum of formalism and nonlinear informality are at once an indication or *quantification* of the state at which the contingency of law and resistance is at, whilst at the same time a *substantive* decoction of law of resistance as a result.

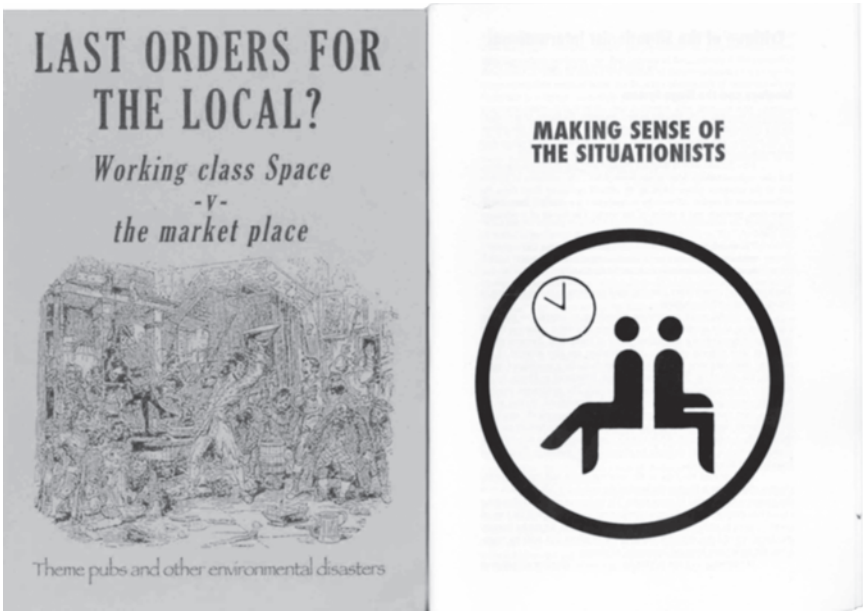
This measuring and manifesting attests a processing and producing that is linked to a *performative* narrative of social centre law, state law and resistance. The accumulation of conditions of state law and resistance which instigate the creation of an entropic law of resistance hails the advent and performance of institutionalisation, the presence of Meillassouxian hyperchaos; the oft gradual and sometimes rapid ingress of individual property rights whereby resistance and pre-institutionalised law and laws of resistance enact movement from one stage of legitimacy to another. The proprietorial right of resistance of squatters' rights allow an overt space in which a law of resistance can be nourished; either that or the social centres exist anyway despite state law's criminalisation. Squatters' rights are another formation of this institutionalisation conundrum that as a result of the indomitable movement of enclosure generates a nonlinear space of the commons. These entropic new spaces of the commons are nonlinear, despite the processes of institutionalisation that trigger them. Enclosure demarcates squatters' rights as determining the a-legal vacuum of a law of resistance which is at once the measurement and substance of law and resistance at the same time, the very same as commons as resource and commons as method of resource management.

Post-humanist Karan Barad speaks of measurement in her *Meeting the Universe Halfway: Quantum Physics and the Entanglement of Matter and Meaning* (2007). She uses the physics-philosophy of Niels Bohr to offer a 'proto-performative' account of measurement and representationalism, and the catalytic role of the 'container', or the use and preference of measurement itself. For her, measurements are entropic, agential practices, inferring they have a contingency of their own; they are 'not simply revelatory but performative: they help constitute and are a constitutive part

of what is being measured' (2012: 6). This is a correspondence between acting and doing (2007: 28), process and product, whereby the apparatus, the container, the language and the measurement is the thing-in-itself and not just the thing-container. Almost as a process of 'becoming', the container is part of a dynamism (2007: 142). Barad is useful here in describing the shaping yet constitutive nature of both state law and resistance, the emergent nature of formalism and nonlinearity, and how out of processes of enclosure, whether proprietorial rights of resistance or otherwise, there is exuded a potency for further commons in the forms of new nonlinear spaces.

Chapter 6

Memory, performance and the archive



Social centre pamphlets

> Autonomy is a temporal strategy – a struggle against amnesia, of not forgetting the successes and failures of past struggles.
>
> Pickerill, J. and Chatterton, P. (2006), *Notes Towards Autonomous Geographies: Creation, Resistance and Self-management as Survival Tactics*, p 735

Throughout the story of law and resistance, social centres and their suggested law, the right to the city, spatial justice and the commons, runs a confluence, a narrative, one that twists and turns and renders moments of theatre. To say that the commons creates theatre, is to underline the dramatic struggle that the

commons conjure, both through the fight over the management of resources, and the disparity in philosophical and economic approaches used in how these resources are claimed to be rightfully managed. The commons (as reminiscent in social centre law) are an historical process and product, thus with all the melodrama – and no least, tragedy, attached. Elinor Ostrom agrees, and writes in the aptly named edited collection of essays *The Drama of the Commons* (Ostrom *et al.*, 2002: 4):

> Three decades of empirical research have revealed many rich and complicated histories of commons management. Sometimes these histories tell of Hardin's tragedy. Sometimes the outcome is more like […] comedy. Often the results are somewhere in between, filled with ambiguity. But drama is always there […] because the commons entails history, comedy, and tragedy.

The theatre of the commons is played out through social centre law by a diverse set of actors, no more disparate than those that may take part in the running of a social centre or a protest occupation. The story of the commons has moved on from its historical setting and re-cast in the shape of the postmodern city. To speak of the commons is not just to speak of the past, but is a story that resides in the now, through movements such as the squatting and social centre scene. To use a theatrical lexicon is to underline the turbulent history (and ongoing, extant development of new commons such as those of social centres) of the commons. The drama comes from the various actors and their consequences enacting the plot that keeps being re-told – the fight for the commons, the fight over property rights, the ongoing fight of law and resistance.

Due to the variant perspectives, there are therefore, as we well know, both happy and sad endings, depending on whose adaptation one chooses to support. Echoing Ostrom's evocation of the theatrical within the commons and enclosure story, comes with it the very fitting role of performance as enaction and re-enaction, which I argue the social centres and their participants officiate in their legal innovation: the drama of the commons is also the drama of social centres and their law. The earlier discussions on legal plurality, and whether law has an essence or that it is purely performed and iterated, are reproduced in the considerations on the commons and the interjection of space and time in law. The effects of Hardin's article operate as the tragic inevitability of resource management, sketching a play – one with the main protagonist as humankind, amassing or dividing, depending on the stance or the adaptation of the scriptwriter. To translate the *performative* characteristics of squatting and social centres into the comedic version of the commons that social centre law manifests is an alternative narrative to that of the tragedy of the commons we are used to. Whether farce or misfortune, understanding Hardin from either an individualist liberalism or the standpoint of Ostrom's trust and cooperation in institutional form, the commons are the stage of thespian histrionics.

From the common fields of the fifteenth century, through to the abandoned spaces of the twenty-first, there is this collective mourning, a sense of loss, a ghost that forms an historical continuum from one mercurial scene to the next. This is the theatricality of the commons, of space, time and law itself, but of course, the commons were and still are, an existing phenomenon and practice. The role of enclosure, in its various guises, has ensured the near dissolution of communal ways of life, and yet the struggle to revive and give prevalence to the commons as a space and method of living, has evolved as a result. The spatial dimension of justice is given life, a means of re-telling a story, including the parts of those both from above, and from below. Instead of commoning being reminiscent of the common field, commoning is now found in spaces within the city, as this is where resistance exceeds, where rebellion transforms, a postmodern piece on the retrieval of memory where memory-work constitutes some kind of juridical act. This link between space and justice is displayed through the taking back of land from modern forms of enclosure. This is a symbolic and actual resistance, and within it, the space and time reproduced as that which constitutes social centre law.

Considering the commons and the type of memory that social centres perform, what is the link between the resource-based commons and the reclamation of space commons? Social centres are *enacting* the commons through the creation of their own law, contingent of a comedy of the commons. This is the inverse, subverted commons that does not have to take its inevitable form of self-interest, remaining collectively organised without institutionalisation. What links the social centre movement to the history of enclosure to the occupation of space by social centres is an historical pattern etched out time and again; breathe in a life into the past via performances of and in time, allowed through the practices that are enacted within those spaces. Enclosure has been present throughout, it is a means of categorisation followed by naming, allowed through the exactitude of state law and the development of the doctrine of individual property rights. Engrossing the land during the Parliamentary Enclosures of the fifteenth century led to the displacement of peoples similarly in the colonies around the same time, resulting in the despair and wretchedness that the interruption of informal, possessory linkage with land by the formalisation of private colonial entitlement causes. The *Mabo* ruling in Australia, which recognised native title and the primacy of occupation as proof of aboriginal title, came two hundred years too late, as the informal title of peoples living on the land of colonised countries during empire were subject to the Common law only. Any informal title they may have had to their land was denied, based on the Lockean fiction of uncultivated land being *terra nullius* for the colonisers (*Mabo and Others v Queensland* (No. 2) [1992] HCA 23). Just like indigenous settlements and connections with land, forms of collective and community property arguably retained through performances of rituals and practices that are not written (concretised rather than categorised), the transient and spectral presence of social centres and their participants repeat this informal linkage, in occupation of land and property through the performance of nonlinear informal legality.

Both the performative archives of law and resistance and a law of resistance recall memory, and yet they arguably recall different memories. State law seeks to recall enclosure as a means of legitimacy for the doctrine and categorisation of individual property rights. Social centres and resistance movements, particularly those that use land specifically as a form of occupation protest, recall and re-enact the memory of the commons as opposed to enclosure. Interestingly, both resistance and law argue they constitute and promote justice, linking memory and archiving with the restorative and memorial process of the reclamation that social centre participants enact.

Given that, how, you might ask, does remembering movements from the past or similar political leanings and reinvigorating their practices *perform* an *archive* as such? When we usually think of archives we perhaps consider them as dusty libraries or haunted old vaults, filing cabinets full of brown paper, A4 folders bursting with memorialised minutiae, or seemingly sepia-tinted display cabinets accounting rare and precious artefacts. This image of the mausoleum or the museum does not remind us much of what has so far been intimated as an *action* of archiving, and is much more a *static collection* of things and beings. It is my conjecture, repeating the thoughts of Derrida who relates archiving specifically to the performances and practices (formerly language-based and latterly shifting to corporeal performances and beyond), that archiving can relate to collections *per se*, as well as the act of collecting and recording that is as much a vestige of practices (such as social centre hand signals in meetings) as it is a documentation of material relics. Following from Barad, I would further argue that it is this performative, entropic and agential character of archival practices that can also produce material results as part of an archive (such as the designated archive of 56a Infoshop). Thus, referring to the question at the beginning of the paragraph, by either consciously collecting material remnants of movements we wish to preserve (like the 56a Infoshop example), or purely through re-taking a building symbolising the contestation of space and organising the zone in accordance with alternate, collective ways of living, this constitutes performances resulting in, material or otherwise, archives. Campbell (2013) has echoed this emergent character of the archive in her commentary on the great archive of international jurisprudence that has been produced by the International Criminal Tribunal for the Former-Yugoslavia (ICTY) and its function as a 'mnemonic' system that produces 'legal memory' (2013: 247). Campbell sees the archive itself as not purely a mechanism of recording but also shaping and moulding what is being recorded at the same time, in a similar understanding of how archives created with alternate intentions (commoning or enclosing as an example) can produce differing versions of the same memory. It reminds us of the container and the contained of entropy, the measurement of a stage, and actual state of a system at once. Not far removed from Barad, Derrida, mnemonic memory and entropy is speculative realist Hägglund's description of arché-materiality of the matter of time as space. Hägglund repeats Kantian 'succession' in which 'time has to be spatialised in order to flow in the first place. Thus, everything we say about time

(that it is passing', 'flowing', 'in motion' and so on is a spatial metaphor') (2011: 119). It is this spatialisation of time that I see as the same as re-occupation and re-enactment, the process and the product, to archive and the archive, the container and the contained that expresses the agential and memoretic outside, inside and liminal divisions of law, resistance and laws of resistance.

In Mulqueen and Tataryn's piece in Law and Critique, they speak of an 'un-ravelling and un-working within social movements that constitute law through community', similar to a process of a 'becoming' or 'continuous becoming' resonating Michael Blecher's 'justice as continuous becoming' or his understanding of 'law in movement' (2012: 291). This is reminiscent of the process and product of the archive, a 'contentious performance' as exemplified in the social movement work of Tilly (2008) and Castañeda (2012). This becoming is a movement between linearity and non-linearity, a process and product of archiving that is a performative enaction. What is performativity however and how does it explain the performance of an archive? Performativity is a body of theories locating the social world as constructed by a series of repeated acts of language and behaviours. Language is not merely regarded as a medium, but constructs the substance and meaning to that which it communicates at the same time as transmitting it (Austin, 1962). In recent years, this body of poststructural theory has extended to corporeal practices, whereby repeated acts are argued to form our identity with less or no placement of an innate personhood or identity (essence) at all prior to the practices we perform (Butler, 1988, 1990, 1993, 1997, 2013). This is the same for language, the meaning purely existing within the context of the communication of the text and not before. Latterly, these theories have been extended to the performance of matter itself, whereby matter is argued as coming together as a result of repeated performances of both the human world and that of the natural environment, to create physical manifestations (Barad, 2003, 2007, 2012). Performativity is an aspect of what speculative realist Quentin Meillassoux terms as 'correlationism', the 'idea according to which we only ever have access to the correlation between thinking and being, and never to either term considered apart from the other' (Meillassoux in Bryant *et al.* 2011: 3). This correlationism is strong in poststructuralism and performativity where there is no such thing as that which exists without a performance of the senses, there are no '*noumena*', objects and processes external to our perception. Interestingly, speculative realism moves away from this towards a 'materialism' that understands, in Žižekian terms, the reality we see never complete because there are parts that evade us but because there is a space we cannot see, a zone which is ourselves placed in an noumenally external zone (2006).

In terms of how performativity is useful for understanding the social centre archive, as well as the archives of state law and resistance too, is to understand a simple description of the process as a series of repeated acts contingent of law and resistance, which come together to happen a legality at given moments in space and time. Performances and performativity can explain the accumulation of states (practices), which in turn furnish artefacts of a law of resistance, where

purely through *praxis* or material examples of the social centre archive such, as the specific archive at 56a, or even so far as to exemplify the taking of a building in the first place, a law is performed. Performativity is essentially the process and product, the Baradian *agential*, and the potentiality and entelechy of *re-occupation* and *re-enaction* that we have been discussing so far.

First the role of memory in resistance will be turned to, understanding the motion of remembering in the re-enactment of the commons (by resistance movements and the re-enactment of enclosure by law) and the call of justice and responsibility. The performative manner of social centre law and how this describes social centres' re-occupation and re-enactment will be explained. This summary of performative literature and its context within this account of law-making will explain the difference between the performative and performance, where performances actually relate to mimicry as opposed to agential processes, which are iterated through performativity. The spatial element to social centre law is the location in which social centres perform their law through re-occupation. The temporal element is exemplified through their re-enactment, the processes and products of -materiality. What will become clear is the very temporal nature of performance, conjuring a plurality of points in time coming together in the past, present and future which as such may denote a linearity and nonlinearity in process.

Memory and archive

Returning to the motion from commons, to enclosure (injustice), and re-occupation and re-enactment as social centre law, here there is a return full circle to justice. Justice is persevered by social centres through memory retrieval, a kind of remembering not to forget. This is how apertures are re-occupied communally in order to assert a form of contiguous justness by re-enacting the ethos of the commons. We spoke of the role of justice and how this is the concern of a law of resistance, equally expressed in relation to its central role in both social movements and the underlying the causes of due process within the institutionalisation of state law. We have also spoken of spatial justice of specific relevance for this investigation of physical squatted zones of landed realty.

The demand to respond to the call of justice also speaks to our responsibility for the past and for the future, and the social centre movement's concern for expressing this by the contestation of space in a collective manner. Drucilla Cornell speaks of the seemingly lost concern of responsibility within politics of recent years, post-9/11 ideology linking memory within negative references to the past in order to secure the futures of the very few. She states that this philosophy is 'to denote the fate of an eternal recurrence that wipes out the possibility of any meaningful moral agency where we have no choice but to go after 'them' because this is the way the world must be' (Cornell, 2008: 138). Within this, however, is an opportunity to see the injustices that have been done. Responsibility is inextricably linked with justice through memory.

According to Derrida in his *Gift of Death* (1992), responsibility comes as the decision of law is made, and creates the moment of all historical connections (Derrida, 1992: 5); our responsibility toward memory regulates the *justesse* (appropriateness) of human behaviour. In Derrida's *Force of Law*, justice is the incalculable and the law as the calculated, it is the sense of responsibility without limits, the digging up of memory, the task of recalling history and the infinite demand of securing integrity. It is this drive of memory and responsibility that reminds me very clearly of the concerns of the social centre movement, and their archiving of the memory of the commons for the betterment of moments in the now, and the future. To be responsible, for Derrida, is to not forget, as to forget is a mechanism of the death-drive, and one whereby its violence propels injustice; the antonym of forgetting is not remembering but justice (1992: 77). To know and to activate memory is to understand where one has come from, and thus without knowing, there can be no future. This is what social centres are proposed as achieving through the performance of a law of resistance – that which enacts and happens as the result of an *archive*.

Memory-work is either a covert or an overt consciousness within social movements (and thus social centres), the striving for reparation to be made for past mistakes and the representation of the wonts of previous generations, through the now. Gathered together, memory and the project of putting right that which happened in earlier times, is a form of restorative justice. As Valverde points out (1999: 663):

> The fleeting presence of justice in the work of social movements is effected largely through memory work, through remembering the injustices and genocides that must never be forgotten; but this work is never complete, and so justice is never achieved in these movements […] Indeed, justice is negated by social movements every time they authoritatively claim to divide the just from the unjust in a definitive manner – in precisely the same way that justice is always necessarily negated in the workings of law, even what one might call good, progressive law.

Resistance and laws of resistance are like ghosts, like Derrida's spectral justice, they rely upon memory, resentment, forgiveness and history. Whether justice is negated or not through the operations of the squatting and social centre movement, the role of remembering, and not forgetting, is clear. There is similarly a role of memory within the history of the commons; the commons are reawakened through the memory of the past, and the commons stand for the past itself.

Memory has enjoyed considerable attention within the humanities and social sciences in recent years. Whether the focus is on an individual unforgetting or that of a collective nature, the subjective and experiential formation of memory is one that pervades postmodern and twenty-first century theoretical literature (Radstone and Hodgkin, 1997; Nora, 2002; Kristeva, 1983; Ricoeur, 1965). 'Memory-work' includes collective memory, whereby individual experiences

connect together to create a bond, and a look to times past where instances of justice were unrequited. According to Fentress and Wickham, the turn to memory is the turn to 'a study of the way we remember as the way we are' (Radstone and Hodgkin, 1997: 2). By locating a nod to recollection, there is a consideration of an ontological kind, one that shapes the 'inside' of history and placement within the cataclysms of time. It is a debt and responsibility to take note of these memories in order to shape the prospects of society on a macro-scale.

This interior consciousness is an individual experience, and is replicated in a grander form as it reverberates through a culture, a group act of not forgetting. The histories of memory are the histories of subjectivity (1997: 3) and this becomes a collective presence, a ghost, within the vaults of a societal mind. Whether it be trauma, or nostalgia, events of past life-worlds blur the lines of temporality through their recurrence in the now. It is not just events or atrocities that occurred, but those that could have been, those ideas that were malnourished and died in their infancy. These are carried through to now, to the future, in the hope that they can be exacted and unfinished projects, continued. These images and happenings come back as apparitions that cannot be ignored, through their intensity, and through their manifestation within the contours of everyday life. This is where social movements not only act on such presences, but they cannot survive without them, and similarly social centres too.

This move between histories of the past and the present and the future can be useful for an understanding of archiving, and in particular the *performative* kinetics of social centre law, and equally that of law and resistance.

Speaking of memory and performance connotes the coming together of the two as a noun and verb *archive* and *archiving*. Archiving is a science and one that seeks to 'preserve' and record documents or information for future use. To be an 'archivist' is to contribute towards the 'archival science', creating a space where artefacts can be stored, and retrieved. Within the social centre movement, there is a self-awareness and wish to record. The time-mesh (timeline), as well as the concerted efforts to raise awareness of similar causes of the past and contemporary forms, are the elements of this archival science. Archiving is also a memorial process, and within this thematic of the past and future and memory retrieval, resounds Derrida's 'Archive Fever', neatly placed as a work on memory as an enactment, and a performative formation.

According to Derrida, *'arkh'* connotes *commencement* and *commandment*, both beginning and action at the same time (1996: 1). Consequently at the same time as the act of recalling the archive, the archive is the start, and it is the origin. 'Archiviology', the science of the archive, is the archive as categorisation, as a record and method of recording (1996: 40): 'The archivisation produces as much as it records the event' (1996: 17). One way of destroying the archive is through forgetting, through the portals of the death-drive, that of nostalgia (1996: 10). The archive takes place at the breakdown of memory, Derrida stating it working against the nihilism of forgetting, drawing on the outside in order to replicate and iterate, performing the archival project (1996: 11). The archive, being a process

Social centre justice

The practicalities of opening up a building, giving it 'spatial justice' and making it accessible to anyone not part of the social centre collective, is revealingly less simple than the theory would suggest. Interestingly, The Library House collective admitted to finding this opening up a difficulty when they had to compromise their own space in order to maintain the principles of an openness and spatial justice. This was a residential space as well as that of a social space, and thus there were tensions that were felt and experienced between the two zones, so-to-speak. They had to deal with members of the local community that would turn up, and they could not turn anyone down, even if they did turn up again and again after they had asked the person not to come back. The individuals that used the centre were those, they said, that were excluded from the dominant system of care, and had mental, alcohol, abuse and drug problems. They relayed that they were ultimately counselling people when they were not qualified to do so. Yet they said that those that came in said that they benefited from the care and support of the social centres, as the difference in treatment they received from institutions was marked. The official institutions gave them a feeling of being judged of which they did not feel at The Library House, at the centre there was no judgement at all. By giving back to the community, being responsible, they were also giving those who had been previously judged and allowing their own form of opportunity for justice and responsibility. Simultaneously, the concern for the part of the building that was used more 'privately' by the social centre participants, indicates the presiding role of the right to exclude not just in its legal admiration, but also a practical reality given the dynamics of living communally where the division between public and private has been transformed.

and being an event at the same time, is performative (1996: 67). It feeds into drama and theatre:

> Dramatic turn, stroke of theatre, coup de théâtre within coup de theatre. In an instant which dislocates the linear order of presents, a second coup de theatre illuminates the first. It is also the thunder-bolt of love at first sight, a coup de foudre (love and transference) which, in a flash, transfixes with light the memory of the first. With another light, one no longer knows what the time, what the tense of this theatre will have been, the first stroke of theatre, the first stroke, the first. The first period.

Due to the performance and creation, the archive concerns a projection into the future, and this is again where the compression of temporality is most prescient in terms of why social centres archive, giving structure to a form of utopianism. To archive something is to record it for future referral, deferral and use. To archive would assume a turn to the past, a consignment of memory (1996: 33), but as Derrida explicates 'the archive is never closed. It opens out to the future' (1996:

68). By the moving away from unhelpful repetition, the fatality of the archive is quashed, opening out to the future, the archive being 'an irreducible experience of the future'. It is the *l'ã-venir* (to come), linked to the obligation and responsibility of the archive (1996: 75). Archive is 'a question of the future, the question of the future itself, the question of a response, of a promise and of a responsibility for tomorrow' (1996: 36).

Returning to social centre law in order to ground this dense account of what it is to archive, archiving percolates throughout this proposed law. It is not just a mechanism of record keeping, but a way of recounting what has happened, cataloguing it, for use in times *ahead*. The archive is how law, on a general level, accounts for itself, by placing layer upon layer of precedent in a juridical act, which is the same motion for social centres with their law-making process and performance. There are numerous examples of how social centres archive, not least their use of infoshops, their blogs and websites and their connections with other causes of a similar scope. As an instance, 195 Mare Street held an event named 'Past, Present, Future' where they discussed the history of the collective and the space, and how projects may be run and continued in the future. Similarly demonstrating archival processes are the thousands of autobiographical pamphlets and leaflets, the internet links and articles; the research into squatters' rights, the organisation of self-management and the record of the time-mesh itself. These are the material examples, and yet immaterial practices produce archives, whether tangible or otherwise. The oral and unwritten vernacular of social centres, their carnivalesque informality expressed and manifested in autonomy-as-practice and autonomy-as-placement, can create archives that are either insensible, or determine product as matter in the form of an archiving nonlinear timeline. Even the very taking and possession of land is a form of archiving, much like the original clod of earth as *seisin*, soil held in one's hand as proof to the local community of the ground in which someone resided. That proof, an early form of deeds, was not a paper title, but an earthly connection with the land *archived through seisin*, the surrounding community accepting and endorsing one's rightful temporal association with the land as proof of title alone. The clod of earth was a proleptical example of the institutionalisation of individual property, moving from custom to formal written entitlement of paper-title, now further removed from the earth through the advent of e-conveyancing. The taking of a building is the same possessory archiving of entitlement, social centres using their knowledge of the right to exclude as their contemporary archiving of *seisin*, in order to remember and enact their collective commons.

It would also be the argument of this work that not only does a law of resistance achieve this archive but also so does state law, whereby cases and statutes conglomerate as a body over time in order to allow law to refer back to its past to create future jurisprudence and legislation. As we have spoken of so far, the law of the state archives the memory of enclosure, which is the positive naming and categorising of rights through its own ends, bodies of jurisprudence, decisions and common law that bring forth a body of law referred to in order to

inform the now, and indeed the future. The future of state law is where the role of *precedent* is guided by the archive of common law preceding a ruling, constituting the archive and shaping the decisions of future cases. It is ironic perhaps, the fact that English state law is termed the Common law, when it's performance is based on enclosure, and yet as we have discussed also, whether through procedure alone or moral encumbrance, representational state law's concern albeit propelled though the monopoly of violence, has always been fundamentally for justice and fairness.

The archive is not just about the past but the future, and even more so the *now* for social centres, the temporal element important to consider and explain the process and movement of social centre law and the distinction between law and resistance, or indeed the lack thereof. Archiving actually demonstrates that performances of memory are not about the past at all, but a learning, a *re*-collection in order to assimilate actions and performances of a given moment and beyond into the future. The Derridean *to come* is also asserted through the 'promise' as a form of archive whereby the process is more concerned with the remit of the imminent, the impending and what comes next, as much as it is about the moment of lived in time; a conscience determined through not only memory, but also promising. Derrida's memory and archiving is uttered through the form of the *spectre*, the haunting, the promise, and responsibility, casting a means of accepting the past within the now. His thoughts on law and the writing of the American Constitution in his 'Declarations of Independence' are particularly prescient, whereby the Charter is supposedly descriptive of the past and yet at the same time prescriptive of sometime in the future (1987: 21). It is the no man's land between conscience and the law and is a performative form of hope (1987: 38).

Archiving creates layers and platforms of information and keepsakes for future use. In order to refer back to them, Benjamin's use of the term 'digging' is illustrative (Marx *et al.*, 2007):

> He who seeks to approach his own buried past must conduct himself like a man digging. He must not be afraid to return again and again to the same matter; to scatter it as one scatters earth, to turn it over as one turns over soil. For the matter itself is only a deposit, a stratum, which yields only to the most meticulous examination what constitutes the real treasure hidden within the earth: the images, severed from all earlier associations, that stand; like precious fragments or torsos in a collector's gallery […] in the prosaic rooms of our later understanding.

Benjamin was a writer of the archive, the manner in which he has recorded and gathered his work together reminiscent of the archive described by Derrida, and that epitomised and embodied by the social centre movement. His own archive, and then the archive that emanates from his historical reinterpretations, is inspired by a form of digging, like splicing through the geological layers, recovering the minerals and elements of the past in order to dissect and learn from them

for the future. This is the excavation of memory that which involves digging, where the digging is the medium and reignites times gone by. This is the genius of the 'collector' of which Benjamin speaks, exemplified by his quote about a dustman, whereby those who exist on the fringes still catalogue and collate in order to preserve and enlighten the surrounding environment (Benjamin, 2007):

> Here we have a man whose job it is to gather the refuse in the capital. Everything that the big city has thrown away, everything it has lost, everything it has scorned, everything it has crushed underfoot he catalogues and collects. He collates the annals of intemperance, the capharnaum of waste. He sorts things out and selects judiciously: he collects like a miser guiding a treasure, refuse which will assume the shape of useful of gratifying objects between the jaws of the goddess of Industry.

Benjamin explains that 'the life of a collector manifests a dialectical tension between the poles of disorder and order' (2007: 7). This continual recording for the future is constantly being reinvented, constantly ensuring it captures and represents the chaos and the order, in order to maintain the order of chaos. By preserving and recounting the past, there is a nod to justice, whether temporal, spatial or in general. Social centres and other movements replicate this form of memory retrieval and digging; evidence of a movement is *collected* and accumulated in order to show the world they exist and to tell other movements of their cause.

In recent times, and during the St Paul's Occupy protests, this role of archiving was essential to its functioning and the creation of its narrative as a movement. Gledhill (2012) speaks of how the movement learnt to document themselves through digital media, publicity and imagery, prompting what has been termed as 'design activism', similar to the old 'culture jamming' subverts first inspired by the radicalisation of propaganda and advertising led by Karl Lasn and 'Adbusters'. Grounded in a theoretical, legal, philosophical and artistic critique of the global media, the essence of culture jamming was to 'use the momentum of the enemy' (Lasn 2000 in Klein, 2001: 281). This is a phrase often used in *jujitsu*, and has been appropriated since by Lasn to apply to this form of subverted advocacy created in order to show the horrific truth. The aim of this form of advocacy is to uphold not only the right to freedom of expression, but also the right to question and be heard. The main source of inspiration and information on the phenomena of culture jamming is Kalle Lasn, editor of Adbusters magazine – the website, periodical combination – alongside his work *Culture Jamming: How to Reverse America's Suicidal Consumer Binge – And why we must* (2000). Activists of this nature, with such an emphasis on challenging and using the law at the same time, have even been described as representing 'an emerging popular legal culture' (Coombe and Herman, 2000: 597). This form of resistance is archived in the online pages of Twitter, Facebook of Occupy, similar to that gathered by Adbusters in printed magazine format.

The use of social media as an archival tool whilst at the same time being an affective archive, is reminiscent of Derrida's digital form of the archive. For Derrida, part of the archive is *spectralisation* involving the 'technicisation of the world and of the human and the human experience of time'. This is the digitalisation of memory support systems, whereby memory is shortened, time is compressed as it is archived and present conceptions of history, inheritance, memory and the body 'need to be dramatically reorganised as the processes of evolution are accelerated at speed' (1987: 38). This increased potentiality of time within unconscious memory arguably has changed the relation of the subject to dimensions of time and space. Previously, memory was seen as a 'mystic writing pad', but Derrida argues that the writing pad has been replaced with teletechnology as the most applicable method of dealing with unconscious memory. This performing archive relays the coming together of space and time as that described through the remit of the Benjaminian 'aura' where time and space are compressed as one in the now (Clough, 2000: 385).

Occupy prompted collections similar to those of institutions like the Museum of the City of New York and the New York Historical Society, inspiring the creation of Occupy Museums (OM) who *took back* the Museum of Modern Art (MoMA) in New York in January 2012 (2012: 346). According to Gledhill: 'The museum's collecting around Occupy has stimulated offers of self-archived material from other social movements […] building both the infrastructural capacity and methodological criteria for preserving this material represents a colossal paradigm shift for collecting institutions, whose identity has hitherto been constructed around materiality' (2012: 346). Occupy London has done similar to its North American counterparts, creating 'Occupy Research' and 'Occupy Design', prompting the gathering together and archiving of its social media with ideas of donating a centralised digital collection to the Museum of London. According to Gledhill, the Museum of London is exploring the use of Creative Commons licensing when making its oral history recordings with Occupy participants available online (2012: 347). Protest in museums demonstrates this archival element so clear within the social centre movement and so too in the collation of identities past and future of movements of protest of the now.

The use of education is an important element of both the social centre movement and recent Occupy movement, whereby archiving is both prescriptive and descriptive as a form of recording and learning. The Occupy LSX created the *Bank of Ideas* in a disused building owned by the United Bank of Switzerland on Sun Street (Gledhill, 2012: 342), which after its eviction prompted the creation of the 'School of Ideas', opened in a disused school building on Featherstone Street. This is in similar vein to the 'Really Free School' movement of the social centres the preceding years in London. As mentioned previously, the role of radical literature has always been the focal hub or archiving social movements, from Marx and Lenin's writings to the more recent examples of *Reacciona* (2011) and The Invisible Committee's The Coming Insurrection (2009). Other examples

of radical movements' archival writings are the 'Colectivo Situaciones' (Buenos Aires, Argentina) (Bookchin *et al.* 2013), 'Observatario Metropolitano' (OM) (Madrid, Spain), 'Mosireen Cairo', Egypt, 'Sarai' (New Delhi, India), 'RAQS Media Collective' (New Delhi, India) and 'TIDAL: Occupy Theory, Occupy Strategy' (New York, USA).

Through considering the coming together of memory and performance, the archival quality of social centre law, as well as that of law and that of resistance, comes through as a process and product, a noun and a verb. By demonstrating this through the archives of social centre law and that of state law, there is a difference delineated in performance being the *content* of the archive and the memory of the commons practiced through self-management. State law performs the memory of enclosure through institutionalisation asserting a reification and legitimation dominating other expressions of social organisation. Social centre law acts on the now, its archive demonstrating the nonlinearity of its performance.

Performance and performativity

The lack of essence within law assumes that law is something reliant upon certain circumstances and emergent properties for it to become manifest; a historical accumulation at different junctures. These are continuous processes that happen upon each occasion of the social centres' meetings, activities and resolutions, whether oral or written. As though the shock itself and then the not knowing (Derrida, 1992: 54), social centre law moves around, in and out of the liminal space of the proprietorial right of resistance of state law, the semi-autonomous a-legal vacuum of a law of resistance; within and outside a proper and an improper. Given this, the function of social centre law is its *necessity*, the non-essentialism that can be explained through the movement of the performative. The performance of the law is thus a collective action, or 'act'. Using the word performance suggests a new branch of explanation entirely. If social centre law is performed, the archiving of the commons is a 'performative act'. Using a legal pluralist assumption of an anti-essentialist form of law as displayed through Tamanaha, coincides with a performative consideration of social centre law. This can be inferred through both Teubner's legal performativity, and so too the propositions of poststructuralism.

According to McDonald 'the term performative is undoubtedly among the more complex and ambiguous in the vocabulary of modern literary theory' (McDonald, 2003: 57). The term straddles the disciplines of performance studies, literary theory, psychoanalysis, law, queer theory and gender studies, to name but a few (Worthen, 1998: 1094). A performative understanding, whether connoting performance or *performativity* (the difference of which shall be explained shortly), relies on some ground-breaking shifts within philosophy, most notably the 'linguistic turn' that occurred at the behest of poststructuralism, in light of structuralist approaches to language and meaning. Ferdinand de Saussure (2006

[1916]), following closely from Wittgenstein's 'language games' (1953), described meaning within language as always contextual, starting the turn to discursivity within language. The 'sign', 'signifier' and 'signified' within a word, here sees language as structured, where what is connoted is separated from its representational sign. Thus, in this sense, language is representational. The performative and linguistic turn within the social sciences and humanities meant that instead of representation in language, there was then 'presentation', much like the level of coeval directness we find within the practices and actions of social centre law over institutionalised representative democracy. This perhaps returns us to the discussion on constituent and constituted power – presence and re-presence – which we had back earlier in the text. On a linguistic level, sixties philosopher and linguist J. L. Austin coined the term performative whilst trying to portray language's affective (or agential) force; by this he gives examples of marriages, promises, declarations of war, where the use of words also brings forth action, and those that have their effects, their affects. In this sense, societal conventions, 'performative utterances', mean that language is not just something that says, but it *does*. According to Austin, 'to say something is to do something' (1962: 12). In the same vein, so too did Heidegger claim that 'language happens us', whereby language is constitutive of rule-governed speech acts that are grounded in the social circumstances and the intentional processes of the agent (McDonald, 2003: 57).

During the seventies and eighties, Derrida overturns this conception of the performative and places language as that which also gives way to *unintentional* meaning, consequences and interpretation. Derrida proffered to see language as a sequence of self-referential 'text acts', whilst simultaneously critiquing semiotics through his 'metaphysics of presence'.[1] Despite the fact that there is a shift in meaning, language is still performed; it is in the act of saying, it is altering the meaning through its performance. Thus, not only is language and its connotation unstable, but also the subjectivity that is performing the speech act. By assuming Derrida's 'deconstruction' of language, this demonstrates 'the constructed and therefore unstable character of discourse and subjectivity and of culture in general' (Dunn, 1997: 691). The Searle–Derrida argument concluded language was indeed non-rule-governed (and could be more so) (McDonald, 2003: 57). This discussion of performativity has stretched to understanding identity, most notably through the work of Judith Butler (1988; 1993), where the focus on language, and an assumption of language as a self-referential poeisis, leads to the same for behaviour. Barad explains that (2003: 802):

1 He denied there was a direct link between signifiers and signifieds, thus rendering absolute meaning as the link between the two, void. According to Derrida, signs operated as a continual deferral from other signs, with the gap of meaning created in between as that of *'différance'*. This means that there is an infinite regression of deferral that happens within language, as the meaning shifts each time language is used. In this case, the user of language lacks entire control over the creation of meaning, and the intentionality of their choice of words.

> A performative understanding of discursive practices challenges the representationalist belief in the power of words to represent pre-existing things. Performativity, properly construed, is not an invitation to turn everything (including material bodies) into words; on the contrary, performativity is precisely a contestation of the excessive power granted to language to determine what is real.

In addition to Butler, Barad (2003; 2007; 2012), Pickering (1995), Haraway (1985) and Latour (2007) have all been associated with social scientific uses of the term. In Butler's first article addressing perfomativity in 'Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory' (1988), she presents the body as an 'historical experience' rather than a natural species (1988: 521). This non-essentialist account of gender is underpinned through the very same lens as that of Austin and Derrida, the performative being that which 'enacts or produces that which it names' (Lloyd, 1999: 197). For Butler, the intentionality of the performative is always limited by the societal constraints that bound it, or in her terms, the 'iterability of the sign'. Thus, the repetition of an act is central to Butler's performativity, and in this sense differs from that of Austin's and at the same time taking from Derrida's, as the performative and the performer are one and the same (displacing the idea there is an autonomous agent that performs performative utterances) (Lloyd, 1999: 197). Instead of singular events, perfomativity is determined by 'citational doubling', gender as that which is produced and reproduced through the 'stylised repetition of acts' (Butler, 1998: 519). Lloyd describes Butler's understanding of performativity as that which 'operates through the 'reiterative power of discourse to produce the phenomena that it regulates and constrains' (Lloyd, 1999: 197). Performativity in this sense is seen as an historical moment, a given enactment, a reproduction of an historical situation (Butler, 1998: 521). It is at once dramatic and non-referential, non-essential (1998: 522). The reification of gender through performativity for Butler is achieved through repetition, which gathers as the appearance of what we learn as the substance of gender (1998: 519); instead of a 'natural' assumption, gender is performed through layers or 'sediments' (1998: 523). Performativity underlines not just what is socially assumed and expected within society, but it offers a form of hope, in the sense that if such *performances* are merely those that each agent acts in adherence to, whether they like it or not, then there is always room for manoeuvre. If society is a construction, then it can be de-constructed, and re-constructed. Imagine the same process for other settings other than gender, writing, speaking, such as law and resistance, and the possibilities this opens up for other ways of legality.

Social centre law is this work's example, and to return to social centre law is to propose social centre law as performed, using Butler. Acts are the constitution of the performative, the practices and movements that are the everyday construction of social centre law that are produced in an historical

instant. As acquiesced by Butler (1998: 519–531): 'As a given temporal duration within the entire performance, "acts" are a shared experience and "collective action"'.

There is an interesting distinction between the performative and performances expressed in social centre law – performance can explain some of the appropriation of state law characteristics such as the semi-autonomous placement of squats and squatters' rights through the use of the right to exclude, and even the material archival process itself. Whilst the creation of totally alternate forms of social organisation and manners of archiving based on nonlinear informality as opposed to state law formalism can be seen as expressions of totally new performative archives. Butler discusses the distinction between mimicry as copying and re-creating acts that are performances, and the performative as acts producing new iterations from the act previously which the appropriation of state law and creation of entirely different law by social centres illustrates.

Butler considers performativity a collective historical mapping, one that repeats itself in each agent, in the form of mimicry. This is reminiscent of Luce Irigaray's mimicry and masquerade (1985: 76–89). Just like Aristotle's aesthetics, as 'for him, to imitate (mimesis) has nothing to do with copying an exterior model. "Mimesis" means rather a "re-creation"' (Boal, 1974: 1). Suggested by anthropologist Victor Turner, in his studies of ritual social drama, is that in order for performance to be an 'act' as such, the repetitious anatomy of the performance renders re-enactment and re-experience of a postured set of meanings (Butler, 1998: 526). In this sense, the performance is of a ritualised form of legitimation. Gendered modes (for example), are for Turner, seen as social laws made explicit (1998: 526). As these are the effect and affect of constraint upon the free will of the agent, the repetition is something of a compulsion, whereby in order to transcend these expectations 'the option is not whether to repeat, but how to repeat or, indeed, to repeat and, through a radical proliferation of gender, to displace the very norms that enable the repetition itself' (Butler, 1990: 200). The difference between performance and performativity is thus an important theoretical distinction. The role of theatre and parody within performance is obvious, but according to Austin's originary thoughts, utterances are construed as void or without affect if they are part of a performance, in the theatrical sense; they are perceived as hollow (Austin, 1962: 22). However, for Butler, ordinary speech acts and theatrical performances are underpinned by the same citational practices; performance and the performative falling under the same social conventions (Butler, 1993). Instead of being void of meaning and hollow, the performance remains a bounded act, but one that is differentiated from performativity. Performativity repeats the behaviour that precedes the performance, therefore the performance itself is transformative, shifting away from the conventional expectations of the agent (Lloyd, 1999: 202). This is where the re-working of the social coding can take place, the process of 're-signification' where the performance is the expression of the will and choice of the performer (1999: 202).

I would argue there are performances of state law admiration by social centres that represent citational doubling, whilst at the same time the manner in which these state law practices are co-opted brings forth a resignification of what it means to enact law, whether copying methods of formalised law or the positing of other forms of legality entirely. Social centres also specifically *re*-occupy and *re*-enact, which infers performances and mimicking the moments of the commons too. Either way, performativity is a means of transgressing the bounded acts of positive law in both the performative and the mimicked.

If both state law and social centre law are performed, then the performance of social centre law is the re-signification of legal codes, in semi-autonomous proximity to the shackles of the pleonastic state law. The performativity of state law, results in the performance of social centre law, and the same vice versa – the more the state encloses, the more nonlinear informal forms of resistance will accede; the more empty buildings are squatted despite the incursion of state law, the more state law will find ways to enclose. This performance is where social centre law mimics state law through its archive, where the preservation of law for referral in the future is copied, but *transformed* by social centre legality. This transformation is a swap for the *memory of enclosure* for the *memory of the commons*. There is a theatrical element that allows for reinvention and alteration, as argued by Butler (1990: 526):

> Just as a script may be enacted in various ways, and just as the play requires both text and interpretation, so the gendered body acts its part in a culturally restricted corporeal space and enacts interpretations within the confines of already existing directives.

The script of private property rights and the monopoly of violence of state law through force, representation and the hierarchy of institutionalisation has the appearance of an assumed natural phenomena, language, symbol, history. To move alternative significations of law, there can be transformation through subversion: 'power is relinquished to expand the cultural field bodily through subversive performances of various kinds' (1990: 531).

Dolan asks: 'How can performance, in itself, be a utopian gesture?' (Dolan, 2001: 455). The non-utopian effect of performative constraints is explained as a threefold process, in which repetition can be oppression, and the incomplete character of performativity can mean it is transformative. Lloyd uses Lacan, Derrida and Foucault to illustrate this shifting potential of 'critical agency' within the production of gendered subjects, whereby a Lacanian understanding of the performative means that failure to embody the ideal is always going to happen. In addition, each time a performance takes place, something new is created through the shift in meaning and the difference, and finally the constant repetition 'creates a Foucauldian space for transformation' (1999: 200). Thus social centre law mimics the iteration of the law of enclosure to perform and *archive* the memory of the commons.

There is a story of freedom within the performative, within it residing the 'possibility of contesting its reified status' (Butler, 1990: 520). The performative is the moment that law and resistance infect each other's agency in a performance of law of resistance, a third space prior to institutionalisation; it is the creation of law and resistance that moves away from an originating question, a natural law. It is a realisation that both law and resistance are enacted and rely on their legitimacy or the opposite through *archiving*. Revolution is a part of the performative, it echoes creation and the opportunity for spontaneity. This transgressive and revolutionary side to performativity is enacted through the *praxis* of social centre law, through the showing of alternative narratives of law, through the creation of their own.

Archiving property

Speaking of how the immaterial practices of archiving can create the material product of an archive, this echoes the work on performativity and property of Delaney and Blomley. In David Delaney's *The Spatial, the Legal and the Pragmatics of World-Making: Nomospheric Investigations* (2011), he speaks of this practical cross-sectioning or *praxis* whereby space and law meet on a daily basis, crafted by the interjecting role of power through which law is given that extra layer of force to practice (Delaney, 2011: 4). At the level where law and space comes together is a performative mapping of borders and edges, distinctions as lines of force, those channelled or deflected (2011: 4), reminding us instantly of the temporal and spatial connotations of social centre law. Delaney sees space as a realm of interactionism through which meanings are inscribed (2011: 5), an obvious precursor to a form of belonging or propriety, a sense of ownership of space. He argues meanings are thus those produced proactively, as performed through bodily components, with the kind of meaning of the most profound significance for the production of social space as that of *legal* meaning (2011: 5).

Barad links between the coming together of matter, and an expansion of performative-based theories, to our understanding of becoming whereby we may be able to understand how 'matter matters' (2003: 803). Delaney's use of Barad here demonstrates the potential for performative theory to extend to materialisms that are produced and built, those examples of property that are in fact *real* – or as a property lawyer would rather refer to them, as *realty*. This 'intra-activity' of which Barad speaks and its application in terms of performative theories of property and law give us the legal geographer's 'God Particle', the entropic and agential archive where all causal relations are contingent, opening up the possibility that, in the future, completely different effects could follow from exactly the same causes, re-signifying matter entirely (Meillassoux, 2012: 322–334). This concern for the enactment of matter has similarly been the central driving force of recent *new materialisms* and the work of speculative realists such as Meillassoux and Hägglund that we have mentioned in the text thus far.

Nicholas Blomley has also been speaking of the 'enacted' nature of property for some time. In his seminal work on geography and law *Unsettling the City* (2004), he spoke of enactments of law and space being a composition of landscapes that are at once material and representational (2004: xvii). Through his example of the verb 'to settle' he demonstrated that land and law are in a process through which people find their construction, both in abstract form and that of the construction of a building emanating from architectural drawings: here he demonstrates property as a verb and thus as an enactment (2004: xvi). The 'air of neutrality and indifference', of which Blomley identifies as space and state law's supposed essence and objectivity, is very much disputed with an 'alive' or living formulation of property, the instances of where law and space are 'spliced' together and in need of 'doing' as a continual verb (2004: 5, 22). His recent work has been drawing on the ownership model of property theorist Singer, whereby our understandings of our relations are misrepresented through the ambit of individual property rights within legal estates and the exclusive rights attached, the lack of presentation and epistemological fit leading to an incorrect computation of our inimical relationship with our external world. He therefore agrees with Singer in that: 'Better understandings of the reality of property should lead to better representations, and thus improved outcomes' (Singer, 1988 in Blomley, 2013: 4). This automatically reminds me of the shift from possession to registration in land, the move from the clod of earth to the abstract right of entitlement, where there are two realities of property – that on the ground and that in the database.

What we lack in terms of our understanding of property (and this is true to the extent that this debate is replicated through the onset of the Land Registration Act 2002 and the shift from possession to registration), is an acceptance that this performed contingency of property is not wholly described within legal rhetoric. From *seisin* we are now removed to the grid of the database. Abstract rights in paper form do struggle to demonstrate the complex enactments that allow a property to 'happen' in legal 'reality'. This differentiation between the material and abstract world we have already visited with the work of Bottomley, a return to the land itself as critiqued for its reliance on an essence of law, and that of space. But the suggestion here is that even buildings, even rocks and boulders and formations are subject to a performance, a coming together in a juncture of time and space through which either another layer in the same geological fashion emerges; or something entirely bolder and grander than the construct of its parts instead. This is the production of material archives from immaterial and agential performances, the processes and products of contingency and necessity the likes of Meillassoux, Hägglund post-correlative speculative and Object-Oriented thinkers have been probing in their philosophy for some time. The very convincing nature of the institution of individual property rights as the only legitimate narrative of law and property that there is through the progression of the continuum of formalism is challenged by Blomley, Delaney, Carol Rose, Margaret Davies and a great many other writers.

The question of which Blomley poses of most poise for this work would be what practices of disentangling from normative understandings of property are there and how can we learn about the multivariant nature of property and meanings as a result (2013)?

Performance of informal nonlinearity

Social movements have been recognised for their potential to re-order order, and this is what social centres propose through their performative self-management of law.[2] An archive is performed through self-management as a practice; how social centre law is performed, refers back to the organisation of autonomy (self-management), coupled with the performativity of the archive as a whole. Here can be explained the fundamental role of *leaderlessness*. The performance of self-management is the combination of autonomy as philosophy, and autonomy-as-placement. As we know, to self-manage is to self-legislate. This is a postmodern version of Castoriadis' collective autonomy, where direct democracy is felt in the very performance of autonomy, the legislative will of the group re-iterated by the immediacy of self-management (Curtis, 1997). This is through *performance* as *practice* (or a series of acts, to return to Butler).

According to Hodkinson and Chatterton, self-management is 'horizontality (without leaders); informality (no fixed executive roles); open discussion (where everyone has equal say); shared labour (no division between thinkers and doers or producers and consumers); and consensus (shared agreement by negotiation)' (Chatterton, 2007: 211). A characteristic of self-management and self-organisation is indeed the *leaderlessness.* This performance of self-organisation, or leaderlessness, through the self-management practices of mutual aid, *trust* and cooperation, are the key values in anarchist and autonomist thought. These are played out in *praxis*, and those that operate as a performance, an immanency that relies on autonomy-as-practiced and placed. This performance of self-management is the performance of the memory of the commons retrieved

2 The practicing and performance of everyday lives reproduces culture in a form of collective action, self-organisation, signification and power. According to Escobar 'It is out of this reservoir of meanings (that is, a 'tradition') that people actually give shape to their struggle' (1992 in Amoore, 2005: 302). Alain Touraine's sociological account of social movements portrays, for the first time, post-industrial society as an era in which it is performing acts upon itself, the result of which being 'a set of systems of action involving actors who may have conflictual interests but who share cultural orientations' (2005: 302). Thus, social movements are events that society is performing upon itself, the goal of whom, is to control historicity and the 'set of cultural models that rule social practices' (Touraine, 1977). Any resistance is couched in performing an alternative conception of social organisation, one that goes against those who control cultural models and forms of cultural production (Escobar in Amoore: 2005, 302).

through the archive of a law of resistance. Through re-occupation, and then re-enactment, the commons is integral to the self-management and archival practices of social centres but also other occupation movements. The Italian writers Quarta and Ferrando (2015) and Broumas (2015) similarly suggested such an account of commons and *praxis* bought together as the practices of occupation. This performance of a group's collective understanding is relayed as a theatrical drama, one of misfortune and farce by the social centres as they recount the tales of the commons.

Melucci also gives another sociological formula for explaining resistance in everyday terms whereby pluralities of meanings and analytical levels create actions and the construction of a 'collective identity'. This is achieved through the three axes of: the internal complexities of an actor; the actor's relationship with the environment; and conceding with the notion of strategy (2005: 304). Melucci names this the before, during and after of creation of cultural and symbolic performance as the point at which a 'submerged reality' is enacted (Melucci, 1988; 1989). Thus, these symbols are a challenge that in their creation cause 'a method of unmasking the dominant codes, a different way of perceiving and naming the world' (Melucci, 1988; 1989). This desire to take control of meanings and representations in everyday life is the desire to counter-act the forces that control these meanings. This is the re-signification process of social centre law and the role of autonomy as a self-managed performance. To be part of a social centre is to be part of 'a network of small groups submerged in everyday life which require[e] a personal involvement in experiencing and practicing cultural innovation' (Melucci, 1989). This is 'being against the world' (Guardiola-Rivera, 2009), performed, self-managed, staged – archived. In order to proceed with the law, and critique the law, ultimately there must be some performance and subversion of law, following from the discussion on Butler earlier.

Any tragedy of the commons within the kernels of history, is one that foresees a future tragedy in order to avert it, a form of self-fulfilling prophecy and an attempt to manage time. Social centres and the occupation movements lay down a law through the force of performance, through *arché* and the positing of time. This refusal of mainstream law operates in a theatrical parody, and one that ends in comedy and not misfortune, with social centres as the actors. Drama acts as the catalyst for this play to take place, a means through which the law can be lured from its lair, and social centres and other similar movements 'can show law for what it is, either the theological ground of the social or the yoke under which the oppressed are forced to march' (Goodrich, 2007: 397, 457). A law of resistance can be a form of critique of state law, and not least a critique of the monopoly of time and space in property. Criticism is a form of satire, and one that is related to drama, 'the manner of politicising law through calling attention to the mode of its scholarly or professional staging, its language and literary forms of life, plays upon the most fragile of boundaries between rule and expression, as also between self and other in both disciplinary and

Social centre comedy of the commons

Taken from a piece written discussing social centres' diffusion of rented, squatted and owned forms, the extract below illustrates the clear presence and importance of 'play' within the movement's practices and performances: it is in response to a quote referring to revolution as a 'game', to re-fuse. This is indeed echoed in the words of social centre literature (Text Nothing, 2004):

> 'That revolution, or more likely revolutionary activity, can be theorised and practiced as a game (and not as political work) might be a shock to some militants. Simply, the role of play (as one revolutionary strategy?) embodies an insurrectionary presence in contrast to the role playing or numbers game of politics or activism. The only rules are potluck and mutation, the game being played as the 'free action of individuals' for the 'joy of co-operation' to use a bit of Malatesta. Play is here and it is now, subversive in joyful, wise and confrontational essence. Wild, irrational and often meaningless (in a freeing-up way), what could be more potent than an army of fools? That play is often enacted as a vast shared secret between its players seems more like a successful model for revolutionary organising than other more traditional forms we know and don't love. This game is then the opposite of the mediated and self-conscious political movement, that is created in opposition, but defined by, the system is opposes (like Black Metal needs Christianity)'.

existential senses' (2007: 460). Social centres thus critique law through the performance of a *comedy of the commons* through archiving the memory of the commons as opposed to enclosure. The comedy of the commons is a happy ending to the commons–human–overpopulation–resources–matrix, whereby the resources are *communally* managed, or more specifically to social centres, they are *self-managed*. The memory and performance of social centre law is a subversive version of law, one that critiques state law by showing that there can be an alternative ending to the enclosure story and alternate conceptions of it. Consequently, social centre law offers us the theatrical and subversive performance of the comedy of the commons.

Since time immemorial, utopian movements have tried to demolish the divisions between art and life, and self-managed protest (or DiY protest if you remember) is roughly placed within this matrix, by taking 'utopian' demands and made them real, given them a 'place' (Jordan, 1998 in Duncombe, 2002, 347). Aesthesis, means noticing the world (2002: 348), and this is what a law of resistance incorporates through its media of theatre and performance. Subversive behaviour is the very crux of theatrical parody, and this is achieved through a critique of state law, through the creation of an alternate law. Thus by 'showing up' state law, its fallibility can be revealed through subversive critique. Speaking in the words of a counter-tyranny, Deleuze claims in his accounts of sado-

masochism that 'irony and humour are the essential forms through which we apprehend the law. It is in their essential relation to the law that they acquire their function and significance' (Deleuze, 1971: 76).[3]

Play and parody are the: 'Imitation of someone else's verse in which what is serious in the other becomes ridiculous, comic, or grotesque' (2007: 37–40).[4] Similarly, Agamben reverts to 'profanations' as new declarations of law, and new theatres. Thus 'if 'to consecrate' (*sacrare*) was the term that indicated the removal of things from the sphere of human law, 'to profane' meant, conversely, to return them to the free use of men' (2007: 73). He underscores the link between use and profanation, whereby the passage from the sacred to the profane is enacted through play. The overturning, the use of the profane is linked to the potential of the sciences (2007: 6). Social centres and protest movements are acting out their play with the law, they are profaning just as Agamben so eloquently notes (Agamben in Morgan, 2007: 47):

> One day, humanity will play with law just as children play with disused objects, not in order to restore them to their canonical use but to free them from it for good […] [T]his studious play is the passage that allows us to arrive at … justice.

Repeating Aristotle, what happens within theatre is a *mimesis*, whereby what is copied is not just so but re-created, and a product borne as a result. Given that social centres offer a re-signification of law, in this sense, they are putting into practice the *performance* of their own law as a response to the binding lack within state law *performativity*. Thus through a combination of *mimicry* and profanation of state law, social centres and other similar resistances offer an alternative to the tragic consequences of a mismanaged common resource, through their subversive

3 Deleuze delights understandings of laws of resistance with Sade's ironic conception of the institution through a rejection of law and contract and Masoch's humorous conception of the relationship between contract and law. On one level, showing up the law, embarrassing it, by creating a better and more applicable version of their own, social centre law is the law of Sade. By admiring the law of the state and allowing the law to shape that of their own, this is the masochistic streak to let the law do its damnedest. Sadism is the enjoyment in the inflicting of pain, which according to Deleuze is the upwards motion of a social centre law (normally applicable to state law). Masochism is the enjoyment in having pain inflicted, thus the downwards motion of law. By subverting law by self-legislating 'The law can only be transcended by virtue of a principle that subverts and denies its power'. From the masochist angle, the only way to uphold the inapplicability of state law is to dig it in even further, and use it for all its worth: 'By scrupulously applying the law we are able to demonstrate its absurdity and provoke the very disorder that it is intended to prevent or to conjure'. This is reminiscent of the diminishing loophole of squatters' rights (Deleuze, 1971: 69–77).

4 Agamben deciphers the origin of parody within the rhapsodic metaphors of song and lyricism, and the alluring magic of subversion at the same time. He relays that satire derives from tragedy, mime derives from comedy, parody deriving from rhapsody. Parody came about by separating the music from the words, in a liberatory and freeing motion.

performances of critique. Self-management through the archive of the commons is critique, the alternate function of autonomy as philosophy and placement. Through the comedy of the commons, this method of performance allows social centre law to make 'the weaker argument the stronger' (Goodrich, 2007: 425). By criticising 'satire introduces a novelty that is external to law' (2007: 426).

By discussing the development and placement of performativity, it is hoped that the re-significatory qualities of both law and resistance and a law of resistance have been relayed, not just for an understanding of social centres, but for understanding temporal and spatial practices of law and resistance *per se*. By placing both social centre law and that of the state as performative acts, it might help to explain not only the *praxis* of law, but also how law and legitimation as a whole can be re-perceived; and transformed. This significatory difference relies on the content of the performance being alternate – that of the commons as opposed to the memory of enclosure archived within state law. This fits in well with Lefebvre's production of space and even the notion of communing, allowing for both the doing and the act of the commons; the drama as product and process.

Social centre law is a living example of this re-signification of the performance of law. This *praxis* is thus a performance of *self-management* that re-enacts the memory of the commons. The *praxis* of state law is the performance of *institutionalisation*, the movement from one end of the continuum of formalism from hidden to public allowing for the legitimacy of state law performances over any other form of legal enactment. These are the performances of continua of formalism and informal nonlinearity. The proprietorial right of resistance is created by state law in a move of enclosure in order to contain nonlinearity, whilst at the same time there happens further enclosure and informal performances of social centre law of resistance have to move on and take place despite the archiving of state law.

Self-legislation (autonomy) is a political project and one that operates by and through the ordering of space and time. The causality of social centres relies on a necessity through which the performative and the linguistic and poststructuralist assumptions that are the background to performativity and performance become useful to consider. Within performativity, revealed are the subversive, parodic and theatrical characteristics of social centre law, through which a more comedic version of the commons is re-enacted in the informal nonlinearity of social centres, forestalling the vertical hierarchy of state institutionalisation, force and representation, and consequently, conceptions of linear time.

Chapter 7

Time and succession

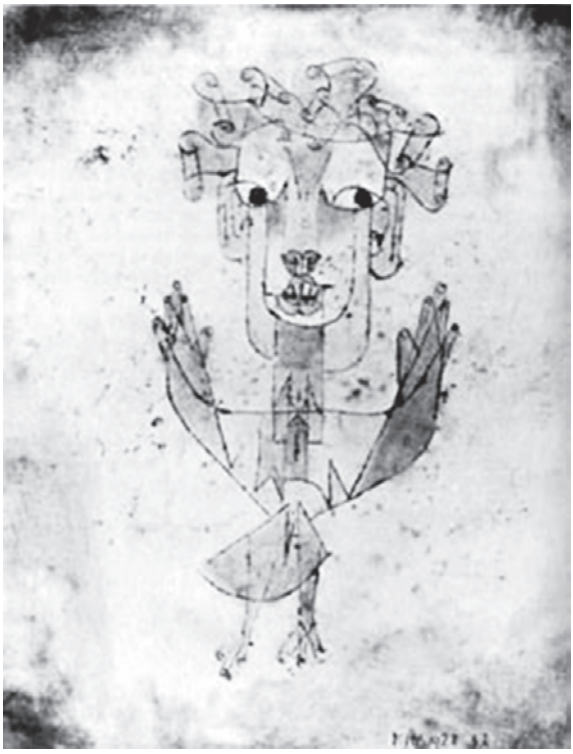


Figure 7.1 *Angelus Novus* by Paul Klee (1920)

'It can be a little difficult to plot a timeline of social centres when you're dealing outside of linear time.'

Interviewee from rampART collective, 2009

Critical legal theorists, and those advocating for a contextual approach to law, have been arguing the situated nature of law for some time. Situated, in the sense of legality requiring a stage, a courtroom, a territory, a conflict; property, sovereignty itself. This geographical concern for the constitution of law is seemingly without any obvious reference to the temporal location of law, and more involved in space. Braverman *et al.* advocate that law and space studies have prioritised space over time and suggest the role of time in law to be the next direction for the investigations of the legal geographer, with performativity being one of the central manners in which this relation or manifestation can be understood (2014: 19).

The profundity of time in law and resistance is revealed in the interview conducted with the member of rampART back in 2009. She relayed to me that she functioned as though the future had already happened, which she was at pains to make clear was not the same as living for the now. She explained:

> Our sense of futurority is not utopian, but a realism – in the space there is already a future, one non-hierarchical and egalitarian in tension with the past and future of the dominant culture of oppression.

This link between past and future, and the liminal role of the now, sounds like the profound concrete utopianism of Marxist Romanticist Ernst Bloch (1995: xxvii): 'The works of the past contain the premonitory and pre-figurative images of the next stage of society. In open process, succeeding ages 're-function' the material of the past to suit their ideological requirements, whether reactionary or progressive'. This concern for the coming together of the past, present and future in moments of the now that the interviewee from rampART expressed, reminds us that the social centre law we have been discussing happens at given junctures of time and space. We have discussed the process and product of social centres so far in terms of the production of nonlinear informality, which happens in a demarcated place through the apprehension of space via squatting or renting or owning, depending how far along the continuum of formalism the social centres have gone. Although the taking of space, the re-occupation, is of central grounding to social centres and gives a proximity and location for their law and their centres, it is also a coming together of performance and archiving, which relies on the accumulation of memory in order to operate at all, and to continue further on in to the future. Thus, the role of past, present and future is fundamental to the functioning of archiving, performativity, social centre law and arguably law and resistance in sum.

Guardiola-Rivera speaks of social movements as remembering the past through the binding role of the social contract in not just the past but the future, where, 'the mere concept of a social contract becomes here the project of universal history. For it is the case that, in binding the subsequent generations, the present one is also bound by the past' (Guardiola-Rivera, 2012: 260). Guardiola-Rivera reasserts in his writings on the *Indignados*: 'the three elements (time, space, and subjectivity), […] converge or bifurcate and form virtuous circles, constitute[ing] the pillars of a systemic critique or a jurisprudence of indignation'

(2012: 262). This opens up new concepts of resistant space and time as well as zones of resistance in actuality, expressed in all social movements and shared through the accounts of protest and resistance such that Guardiola-Rivera relays in the *Indignados* so well. It is this converging and diverging flux of time in space that is congenital to law, and resistance, and indeed anything at all.

In the same tone, and with inspiration from the work of Guardiola-Rivera, the role of the archive becomes highly illustrative of the motion of time, space and movement in resistance and law, and social centre law underpinning the theoretical trajectory of this writing. This form of 'protest memory', as Kerton puts it, is bound up in Rancière's 'distribution of the sensible', 'the practices by which we make sense of our communities, through 'a delimitation of spaces and times, of the visible and the invisible, of speech and noise' (2012: 306). It is a coming together *in* and *as* the archive of an alternative legality: it is both *commoning* and the *commons*. Exactly how do memory and the archive exemplify time and why is this important to law and resistance?

The coming pages will discuss the role of time within memory, social centre law, arguing altered conceptions of temporality affect different understandings of resistance, law and laws of resistance. We will first touch on the negative connotation of returning to the past epitomised through 'nostalgia' and how this can teach us (whether positively or otherwise) of the effects of past happenings that re-occur in the now and the link between memory and time. Nostalgia leads us in to an exploration of what it means to look back, or bring the past into the now and a projection on into the future, which is by all intents and purposes a *nonlinear* consideration of time.

The significance of linear time and nonlinear time in the formality and informality of law and resistance is expressed through the alternating influence of individual property rights on the formation of both. Property rights shape our understanding of time, and understandings of time shape conceptions of property – time is law and law is time. This argument is similar to the discussion of property and temporality in Keenan's *Subversive Property: Law and the Production of Spaces of Belonging*, where she argues that property as a concept can produce an overarching temporality (2014: 88). Keenan relays the capacity of the past, present and the future to influence and structure conceptions of property and belonging through the apparent trajectory of irreversible linear time. Arguably, and adeptly mapped out in the work of Michelle Bastian, linear projections of time dominate conceptions of temporality at the behest of other understandings of temporality (Bastian, 2014: 145)[1]. Linear time exemplifies the

1 Thank you to Sarah Keenan for introducing me to the work of Michelle Bastian, whilst away at the Association of Law, Property and Society (ALPS) Conference in Athens, Georgia (2015) where we discovered we had been working on very similar and complementing themes in property and temporality. The heat and deeply important segregated histories of the Deep South gave us a great deal to think of in terms of inclusion, exclusion, violence, property, time, space, law and resistance whilst we were there.

Western liberal concern for *progress* in society through developments in technology, industry as a result of accumulation and the primordial role of capital as 'time as money' and the progenitor of *order*. This is a chronological move from the savage to the citizen, to the propertied *individual* where capital *encloses* for the benefit of the owners of the means of production, excluding the impropertied other. This is achieved through the linear arrow of *forgetting*, onto a heightened age of neo-liberalism where even resistance becomes a commodity. One recent example of this is the commodification of graffiti writing and street art, a formerly communal and public form of art in contestation of market-infused advertising (much like culture jamming mentioned previously) re-appropriated, used in adverts and sold by companies and conglomerates that misunderstand the resistant uncommodifying philosophy foundational to street writing and art. Capitalism relies on the positive assertion that time is *absolute* and cannot be reversed, providing certainty and predictability within the safety of its promulgation as the only truth, and an ascendancy of the future already mapped out by the owners of the means of production. The hegemony of absolute time is similarly expressed in Raffield's exposition of the role of temporal continuity in kingship and the ideology of the common law (2014: 2–4). He speaks of the 'immutability of time' historically underlying the constitutionalism of the United Kingdom where according to Sir Edward Coke, the law of nature is immutable, and the 'law of nature is part of the law of England' (Coke, 1608 in Wilson, 1777: 4). Raffield denotes immutability of the law of nature as the irreversible and absolute linearity of time, an interpretation of scientific understandings of the arrow of time that produces the property entropy we spoke of in earlier chapters.

Linear time is distinct from nonlinear time. Nonlinear time does not move from one past trajectory to the next but denotes the multitemporal nature of present moments, as well as the nonlinear nature of past and future too. Nonlinear temporality speaks of indigenous and collective understandings of time, such as the cyclical time of Pagan and nature-based cultures that see the end of something as the renewal of something else to come, such as in the seasons and the wheel of life itself, the Green Man mythology of renewal and reincarnation found within nature and the seasons. Famously Bergson elucidates the way we individually experience time subjectively as duration or *durée* (1944), intimating there to be plural determinations of temporality that exist beyond clockwork. Santos, Keenan and Bastian similarly relay the cyclical, multivariate, heterogeneous and subjective temporalities expressed in native American, aboriginal Australian and indigenous tribal cultures. Indigenous conceptions of time can resultantly be negatively linked with 'less-developed' perceptions of organisation (Bastian, 2014: 149), those that are slower, informal and unofficiated in contrast with the speed and orderliness of linear time. Nonlinear time would therefore assert the possibility of the past happening in the now and the future too. Thinking of this in terms of tribal cultures, this is where spirit elders are still believed to be present in extant moments of

contemporaneity, ancestors living among us despite their passing on and their travelling between worlds of the before and the to come. It is not individual property that is the concern of nonlinear time, but *collective* property, where time is not enclosed and formalised and thus remains uncommodified; time is left free to open out, much like the social centre requisitioning of space to achieve new versions of the *commons*. Nonlinearity denotes *remembering* not forgetting, and the acceptance that there may be concurrent contingencies of time and thus law as opposed to an absolute, positive time, with plural ways of understanding a form of *disordered* thinking and ontology distinct from the control fetish of capital, much as legal pluralist thinking asserts the same over law. Nonlinear temporality refutes the absolute nature of time and asserts its relativity, simultaneously relying on unpredictability and *uncertainty*, an acceptance that we cannot harness the future through the stifling of totalitarianism but we can embrace time's diversity; the occurrence and coincidences its emergent behaviour brings us, our law, and our resistance.

Of course, by discussing these versions of time I am automatically referring to some nuanced scientific conceptions of the natural world and the cosmos that is grounded in knowledge not normally associated with law and resistance. I would argue, however, that proceeding with such an investigation is to probe questions around what we deem to be correct or incorrect understandings of temporality that go to the very heart of the fundamental quests of legal philosophy, such as searching for the origin of law, which cannot be too far removed from where time emanates from too. The philosophy of speculative realism, particularly that of Meillassoux, speaks to this very call, linking the beginning of time with an altogether unknown where all other laws break down, where the contingency and hyperchaos of infinity begins (2008). Hägglund seeks not to revert back to primordial time and express purely the arché-materiality of space and temporality (2011). The God question of the origin of law and resistance, as mentioned at the beginning of the book, is not something that this book seeks to answer. What I am concerned with is the contingency of law and resistance and the transformatory role of property that is asserted in many gradients but the most preponderant being the individual and collective perfidiousness, relying on philosophical conceptualisations of the world that influence their alternate perceptions of time and space too. What is useful in terms of origins in this regard is the work of both Meillassoux and Barad to explain the inexplicable, the creation of matter in the void and the conative potentiality of everything where to some extent we can see a foundational role of land in law in the a-legal vacuum.

Capital seeks to hypostatise everything that supports the functioning of individual property rights as the primary means of organising ourselves, thus the reification of the social contract through the institutionalisation of the *polis* in representational democracy results in an unquestionable positive law. This authority is not only founded in the people but also in positive science that does a similar job of reifying understandings of time, space, our physical and mental

relations with the world, as facts that exist to the detriment of any other configuration. The hegemony of individual property thus can also account for the hegemony of linear temporality over nonlinear temporality, and the same vice versa. Linear time, perhaps obviously, speaks there of the continuum of formalism, whereas nonlinear time is related specifically to resistance and a law of resistance such as that of social centres, operating through their nonlinear informality.

The informal nonlinearity of social centres expresses not only their temporality and the way in which they are organised in an autonomous manner, but links their understanding of time with how they organise themselves. The foundation of this is the *leaderlessness* and of social centre collectives based on presence and horizontal hierarchies as opposed to any state law example that relies on vertical institutionalisation through representation automatically necessitating the hoarding of power in a leader. This nonlinearity is a form of self-organisation that through its leaderlessness acknowledges uncertainty in its collective form of law and property; this leaves the networks open to change, flux and the precarity of performance as opposed to an enclosing, totalising method of top-down, prescriptive organisation. This leaderlessness creates horizontal networks that open out, just like the commons, as opposed to enclosing and controlling in a wish to deny all uncertainty. Uncertainty is at the basis of linear and nonlinear conceptions of time as determined by the *entropy* principle. We touched on the entropy principle very briefly earlier where it denoted both the measurement of the state of a system at the same time as the product being measured (the orderedness of a system through measuring the amount of disorder simultaneously). Entropy in the setting of social organisation and time will be explained in relation to complexity, information and uncertainty, and how these components relate directly to the *self-managed* nature of social centres. Their nonlinear informality is a critique of state law time, as well as a subversive account of the comedy of the commons in retaliation to the judicature of its tragic counterpart.

Temporal realism and *temporal idealism* as two distinct ideas of temporality guide the way to understanding those philosophies that see time as a distinct entity in its own right, and an explanation of Einsteinian 'space-time' that our performative archive of time and space speaks to most cogently. Temporal idealism speaks of scientific understandings of time that are more confined to the nonlinear variety as epiphanised by Einstein's theory of relativity, whilst temporal realism would describe the Newtonian assertions that time is an entity in itself and is forward moving only. The importance of Meillassoux and other speculative realists to this debate brings us yet another vantage point where time and space are understood as external materialities existing outside of our perception. Speculative realism is radically altered from pre-critical realist Newtonianism in that it accounts for narratives of time and space returning to a realism that according to Bryant *et al.*, 'is not a move toward the stuffy limitations of common sense, but quite often a turn toward the downright bizarre' (2011: 7). Speculative debates merely reassert

many realities as opposed to one, including those that exist beyond the limits of our own mind-body correlation, and similarly, our imagination.

The meaning and role of time within the legal innovation of state law and resistance, social centres and other protest movements will be considered in a Kantian understanding of law, time and space in terms of archiving, materialism and performance, and how this translates into memoretic performance as time and performance in *succession*. Succession is the production of newness through mimicry, similar to the distinction between performance and performativity we spoke of previously. Ultimately, the social centres' use of nonlinear time is a critique of state law's proclamation of linear time with capital as its organising principle as absolute, to the detriment of any other understanding of social organisation and temporality as a result.

Time and memory

According to Radstone and Hodgkin, the notion of the survival of memory suggests a different strata of temporality (1997: 15), which does not wish to be forgotten and will compromise the dimensions of space and time to make sure its voice is heard. Accordingly: 'Memory, one might argue, is that which complicates or refuses to sit within that temporality'. Space is saturated with time, echoes and hauntings from epochs gone by, offering shifting representations of memory (1997: 17). Within spatial conceptions of memory and justice, there is a radical contemporaneity or co-presence of the archaic and the contemporary (Serres and Adkins, 2012: 369) whereby all histories and injustices have a geometry (2012, 372). Memory-work is also the future, one that relies on the framework of learning from past mistakes.

Walter Benjamin's concern for the loss of authenticity and aura in art in the age of mechanical reproduction is reminiscent of a melancholic looking back. He sees previous forms of artisanry as more refined than today's, capturing the movement and essence of beings in a manner that cannot be achieved in their replicated modern and postmodern ways. This expression of wistfulness is strikingly similar to our turn to the commons for inspiration in the temporality manifested in the social centre movement. It was suggested by some of the members of social centres, that the idea of the commons somehow brings to the fore a means of nostalgia, a rose-tinted notion of how things were, and how things could be. During a visit to the ASS, one of the members of the collective found harking back to the commons as true in its application, but nevertheless, problematic. He suggested that this was an historical contingent that weaved its way within the work and practices of the squatting movement, quoting The Diggers as the group from whom he particularly felt the movement drew its inspiration. Whilst at the same time, he also noted that as a result of the reliance upon history and the memory-work within the philosophy and practices of the movement, there was a lack of foresight and innovation as to new concepts and new methods of resistance that could be utilised. Instead of relying on the

notion of the commons, he wished to see a new framework that would satisfactorily describe the extant world today and the fringes in which the social centre and squatting movement reside.

Could this be a step backwards, to locate social centres and protest movements as manifestations and sources of postmodern commons, due to the reliance on memory and history? Is this very project something of a retrograde move, not foreseeing that there is an altogether different paradigm at play, and thus the necessity to create tools for handling such a new epoch? Within Walter Benjamin's thoughts on Baudelaire, he agrees looking back is problematic too, linked to his proposed assertion that photography is implicated in the decline of aura (Benjamin, 1999a: 184). Using Baudelaire, he attempts to explain the problem of memory that is caused by nostalgia: 'What prevents our delight in the beautiful form ever being satisfied is the image of the past, which Baudelaire regards as veiled by the tears of nostalgia' (1999a: 183). It is as though there is an intrinsic melancholy attached to memory-work, and this is something that Benjamin wishes to overcome, in order to move on. Collecting the tools with which to do this, he turns to the future and the multidimensional facets that historical contingency holds and states: 'The conclusion that can be drawn from this is that if there is a truth content to the work of art, then the truth of art becomes its capacity to live, not to live on in truth, but to live on – about the future therefore' (Benjamin, 1986: 37). Here memory-work is not a tearful reminder but one that holds hope of a trajectory, a future.

The Greek root of the word nostalgia, '*nostos*', means to 'return home', coupled with '*algos*', meaning 'pain'. Nostalgia was first used as a term to describe a severe homesickness, and was associated with a physical condition. According to Hutcheon: 'It was coined in 1688 by a 19-year old Swiss student in his medical dissertation as a sophisticated (or perhaps pedantic) way to talk about a literally lethal kind of severe homesickness (of Swiss mercenaries far from their mountainous home)' (Hutcheon, 1998). In this form, the remedy was to return home, or to have the promise of returning home. This was linked to an 'upheaval' or 'disorder of the imagination' (Hutcheson, 1998). Nostalgia then shifted from being a physical condition to that of the mind, this process altering the loss that is irretrievable, incurable, making it no longer just a yearning to return home. This move from the spatial to the temporal, from the physical to the psychological, inferred that the previous time could not be returned to, whereas the space itself could. According to Hutcheon: 'Time, unlike space, cannot be returned to – ever; time is irreversible. And nostalgia becomes the reaction to that sad fact' (1998). The irrecoverability of time, in this understanding, is argued as displaying a dissatisfaction with the present, coupled with the draw and inaccessibility of the past. This dissatisfaction relies on the assumption that time is linear and past occurrences are no longer accessible, and yet ironically the very process of nostalgia asserts some level of anteriority within extant moments.

Avery Gordon has penned a beautifully written monograph, one that is both compelling in its content and stunning in its prose, on the 'sociology of haunting'.

It is a sociological work that deals with the haunting of memory within the very minute complexes of the social underweavings of life, operating in a similar framework to nostalgia. She takes the image of an elderly Professor as she traces back her colonial ancestry; the lady is Patricia Williams, and the recounting of her past can be found in *The Alchemy of Race and Rights* (1992). Her great-great grandmother was a slave, and the owner of that very same slave was her great-great grandfather. Williams is trying to find her grandmother's silent presence within her past, muffled by the ancestral owner's (great-great grandfather's) quickened hand. For Gordon, this image allows her to bring into motion the force of her project, the search for the 'shape described by the absence', the apparitions that demand their recognition from their unrequited existences and manifestations of times gone by. Gordon uses the imagery of a 'shadow' (past), as something that wishes to announce itself; the presence of the absence of this shadow creates 'interstices of the factual and the fabulous […] the place where the shadow and the act converge' (2008: 197). The recognition of past truths within the now determines Gordon's project, allegorised through Williams' ancestral trauma. The very thing that is in the present, by its lack of presence, is represented: 'This is a project where finding the shape described by her absence captures perfectly the paradox of tracking through time and across the forces that which makes its mark by being there and not being there at the same time' (2008: 7). The placement of the spectral rhetoric given by Gordon, is an illustrative allegory of how the memory of past movements and non-movements, can make themselves known in the actions of the now, whether through forms of nostalgia or involuntary memory.

In a similar motion, Ernst Bloch's work on the past, the future and the present reflects the multidimensional nature of memory. He argues anticipatory consciousness operates through the enactments of memory (Bloch, 1995: 12). Bloch claims the world of history and perception are experienced in a repetitive manner, the 'Time-and-Again' and the very constructs of knowledge itself is a memorial process, or in Bloch's terms, 're-remembering'. According to Bloch, 'this world is a world of repetition even where it is grasped historically, this world is a world of repetition or of the great Time-and-Again; it is a palace of fateful events […] Occurrence becomes history, knowledge becomes re-remembering, celebration the observance of something that has been' (1995: 6). The importance of the past, and history itself, to Bloch, offers the first step to attaining an understanding of his 'Not-Yet-Consciousness'. Within his thoughts on the past, Bloch tries to tease out those moments of times gone by that were not quite realised. These moments are shrouded very deeply by the eventual happenings of that day, and yet their latency remains within the present of the now. These are agential and emergent properties, as though they were kernels of growth that were ill-nourished and did not transform into their ultimate potential. In the past remains the 'New' of the past, whether allowed or not. This Newness is obviously part of the old of the now, but still has its properties that can become not the now, but the future. It seems at this juncture as though

the genuine present is almost never there at all (1995: 4). Whether achieved or not, Bloch saw that those creation-knells of history are within the formation of the present, in order to form the future (1995: xxvii).[2]

By relying too much on the past, nostalgia will take place. Social centres do not seem to embrace a linear determination of time, as can be seen from the quote at the opening of the chapter taken from the rampART interviewee. In this sense, the social centre timeline (or time-mesh) is an important illustration of a conception of time, and history. It has been drawn in a way that means the present is not always in front of time, and thus to delve back to bygone eras would not be a negative process, it would not involve a form of irretrievability. By linking nostalgia with time in this instance would not necessarily mean a place could not be accessed, but the emphasis would be instead, on the potency of the future. Taking and re-telling the past, not in a painful and agonising wish to return, but one that desires to displace the past and enlighten it for the future, is not nostalgia. Instead, what is taking place here is memory retrieval, a presentation of the wonder of uncertainty.

Linear and nonlinear time, space-time

Koselleck defines a linear progression of time as that which sees 'progress [as] the first genuinely historical concept which reduces the temporal difference between experience and expectation into a single concept' (Koselleck, 1985: 282; Santos, 1999: 2). A linear progression of time constantly moves away from responsibility, on and on in the name of progress, no matter what the debris left behind in the past. It is a perception of time, and one that Santos describes as a 'monoculture', in that is does not make room for any other conception of temporality. By denoting time as always moving forward, there are always those that are labelled as 'backwards', illustrating a destructive and excluding dialectic at the same time as prioritising the needs of the individual over the needs of the community. This exclusionary nature of linear time is summarised by Bastian in her 2014 scoping work on temporality and community. Santos argues that the Western conception of time contracts the present, always in the hope of predicting and organising the future, whilst forgetting the past. Linear time operates much like the philosophy of property it purports, it categorises and encloses time, whereby past, present and future are ordered and absolute, with time existing as an entity in itself.

What nonlinear time does is move in an indirect and emergent fashion, whereby the past is incorporated into the now, and the future so too, not in order to predict or organise, but more as a spontaneous movement. Instead of *monocultures*, Santos includes an '*ecology*' of circular, cyclical and nonlinear time

2 Arendt's 'Between Past and Future' (1961) similarly expresses Bloch's future in the now and the multivariant temporality of history and memory, describing how we as humans are ever in flux between an affecting past and a projecting ahead to what is coming. Thank you to Kirsty Levett for this timely footnote.

as part of his propositions for a new rationality or 'cosmopolitan reason' to incorporate alternative conceptions of existence into those already known (within the Western world), in order we may learn and grow from them. Circular or cyclical time has been linked to communities of Native America (the Mayans and Incas as examples), altered from the linear conception of time in that there is an infinite repetition of time, just like the seasons. This gives the feeling of 'having time' as opposed to a linear projection of time that sees a beginning and an end, in which agents move to 'catch up' with time (Santos, 2003a: 239). Nonlinear time, based on ancestral understandings of social organisation, is therefore directly associated with the collective, where the past is remembered and acknowledged as playing a role in the present, and the future too. Nonlinearity denotes the role of uncertainty and the futility of prediction in time as a result, an acceptance that time and social organisation cannot be ordered.

According to Einstein, time has no being outside of the system of its signifiers (Santos, 2003: 19). It can be stretched and shrunk and varies from system to system, and constitutes *space-time*. Time and space is four-dimensional and curved under the influence of mass, allowing such things as 'wormholes' where the past may catch up with the future, and time travel could be possible. This differs from a Newtonian conception of time whereby 'absolute time' has 'its own nature, [it] flows equably without relation to anything eternal […] the flowing of absolute time is not liable to change' (2003: 19). Hawking echoes Einstein, stating: 'Space and time are now dynamic qualities: when a body moves, or a force acts, it affects the curvature of space and time – and in turn the structure of space-time affects the way in which bodies move and forces act' (1988).

By the fact that time in a linear conception is seen as irreversible, this solidifies some sort of order out of chaos, hence its reification, to an extent – this would be the basis of a *temporal realist* understanding of time (Bardon, 2013: 8–28). Take away this irreversibility, and there is time that is not fixed to a trajectory, but is changeable, is malleable, and yes, disordered and chaotic. There is also no place for nostalgia, as the assumed linearity of time does not apply and thus the painful loss of times gone by, does not exist.

To say it is only humans and animals that create clocks, whether of the more familiar wristwatch variety, or those internal to a hedgehog so she knows when to emerge from her hibernation, would be to speak from a *temporal idealist* standpoint (Bardon, 2013: 28–39). Because of the unfixed and transient form of social centre law, and social centres themselves, their 'nomad thought', they do not 'respect the artificial division between the three domains of representation, subject, concept, and being; it replaces restrictive analogy with a conductivity that knows no bounds' (Massumi, 1992). Given their time-mesh, and their politics, nonlinear time is an organising principle at the same time a temporality for the social centre movement; it is their critique of the monoculture of time. Proving or disproving the monoculture of linear time and the existence of nonlinear time, is well beyond the reach or intention of this work. Therefore, nonlinear time in this context is

more useful as a *critique* of linear time, progress and the law that promotes this, and allows for an understanding of social centres' self-managed organisational processes. Given that social centres are said to retrieve the memory of the *commons*, it can be argued that the commons and the way of managing them in a more communal and self-organised manner, fits in better with a *nonlinear* or *cyclical* perception of time.

If social centres and a law of resistance uphold a nonlinear understanding of time (manifesting a form of temporal idealism), therefore state law is, by its nature, going to believe in absolute time. Law seeks to assert its cogency and authority through its *praxis* of institutionalisation, which is essentially myth made fact, exerting the appearance of an inherent normativity. The same is to be said for law's understanding of time in that it is as positive and absolute as it sees itself, in order to support conceptions of *progress* through which individual property rights in the name of capital can flourish.

A useful critique of linear time echoing that of social centres, is lyrically demonstrated by simultaneous proponent of nonlinear time, Walter Benjamin. The arrestingly beautiful passage below is taken from Benjamin's *Theses on the Philosophy of History* ([1940], 1999b):

> To articulate the past historically does not mean to recognize it 'the way it really was' (Ranke). It means to seize hold of a memory as it flashes up at a moment of danger. Historical materialism wishes to retain that image of the past which unexpectedly appears to man singled out by history at a moment of danger. The danger affects both the content of the tradition and its receivers. The same threat hangs over both: that of becoming a tool of the ruling classes. In every era the attempt must be made anew to wrest tradition away from a conformism that is about to overpower it. The Messiah comes not only as the redeemer, he comes as the subduer of the Antichrist. Only that historian will have the gift of fanning the spark of hope in the past who is firmly convinced that even the dead will not be safe from the enemy if he wins. And this enemy has not ceased to be victorious.

Benjamin's historiography is something that emerges both overtly and less so, as a thematic throughout his seemingly fluctuating collection of writings. According to Mosès, this historical thread that runs through Benjamin's work is something that grants his diversity a secret unity; whether intentionally or not (Mosès, 2009: 65). His mesmeric writings on history almost reflect the transiency of the subject, something that can be caught as a glint through a landscape of instants. This is where his allegory of the 'angel of history' represents a critique of the linear conception of time attached to progress, and thus the manner in which time is predominantly understood in a monocultural form. Benjamin conjoins the importance of a performative understanding of history, with the role of the historian as the archivist of history whilst synchronically the product of the archive of history.

The first thing that should be noted about Benjamin's view of historical processes and the historian's role within this is that it is one of interpretation and not reconstitution. Benjamin's understanding of time that allows for the historian to play a role in the making of the past, so that history is iterated in the now and of the present, where 'the transformation of the past into history is a function of the historian's own present, of the time and place where his discourse is created' (Mosès: 2009: 65). This is how the past is constructed, and the act of historical analysis becomes not one of reconstitution, but interpreting events that in turn become historical. Here is where performativity plays its part as, each time an historian accounts history, they alter it. Through these agential processes, there can be unearthed the 'underside of the past', like Subcommandante's Marcos' wind from below, narratives that were previously shrouded by hegemonic portrayals of the passage of time becoming revealed. Benjamin's involvement with history has been categorised into three separate eras: that of a proposed theological paradigm of history (Benjamin, [1916]), an aesthetic paradigm of history and then he gradually formulated a political paradigm (Mosès, 2009: 68). It is the final, political context with which this work is interested, using the Theses and the image of 'Angelus Novus'.

Concerning his critique of linear time, Benjamin's history of philosophy depicts the angel of history (Angelus Novus) via the artwork of the same name of Paul Klee (1920) (*see* Fig. 7.1) – Benjamin actually acquired this watercolour in 1921. The angel is looking back towards the past, being blown away by the forceful wind of Progress, into the future. The past stands for the image of injustice and catastrophe, and yet, the portrayal here is that the most-effective manner for humankind to understand the mistakes of times gone by, is that there must be a grasping of tragedy, one that is unabashed by looking back and learning. Within this, Benjamin understands the dimensions of distance (time and space) as always present, within the past, the present and the future. Thus, the quest for lost time is that of the quest for lost futures (Szondi and Mendelsohn, 1978: 501). The present, is saturated with tales of the past, figures of times before, and events that happened, or were to happen. Benjamin's concentration on history is rooted in crossing the binary of the future and the past, that 'of messianic expectation and remembrance' (1978: 504). The past in its actuality (Steinberg, 1996) can be deciphered through this philosophy of time (César, 1992: 133).

If the past is the era of injustice and wrongdoing, what is the role of the present? The present is the time when inequity can be righted: 'If past is the historical time *par excellence*, present is the time of doing past justice' (Szondi and Mendelsohn, 1978: 137). It is the opening within the two poles of past and future, and polarises an event into fore- and after-history (César, 1992: 134). The present is a time when revolution can occur, and the mundane, remembering the everyday carnivalesque of social centres. It is a motionless place where the past is made and the path to the future is laid, much like the a-legal vacuum. The now is a moment at a standstill that awaits the rupture of the historian. Thus, what is the nature of the future, according to Benjamin? For Benjamin, the future is not something of

a known entity, there is no *telos* or some form of projection; the future has no special place, the past must be redeemed, and the present is the locus for redemption (Szondi and Mendelsohn, 1978: 134–6). The notion of time here, is Messianic, it is *to come*, but unknown. The making of the future therefore relies upon its counterpart in history as constructed through the plateau of the present: 'A knowledge of ruin obstructed Benjamin's view into the future and allowed him to see future events only in those instances where they had already moved into the past' (1978: 501).

In a 1999 paper entitled, *The Fall of Angelus Novus: Beyond the Modern Game of Roots and Options*, Santos utilises the image of the angel of history and Benjamin's integration of the Klee painting. Santos elaborates on Nietzsche's 'eternal occurrence of the same' to explain the notion of past, present and future presences being felt in a repetitious manner, or a cyclical motion, eternally returning, most predominantly found within 'The Gay Science' (1882) and 'Thus Spoke Zarathustra' (1887) (Santos, 1999: 3). Santos is playing with temporality, where the long-term is said to fall in to that of the short-term, as the repetition of domination is relayed. This is a corrosive vision of temporality in that: 'The notion of repetition is what allows the present to spread back into the past and forward into the future, thereby cannibalising them both' (1999: 3). Santos uses Benjamin's allegory of history through the eyes of the Angelus Novus to illustrate the turn to the future and the rejection of the past, 'roots that do not hold', options that are blind (1999: 4), disallowing any moment of rupture, explosion and redemption. The angel is faced away from the smattered world behind him, blown forwards into the future by the wind blowing from Paradise, propelling him on in the name of progress. Santos argues that if the face of the angel turns back towards the destruction of the past, then the opportunity for redemption can be allowed. Thus, we must therefore change the position of the angel of history 'and we must reinvent the past so as to return to it the capacity for explosion and redemption' (1999: 5). Santos' re-appropriation of Benjamin is interesting, in that he offers an extant account of the literary critic's images for today and yet through his own lexicon. Benjamin explains (1999, 249):

> This is how one pictures the angel of history. His faced is turned towards the past. Where we perceive a chain of events, he sees one single catastrophe which keeps piling wreckage upon wreckage and hurls it in front of his feet. The angel would like to stay, awaken the dead, and make whole what has been smashed. But a storm is blowing from Paradise; it has got caught in his wings with such violence that the angel can no longer close them. This storm irresistibly propels him into the future to which his back is turned, while the pile of debris before him grows skyward. This storm is what we call progress.

Through this beautiful critique of the culture of the twentieth century, the atrocities, the greed and the need for change, are revealed the dangers of a linear notion of time. By turning the angel back to what had happened, there was a

hope of justice, but the forces of progress meant time lead him away. This is a version of time that state law supports and inhabits and the form of time and law, which the self-legislation of social centres seeks to critique.

Informal nonlinear time and autonomy

Is there a link between nonlinear time and the nonlinear informality of social centre organisation, as expressed through autonomy and self-management? The role of uncertainty is key in both the autonomous and self-organising behaviour of social centres and their conception of time.

Referring back to the commons, it is here, amongst other disciplines, that *complexity* and *uncertainty* play a role within both social organisation, and time itself. Complexity can refer to the ecological system, to social systems, or can be in reference to the interaction between ecological and social systems (Laerhoven and Ostrom, 2007: 11–12). This resonates with the application of the mathematic and physical science-disciplined theories of complexity, in the instance of human and ecological interaction, both adapting in responsive and contingent reactions to one another's behaviour. Uncertainty refers back to these complex ecological systems and their lack of predictability, meaning that human-ecological results can be hard to foresee. Complexity or *emergence* can be determined as bottom-up behaviour 'when the actions of multiple agents interacting dynamically and following local rules rather than top-down commands result in some kind of visible macro-behaviour or structure' (Escobar, 2003b: 351). Escobar applies this to an analogy of the 'swarm' that he paints so effectively, whereby sea life sometimes amasses to create a greater shape in order to protect themselves. He treats categories of self-organisation, nonlinearity and non-hierarchy as those that are not peculiarly the products of biology, but also applied to the observance of social movement behaviour, and social life in general.[3]

This self-organisation reminds us of the way in which social centres remain outside of the ascription of institutionalisation by adhering to the leaderless principles of self-organisation, autonomy-as-practice and autonomy-as-placement. This is emergence from the grassroots – disordered, spontaneous, bottom-up constituent power, as opposed to the top-down vertical force inherent within the institution of state law.

Uncertainty, or what Meillassoux would term as *hyperchaos*, within nonlinear time plays a similar role. The spontaneity of social centre law accounts for its collective unpredictability. By contrast, linear time relies on the scientific explanation of the arrow of time and the gathering of entropy as the measurement of

3 Emergence and assemblage is conspicuously found in the work of Deleuze and Guattari (2004), Latour (2007), de Landa (2001) and Johnson (2001), with regard to cyberspace, urban studies and, of course, assemblage and actor/network theory; and more directly in relation to law in the work of lawscaper Philippopoulos-Mihalopoulos (2015).

disorder within a system, also explained within theories of complexity. Entropy in fact supports the possibilities of *both* linear and nonlinear time.

The two cosmic tendencies, mechanical disorder (entropy principle) and geometrical order (crystallisation, organisms, etc.) creates the flow of time in one direction, and the material world moves in ordered states to an ever-increasing disorder (Arnheim, 1971: 7). What solders the forward nature of time and simultaneously the possible arbitrary trajectory of time, is the role of probability and randomness. It is far less likely, in fact almost infinitely unlikely, that a cliff should turn the powers of erosion on its head, and gather boulders and rocks from the sea to re-touch its coastline silhouette. It is highly probable that erosion will cause a cliff to lose its order through the interaction with the order of the elements, forcing materials and rocks to fall and diminish the cliff. The more ordered a system becomes, the more similarly disordered it is – at the same time, the more complex, with the more information, the more possibility for disorder there will be. Entropy, is therefore this measurement of the amount of disorder in a system, which similarly correlates there to be order. Order is a carrier of information, whilst at the same time, the less likely it is that an event is going to happen, the more information is created. Entropy therefore grows with information and complexity. The gathering of entropy is the irreversibility of time. Yet, there is the slight possibility that wind may reform a cliff and not corrode it, as we cannot entirely predict that entropy cannot work backwards, heralding the end of certainty and the possible refuting of linear time. Indeed, as Prigogine and Stengers state: 'In accepting that the future is not determined, we come to the end of certainty' (Prigogine and Stengers, 1997: 183). Prigogine highlights how theories of thermodynamics are also based on the assumption of a system to be closed, and yet closed systems are rare in comparison to open systems, thus there may be different levels of time experienced by differing individuals, groups and tribes across the globe, highlighting 'social time', 'individual time', 'geographical time' (Prigogine, 1984: xiii).

Uncertainty thus denotes the form of social organisation that social centres take, and the nonlinear nature of time that their law performs. Complexity and uncertainty reflect the process and product, the measurement and measure of law and resistance. What is resoundingly clear here is how depictions of property are integrally linked to the temporality they expound. This is cogent in the work of Bastian as she seeks to link alternating understandings of time with alternating understandings of community (2013; 2014). Whether it be the immutability of the common law with the laws of nature and its arrow of time, or the deal-breaking acceptance of uncertainty in everything that nonlinearity in autonomy and time attests to, time is shaped by property, and ultimately, property is always shaped by time. To talk of positive law is tantamount to speaking of absolute time, where law is time, and the same in turn. What any speculative realist would reveal is the nature of both time and law as interlinked and co-dependent upon one another; merely human-centred constructs of knowing and understanding the world, placed within a wider reality the extent and ubiquity to which we are yet to comprehend.

Archive and succession

Kant writes in his thoughts on the orientation of the mind, that we as subjects are placed in coordinates of not only mathematic constructions, but psychological, through the force of habit and performance. This is where we are defined by our orientation of space and time together in sum, and not space and time experienced separately. Richards speaks of how he argued that geographical space acts as 'a mental framework for the co-ordination of the individual's experiences of the world' (Richards, 1974). Kant describes this as the 'mental map' refuting the artificial division between space and time and precedes any relativity theories eminently promulgated at the beginning of the twentieth century.

A recent work by Sanford Budick (2010) links the work of Kant with that of Milton. Within this, Budick examines Kant's use of the term '*succession*' and its relation to his aesthetic appreciation of Milton's work. Succession or '*nachfolge*' refers to 'the independence achieved in this exceeding of imitation by a special kind of imitation. Yet the terms *Nachahmung* or imitation, are still subject to confusion because they do not by themselves make clear whether they refer to a process or an achieved condition (product)' (Budick, 2010: xii). Thus, succession is a precedent and not imitation, there is something produced that is new, as part of the process of succession (2010: xvi). This immediately reminds me of the discussions thus far on containers and measurements, processes and products. Put more eloquently by Kant*: 'Aesthetic ideas are those representations that contain a wealth of thoughts which ad infinitum draw after it a succession of thoughts. Such ideas draw us into an immeasurable prospect, e.g. Milton's saying 'Female light mixes itself with male light, to unknown ends'. Through this soulful idea the mind is set into continuous motion'* (Kant [1797] in Budick, 2010: xvi).

Considering social centres, occupation protests and the law that they create, succession is a familiar process to that of the performative, furthering an understanding of the similarities and differences between social centre law and state law. It also shows how there is a process of imitation (mimicry) taking place, but there is a newness and difference about the simulation that means the originary is left intact, and there is an entirely separate product at the end. This imitation is the theatrical element whereby critique relays the drama of the very thing it is parodying, and then adds its own character. Like the performative, and the archive, the means and the end are one and the same; the process and the product. The difference between social centre law and that of law itself relates back to the performance of the commons and enclosure as distinct, with social centres understanding time as nonlinear or unfixed, and law understanding time as positive and fixed.

As mentioned previously, through the preponderance of work referred to by Chatterton; to the central philosophical, political, legal, spatial and temporal source of social centres is the necessity of autonomy. Pickerill and Chatterton see autonomy as intrinsically a spatial and temporal strategy (2006: 735). Studying the processes and frameworks of social centres and protest movements, is normally

confined within the determinant of space, and less so time. This is for very obvious reasons, most notably, that squats are to be found within social space, within urban places that are defined and prescribed by their existence as something to be 'within', or somewhere to go. This is informed by philosophies of reclamation, the *taking back*, or the regaining. However, the social centre movement striates the dimension of space with its temporality, with its non-permanency and time-scale. The notion of the TAZ is a cross–hatched concept and phenomena that exists in external reality as squatted social centres, at least in the sense that they adhere to and understand themselves as not confined by any longevity. The timeline created by the 56a Infoshop (*see* Fig. 7.2) as an illustration, the piece was put together by members of collectives, protest groups, individuals, each contributing to the patchwork of the history of the centre, and the surrounding London scene, at different times; yet not all working up and down upon a restricted linear notion of time. In fact, the very 'origin' itself of 56a comes quite late on in the chart, and the cobbling together of the history of it from before paves the way for this. Fig. 7.3 shows the inception of the social centre, and yet this is not to be found at any traditional 'beginning' of the giant baking sheet that represents this example of anarchist archiving.

The pace at which social centres move is something that embodies this nonlinear archival performance, through the non-fixity and the lack of

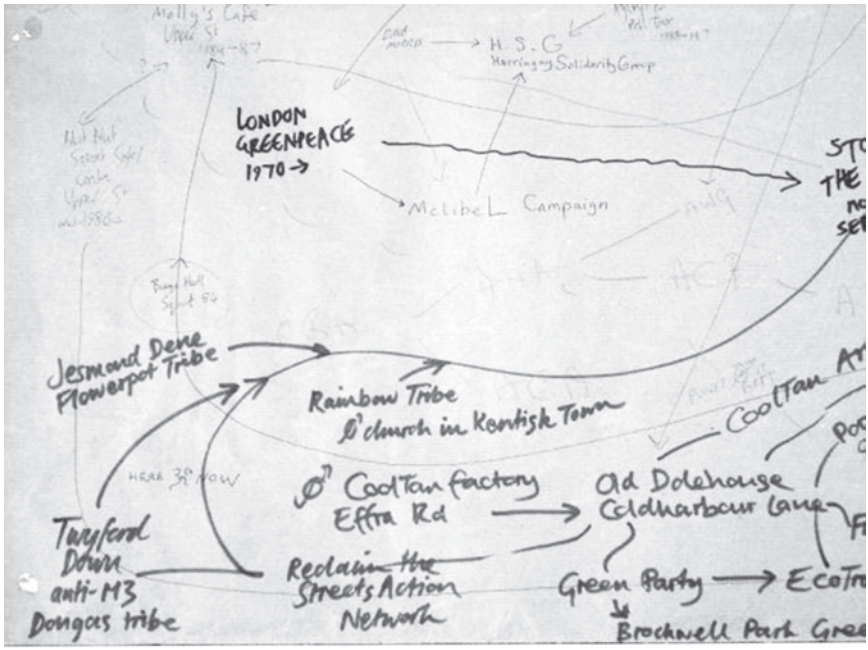


Figure 7.2 Social centre timeline

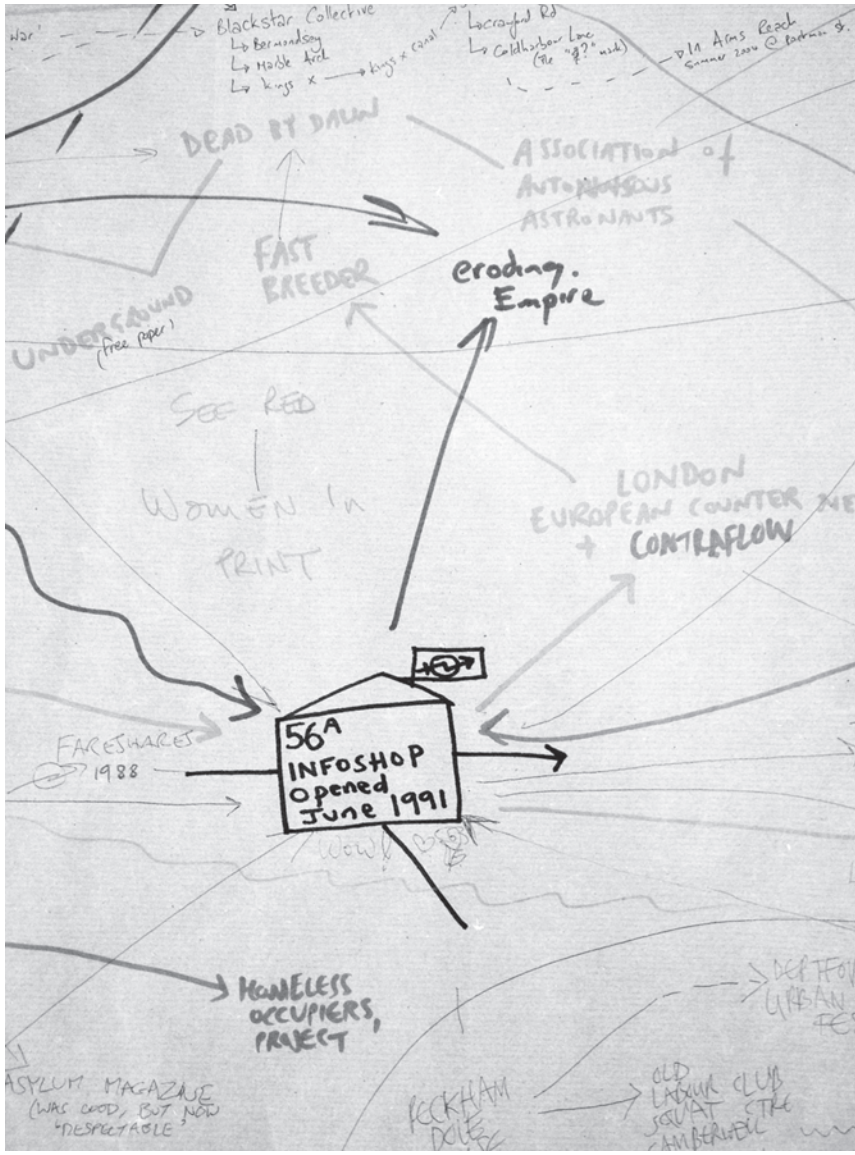


Figure 7.3 Social centre timeline

permanence of the movement. Within a day or two there can be an entirely new squat set up, one that has vacated the old one, due to the force of the law, and has relocated, in an instant, and with professional levels of ease and skill. Nevertheless, there are signs that a social centre or protest existed, there are hints of a presence through the husk that is left behind.

Time, is the underpinning of the existence of performance, plotted along with the coordinates of space. In essence, a law of resistance and this book's understanding of a continuum of formalism and nonlinear informality, assimilates space with time as the Einsteinian space-time. One can identify a suggestive generation of spatio-temporal laws through the intricate and colourful interweavings of each of the individual timelines of the individuals and groups that took part in the creation of the non-linear social centre time-mesh. The very creation of the timeline itself is evidence of a performance in space-time, and one that maps out the hatching of some form of law. Squats, protest movements and social centres are a 'chink in the world machine', this speculative offering of alternatives, that appear at the human-made boundaries of what is perceived; through the archiving of the commons. Kant's understanding of space and time is intertwined just like his later supporter Einstein, and it is only in the theorising of the two that they are separated, only within the realms of perception are they understood as distinct entities, when in fact they are one unit (Elden, 2009: 18–22).

Social centres and occupation protests exist between the figure and the literal (Derrida, 1996: 46), on the *liminal* between that which is happening and that which has evaporated. The enactment of law is the origin of all laws, it is iterability, the powerful repetition at the origin within the performance (recognisability). This is where the self-legislation and self-management of social centres creates and annuls itself, dependent on necessity. Similar to a performative law is Davies' use of Hegel's short paragraphs on property in his 'Philosophy of Right', to suggest law as 'actualisation'. If a person has occupancy or possession of something, it then becomes their property; property as post-social and not pre-social. Thus, there is a split between the having and being of property (Davies, 2007: 104). This recounts the similar role of time in Blomley's verb and noun of property as 'enrolment' (2013). Questions of time and judgement bring us to a single constellation, which has a powerful effect upon one's thinking of the relation between logic, institution, violence and history.

The role of time in performance, the aporia of the prescriptive and the descriptive, is described most illustriously through Derrida's sketching of the Declaration of Independence (2002). The union of states through declaration is already assumed prior to the signing of the treaty, and yet synchronically becomes that which is unified through the act of the signing (1996: 99). The apparent separation of the union and the signature is barred through the aporia of the delay of time, the linear progression of time. By taking a nonlinearity to time, the two can be seen as one, or else: 'An act of legislation always arrives too early and/or too late' (1996: 100). It is argued that the passage of time is the 'law' of law, and so if it is impossible to locate the foundation of law, or its essence, it is due to a situated understanding of law as envisaged and created through the supposed delay of time. Hence, 'the aporia of time and the aporia of law come together for Derrida in the relation between the passage of time and human intervention' (100). Therefore, social centre law is a gathering of time and is

descriptive of the past and as well as prescriptive of sometime in the future (Derrida, 1987: 21).

Performance can be seen as both creative and preserving, as law is, and so too the law of social centres and occupation protests. The same characteristics come through as a decision, as a moment of declarity. Dimensions of past, present and future and compressed within this recognition of time, and of the entropic construction of law; law out of madness, out of crisis, out of indecision as much as decision. Resistance in the form of a social centre law is also a move to potentiality (Guardiola-Rivera, 2009: 15), whereby the practice of interruption relays law's inherent alterity (220–221).

Nonlinear time re-sets the boundaries of temporality through its critique of progress; it swarms into a melting pot of the sequential and creates the indirect timeline. Call it a time-mesh, or a pronged temporal wheel, or the deciphering scribbles on some old, sepia-tint parchment that constitute the archival project of a liminal movement. This is the turning around of the Angelus Novus, triumphant against the wind of progress. Time and alteration are things perceived, and thus can be re-perceived; to be re-conspired, and re-catalysed.

To sum up, there are two points to be made here in relation to the temporality having been discussed. First of all, by stating that social centres and extant protest movements use a nonlinear version of time (that shown through their time-mesh), is to show this as a critique of the assumption that there is one delineation of time only. By introducing a social movements' alternative use of temporality, and alternative use of organisation altogether, there is always the element of lack within the dominant system of organisation, making this mechanism of temporal *praxis* and thinking is a form of critique. Given their retrieval of memory at the same time, this is how the commons can be found within their law, as they are constantly enacting a memorial process, as supported by Valverde, whether consciously or not (justice being a focal concern for social movements and groups as they try to learn from past mistakes).

Second, this also highlights the role of temporality within law as a whole, and how it is relayed with regards to justice. Through a performative act of archiving, protest movements operate in a moment through *presence*; however, state law is somewhat set back and detached from its subjects through barriers such as 'due process', and the bureaucracy of court processes and trials (*re-presence*). State law uses a temporal realist understanding of time, complementing the nature of its categorising power; it understands time as positive, in the same way as it convinces itself of its inherent and determinate form. Sometimes this is of benefit to squatters, protestors and social centres, when they are vying for more time in order to stay. In these instances, the act of limiting a stay within a building (through the Limitations Act 1980, Land Registration Act 2002, for instance, or a PO), is all about the length of time that this proprietorial right of resistance *within* law, is tolerated and allowed to be enacted.

The role of time in both resistance and law differs whereby there is an admission of temporal idealism within social centres; their *praxis* and

philosophical underpinning gives way to nonlinear visions of law and performances that may or may not happen as a coherent passage necessarily, always incorporating the presence of uncertainty. Through their reclamation of the commons as moments of the past and the future in the now, there is a nonlinear determination of time, memory, justice and responsibility in their daily activities and existence full stop. Social centres avoid the linear direction of continua of formalism as they circumvent institutionalisation, remaining creative of social centre law and not that of law of the state. State law projects linear time as absolute and thus archives its understanding of enclosure and not that of the commons, which through its ideology will support progress and linearity in order to legitimate itself. Kantian succession allows us to see this movement of temporality within law and resistance as a bridge between space and time, supported by the more scientific explanations of Einstein in the nineteenth century. The final question for this work might be, how can we apply this understanding of social centre law to occupation protests of recent years?

Chapter 8

The memory of the commons and the memory of enclosure

> The law had always leant heavily against those who use the threat that lay in the power of numbers. The acts of any individual participator could not be approached in isolation.
>
> *R v Caird* 1970, para. 506

So far, this book has sought to describe the processes of resistance to law, and back around again, through the anathema of state law's continuum of formalism and resistance's nonlinear informality. Yet, as we have seen in the past few chapters, that continuum relies on an understanding of *progression*, which indicates the predominance of linear notions of time and state law's presupposition of temporal realism. A nonlinear continuum in the case of social centres and occupation protests and those using anarchist or autonomist conceptions of organisation, may not, however, mean an arrow of time, which is why the element of past and future come together in an instant through the archive. Their law of resistance demonstrates that there could also be circular or any other persistent movement in legislative velocity. Arguably, state law seeks a different projection of time as it works under the assumption, or more accurately, assertion that time is fixed; the past needs to be catalogued and the future mapped and accounted for in the macroeconomics of capitalist development, with the underlying fuel of private property rights and enclosure propelling us forward.

How do these two conceptions of time and archives of law happen today and outside of the social centre case study that we have focused on thus far? The final chapter seeks to describe the memory of the commons and the memory of enclosure today, not only in relation to social centres, but also to movements specifically emanating from the Year of the Protestor, as this being a year known for a number of *occupation protests*, as well as some instances of occupation protest and eviction resistances since. If we return to the beginning of the book, we will remember the importance of land in law, giving space to the space–time of which we have been speaking in these last few discussions of temporality in legal archiving. This is why there is specific emphasis on movements seeking to occupy space, denoting back to the central role of the commons and enclosure, and these explicit examples of protest as seeking *spatial justice*. The response of state law in

archiving its memory of enclosure is epitomised through the knee-jerk criminalisation of squatting in residential buildings (arguably reacting to a rise in occupation protests). The archive of the memory of the commons can be explained as a practical performance of self-management as a *praxis* of self-legislation, autonomy in its nonlinear informality. This is quite different from the archive of the memory of enclosure, as there is no power hoarding – force and representation are not facets of this performance, and if there are institutional hierarchies, the wish is for them to be in horizontal formation. This horizontal determination of archiving is its *leaderless*, the conception of authority being collective and not gathered in one individual or institutionalised seat as is the case of the state law archive.

The underlying conception of property rights decides the way in which social life is organised, radically ordered by an ideological arrangement of absolute or relative time. The fight between commons management and enclosure is a philosophical and actual conflict played out at the very least in occupation movements and social centres, governing the way we live and the epistemological constructs through which we phenomenologise our external reality. Thus, to alter our relation to the land by and through archiving state law or a law of resistance is not just an important consideration in law and the actions of a few disparate and disillusioned squatters, but possibly the most fundamental relational alteration there can be. This consideration of the role of land in law and resistance is interrogated particularly in terms of occupation, its prevalence within the protests of the Year of the Protestor and eviction resistances in London 2013 to 2015; and whether occupation is such a new thing at all. This pre-occupation with occupation in protest is the symbolic contesting of individual property rights attached to land. This is expressed either directly through examples such as the *Indignados* and their occupation of buildings protesting the right to housing; or indirectly through the effects of the commodity fetish exemplified in reactionary looting of race-based Summer Riots in London 2011. The Summer Riots demonstrated further divisions of the proper and the improper originating from claims in land to claims to goods.

So how does this work in more recent examples? Some alternate instances of resistance from 2011 shall be introduced, as well as the eviction resistances in response to the accelerated housing crisis exemplified in London; to demonstrate how the theory of social centre law may allow us to understand the practices and actions of extant insurgencies occurring, as well as those of the future.

Similarly, what do recent changes in the law relating to squatting tell us about enclosure and how this affects opportunities for resistance? Returning to our discussion of the import of land in law and this prominence it has for resistance, we will discuss the extent to which state law is *archiving the memory of enclosure*, in other words, promoting individual property rights. As we know, it is through the advent of individual property that resistance becomes law in a continuum of formalism, whereby the will of the collective is superseded by the power hoarding of individual rights through the force of representative state law. This movement

of law is typified metaphorically by the Parliamentary Enclosure example, and *is* enclosure at the same time. Enclosure is categorisation, creating rules and limits, which is essentially what law does. At the same time, the actual enclosing of the commons gives us the version of law, resistance and society that we have today. This, once again, is all based on our relation to the land, and in agreement with Schmitt, I argue that if we forget the origin of law as relying on its grounding with the earth, then the whole superstructure of property (whether individual or collective), and thus law, cannot function. The gradual criminalisation of squatting is an example of this nihilistic tendency of state law which is ultimately removing its proprietorial right of resistance, reminding us of the landed basis of all claims in law relative in space and time and what may happen to law when its recognition of the present and the collective is removed. This self-sabotage is clear in recent relaxations in planning laws in favour of mass-scale re-development, over the silenced rights of local communities in inner city London, which we will also discuss. We will look at changes in law relating to squatting as well as the increase in 'quasi-public' space with the concomitant private law remedies and human rights arguments attached to see the extent to which state law is busy *archiving the memory of enclosure.*

Year of the protestor

The year 2011 was a tumultuous one, seething with an energy of insurrection and destruction as well as reconciliation and dialogue. Much has been documented on the uprisings and protestations of those twelve months stretching from the Arab Spring with the hangover of the Student Anti-Fees Protests in 2010 through to the Tent City in Gaza; then on to the Spanish revolt of the *Indignados*, the simmering London Summer Riots in August. The year 2011 culminated with the most spectacular display of networked global occupation tactics the planet had ever seen in the form of the Occupy movement. 'Time' Magazine named the year 2011 as the *Year of the Protestor*, the editor Rick Stengel noting the pivotal role protest had played throughout the year's news: 'They dissented, they demanded, they did not despair, even when the answers came back in a cloud of tear gas or a hail of bullets. They literally embodied the idea that individual action can bring collective, colossal change' (Stengel in BBC, 2011). It was true that there were people taking direct action across the world in a variety of different forms: from the domino effect of traditional but destructive *coup d'etat*; to looting; to obstruction; to singing during foreclosure hearings in the US. Through the use of one's body and one's place in time and space, whether in force or purely the occupation of space, it was evident that protest was rife. Resistance and laws of resistance were there in all their forms as the carnivalesque, the surreal, the violent, the disobedient, the opportunist, the parodic, the playful, the self-managed. It was a time for the invincibility of the student activist, the wall of bodies in squares in Greece and Northern Africa; the shift to the violent, the pernicious response of official forces and authorities worldwide, back round to the

peaceful, the deliberative, the rainbow of hope and transcendence emanating from the globalised conversation of Occupy.

The following pages will describe some of the most apposite examples of unrest during 2011 with the hope of relaying the similarities between the resistance exemplified within these protests and the resistance performed by social centres that we have come to know as social centre law. Following this discussion of that year, we turn to the eviction resistances in response to the growing housing crisis in the UK since 2013, and how they have recalled the task of social centre law.

At the end of 2010, there were indications of an unrest bubbling up, locally in this instance to England and Wales in the UK, with a series of demonstrations against the rise in tuition fees for higher education.[1] The protests at this time were forceful and gripped a student body that may not have previously experienced the types of direct action at such extreme ends of physical and property damage. Students both full and part time, those of higher and further education bodies, lecturers, teachers, researchers and research assistants, those who were not studying yet but were fighting for their rights in the years to come, those who had had their Education Maintenance Allowance (EMA) in England cut and had no way of supporting themselves in their studies. During those autumn months there were four very large demonstrations in London and across the UK. On 10 November the Tory headquarters at Milbank became the focal point of the unrest, with students causing damage to property and up to 14 injured during police clashes and police clashes. This first demonstration was jointly organised by the National Union of Students (NUS) and the University and College Union (UCU) (Harrison, 2013). Further protests were held on 24 and 30 November and 9 December, the police using infamous 'kettling' tactics that saw the majority of those who were peacefully protesting held for long periods of time without any means of escaping and returning to their studies, their homes or their jobs. During the protests, an old tactic of resistance was utilised, and one that has been echoed by student movements across the world (most memorably in 1968), where 'sit-ins' were used; students and lecturers alike would occupy university spaces such as libraries, halls, conference rooms, lecture theatres. Most famously was the Jeremy Bentham room at University College London (UCL) that became occupied and was one of the longest-running student occupations, acting as

1 These happened during the November and December months, whilst votes were being cast in the House of Commons and the House of Lords to remove the cap on student tuition fees at the then £3,290 and to create one at £9,000. These proposals were as a result of the 'Independent Review of Higher Education Funding and Student Finance' or the 'Browne Review' as it became more prominently known. There was a majority to create a cap at £9,000, which altered the very functioning and ethos of the higher education system in England and Wales, to that of a system similar to the North American 'Ivy League', education made possible through great swathes of student debt. This decision lead to the coalition retreating from the passing of the Higher Education Bill 2011 as the majority of the changes to the fees could be done without the scrutiny of parliament.

inspiration for other universities and colleges to do the same. Royal Holloway, London Southbank, Edinburgh, University of East London, Cambridge, Bristol, Sussex, Brighton, Leeds, Birmingham, University of West England, Plymouth, Cardiff, Kent and Birkbeck were all occupied during that time, coming together from the various corners of the sit ins to gather together for the mass organised protests, now with the National Campaign Against Fees and Cuts (NCAFC) becoming vocal as an organising force.[2] Interestingly, students occupied 53 Gordon Square, a university building of the School of Oriental and African Studies (SOAS), turning the space into the Bloomsbury Social Centre in December 2010. This became the 'Museum of Occupation', the original space not having been used by the university's management for three years and so the students were putting the space back into use, *re-taking* it. In the same sense as the social centres mentioned in the previous chapters, there were benefit nights, reading groups, talks and discussions and workshops on alternatives to the university system that was rearing its head at that time. The social centre lasted for a month, eviction happening in the January, when there were fewer students around to keep the building secure and under their control. Significantly, on the Bloomsbury Social Centre blog, the removal is archived (Bloomsbury Social Centre, 2010):

> The eviction has now occurred. It took place at enormous cost and with considerable personal risk to student occupiers. SOAS Human Resource Manager Charles John Perry may smilingly demand of the evicted occupiers that they confirm their good treatment. But it makes no difference. Hammers, drills, saws and battering rams aside, eviction is always violent.

So how do these actions remind us of social centres and the performances of their law? The re-occupation and re-enactment of social centre law is a good starting point for determining the similarities between the student occupations and the social centre and squatting example. The prevalence of the term 'occupation' is a hint to the preference for *taking space* that the students decided was the best tactic as part of their actions in defiance of the then proposed rise in fees, reminding us of the *re-occupation* and *re-enactment* of social centre law. The students certainly

2 As a completing PhD student at the time at Birkbeck College, memories of being part of occupying the Law School Meeting are vivid, assuaging the security guards that one normally chats to on the way to teaching, trying to convince them their jobs would not be on the line, and quietly entering and sitting at the back of a Law School formality whilst agog; some conspiring lecturers sat on and watched the spectacle of occupation and protest take place within their own discussion on the rise in tuition fees. Birkbeck's occupation lasted 24 hours, and fed into the mass organised protest that happened the coming day; however, there were a great number of people who attended the events in the evening and those who stayed overnight to secure the space, all of which has been documented as part of the 'Open Birkbeck' blog that was initiated by PhD students of the Law School as well as other students of University of London during those very heady and disturbed days.

occupied space in terms of the establishment of the social centre, took an empty building that at the time was a civil wrong and not that of a criminal offence to do so. This understanding of the law is further influenced by the assumption that universities are public spaces and thus students are at will to occupy them. Despite this, the very remit of the university is in fact *quasi-public* and university managers will use their contested status in accordance with private law mechanisms to remove students during occupations (*School of Oriental and African Studies v. Persons Unknown*; *University of Sussex v Protestors*; *University of Essex v Djemal*). As noted by Enright in her piece 2013 in the blog 'Critical Legal Thinking', the right to protest itself is something we think we can do in a public space, such as the university, and yet the predominant response of the authorities has been to resort to private law. She explains (2013):

> A greater number of occupations have been addressed, at least initially, by negotiation or dialogue under threat or cover of private law. A student occupation becomes a trespass when students are deemed to have exceeded the scope of their permission to be in and use the occupied building. Management has a remedy whether or not students have been violent or have damaged the property. The management may take self-help action, in that it is entitled to use 'reasonable force' to turn the occupiers out.

POs, injunctive relief, the threat of legal costs and the intimidation, as well as orders put in place to prevent other students from pursuing similar actions anywhere on campus have been used (*Djemal*). Enright also highlights how contract law provides 'a route to further victimisation'. Students are submitted to university disciplinary panels by contract on enrolment, a measure totalised with the 'Sussex 5' who were suspended during student occupations in 2013 at the University of Sussex; there followed a protracted dispute with management over disciplinary proceedings resulting in the students being reinstalled in their respective studies.

The daily grind of occupation for those part of the UCL occupations and social centre, gave an insight into how this vernacular level of protest was not one that was spectacular, but in fact based in the ordinary: gathering food, washing, smoking, being cold, being warm, huddling together – the mundane itself in spite of all else. This is reminiscent of the everyday of social centre law, the glamour of normality that the practicalities of occupying and maintaining social centre spaces incur.

The second tier of social centre law refers to an enactment, or a re-enactment, of the commons, whereby the values and ideals of communal sharing are part of the protest itself; its function and its actuality forming the performance of its personality, its archive. In reading groups and conversations at sit-ins, demonstrations and the events that happened at the social centre at 53 Gordon Square, there was an air of openness and freeing of space that speaks not of individual rights but communal sharing, a form of *commoning* to remember the verb. This is in terms of the creation of the spaces themselves, becoming occupied spaces;

occupied for the use of all and not just the few. The occupations themselves were indirectly contesting the right to exclude, whilst similarly utilising the doctrine in order to critique the government's proposals for the change of fees, much like the self-managed nonlinearity of social centres in their critique of state understandings of law, time and social organisation. The Bloomsbury Social Centre enacted the right to exclude until an appropriate measure of the law intervened on behalf of the owner, in this sense the University of London waiting for the decision of the law itself in order to regain their right to exclude at the behest of the students who had taken the building. The archival element of the movement is present in the use of social networking sites, blogs, information sheets, minutes of meetings, newsletters and flyers (*see* Fig. 8.1), and of course the existence of the occupation in the first place.

Social centre law relies on a presence of state law; whether the students are in admiration is a question that speaks to the remainder of the uprisings that happened in that year. There is an admiration for rights and freedom, to use space according to the law by those in occupation – it would not make sense to breach etiquettes of peaceful protest when sit-ins are usually there for some time. Those involved have to quell their behaviour in order for the nature of the protest to work. Some of those demonstrating as part of rallies used more militant *black bloc* tactics, where there is an outright prevarication of the law – there is a breaking down of barriers and the property of the law. In the examples of student protest in the months leading up to 2011, there was a clear wish to subvert the dominant legal narrative by those in occupation. Rights to education were warped in the eyes of those paying the price of the commodification of law; specifically with reference to the 9k hike in fees, the effects all in higher education and academia are in the midst of today.

Re-occupation and re-enactment is evident within the Arab Spring, an ongoing and an unfinished product of resistance. Its inception was in Tunisia after the self-immolation of Mohamed Bouazizi, a street vendor who was protesting the harassment and confiscation of his property by the authorities, in December 2010. Bouazizi later died as a result of his burns, prompting riots and protest against the then-23 year regime of President Zine El Abdine Ben Ali in the January of 2011. According to Wall, this self-immolation can very clearly be seen as the most integral moment of the sovereign upon and within one individual; the wish to abandon the body whilst at the same time offering the body back to the state, despite its clear role as a resistant mechanism too (2012). This led to many more self-immolations and the beginnings of the Tunisian revolution, significant protests in Algeria followed by those in Oman, Yemen, Egypt, Syria and Morocco and the government overthrown in Tunisia on 14 January 2011. In response, thousands gathered in Tahrir Square, Cairo to overthrow President Hosni Mubarak. By 11 February Hosni Mubarak had resigned, transferring the state of Egypt to martial rule. Protests broke out against Muammar Gaddafi's regime in Libya beginning an uprising that sparked a civil war, following those in Syria in March (*The Guardian*, 2012).

this week at the
Bloomsbury Social Centre
@ 53 Gordon Square

[DEC 12TH – 17TH]

MONDAY, 9.30PM – CINEMA: LA TERRA TREMA (VISCONTI)
TUESDAY, 5PM–9PM – WORKERS' RIGHTS INFO EVENING
TUESDAY 6PM – CINEMA: THE BATTLE OF CHILE
WEDS 1PM – HOW TO CLAIM BENEFITS
WEDS 5PM– WORKERS' RIGHTS INFO EVENING
THURS 5PM – WORKERS RIGHTS INFO EVENING
FRI 5PM – TENANTS' RIGHTS: HOW TO BEAT YOUR LANDLORD
SATURDAY 9.30PM – CINEMA: BELLISSIMA (VISCONTI)

Every Day

11AM, FINANCIAL TIMES READING GROUP (READING THE CRISIS)
8PM, POLITICAL CHAT AND DINNER (DONATION/ FREE)

The Bloomsbury Social Centre is run by the people who use and live in it: workers, students and residents from Bloomsbury, and our friends. If you'd like a space for a meeting, performance, workshop or whatever, drop by between 8am and midnight, or contact us through our website:

www.SocialBloom.org

Figure 8.1 Bloomsbury social centre flyers

According to Kerton, the Egyptian uprising played a key role in initiating and shaping the Occupy movement (2012: 302). Through associating Benjamin's concept of *aura*, Kerton evidences how the events in Tahrir Square encapsulated an auratic and magical experience. She argues that the tactical and political decisions of Occupy were originally inspired and encouraged through the new and unravelling possibilities of freedom and awakening political subjectivity in Egypt (2012: 302). She was not alone in her reasoning to link one uprising to the next. Despite originating in different parts of the world and utilising diverse tactics, the Arab Spring and Occupy evidenced a politics of resistance that sprung from the same ideals across alternate occupation protests – to *re-take* and *re-conspire*. Wall (2012) and Matthews (2012) similarly write of a political insurgency that speaks of causes and linkages wider than the remit of the Middle East and North Africa. This linking demonstrates one movement *archiving* the next, resignifying their memory of the commons within their unique performance of resistance. Whether there can be any empirical link between the geneaology of social centres and occupied spaces of the West, and the corporeally violent resistances of the Arab Spring remains to be seen. Yet there are similarities in the contesting of space, the fight of presence and resistance in the face of state law's institutionalisation that in turn is not forgetting its collective, present origin. Hence the magical space of the occupied square becomes a zone of a-legality, a void where all law and no law consists. On a wider scale, it shows how one protest can influence the intelligence of another. The performances of social centres and the archiving of their law is arguably directly of influence to the Occupy movement through social centres' role within the Global Justice Movement, of which Occupy is seen as a continuation. Social centres, the fight for the commons, The Diggers and The Levellers, have been the intellectual inspiration in contesting of space used by the movements of 2011, acting as examples of anti-authoritarian protest from the past that archive the memory of the commons as opposed to enclosure. According to the ruling in *City of London v Samede* (2012), the concerns of the Occupy movement were inimically entrenched as one and the same of as those of the Arab Spring (para. 155): 'They say that the protest is part of a worldwide movement (extending *inter alia* to cities in North America, the UK and mainland Europe). The protest also includes those concerned about the Arab spring'.

Despite the differences in religion, ideology, state, the shift from authoritarian to democratic regimes or the propelling force that caught fire at the end of 2010, there speaks a resistance of autonomy, practice and ritual as much as the occupation of space. Authoritarian states relay the difficulties of assuming laws of resistance can even exist; resistance is still primarily a reminder of the overbearing presence of the state. Wall expresses how in the most insurgent moment of dissensus, the act of the decider, the sovereign remains at its most powerful, where even a resister is 'caught in the trap of sovereignty when he tries to "decide against decision"' (2012: 219). This trap of sovereignty is evidence of the semi-autonomy of resistance and laws of resistance, the gradient at which state law will intervene in resistant activities.

According to Gordon, the Israeli 'Tent Protest' movement came and went over the space of six weeks in the summer of 2011 (2012: 349) and began as a result of action of a single individual, similar to the resistance that prompted the Arab Spring. The movement started on 14 July when Daphni Leef (a video editor from Tel Aviv), pitched a tent on Rothschild Boulevard in the city centre, in protest of having to leave her rented flat for renovations and realising that a new flat anywhere else would have been beyond her means. Using Facebook, Leef created an event that prompted up to sixty encampments throughout Israel popping up in protest against the heightened cost of living, housing prices, the government's social and economic policies as well as the stratification of wealth within Israel (Gordon, 2012: 349). The similarities between these events and those of Occupy are obvious, the use of occupation as a tactic, specifically in the contestation of housing linked to socio-economic hardship. Occupy, and indeed social centre and squatting movements, speak to myriad issues and yet the most lucid example of their resistant drive is where an action, practice and filling in of time and space that seeks to highlight inequalities in social housing, and ultimately, the regime of private property rights. The occupation of the space with tents echoed a belief in a calm and deliberative model of rights, an admiration for law. It also demonstrated Leef's vernacular form of protest was also her *home*. The re-enacting performance of the commons awakens as the open space of the boulevard is used to re-signify time and space as at once not a street, but a house, her room, her abode. A coagulation of *praxis* and enactments, to counter social disparity manifested in housing as part of a wider archive of other land-based protest movements. The similarity here between social centre law and the tent city is very much based on the occupation protest formula; an authentic desire to *level* law, *self-manage* and *resignify* through the use of landed space.

Greece and Spain speak of similar performances of the commons. Greece became ablaze with resistance from 2010 after Eurozone bailouts in exchange for cuts in public spending and increases in taxes prompted huge general strikes and riots as a result, followed by the memorably placed occupation protests within the symbolic Syntagma Square in Athens in 2011. Greece's story is ongoing today as further economic sanctions have been pushing the Greek voters in to a defiant 'OXI' as they take to the ballot and not the street. According to Douzinas, the plight of Greece is echoed in the uprisings in Ukraine, Turkey, Bosnia and Herzegovina and Brazil of 2013 to 2014 (Douzinas, 2014a). In May 2011 there formed the Indignant Citizens Movement, anti-austerity protestors who took direct action across the largest cities in Greece, predominantly through sit-ins in squares and municipal areas in cities throughout the country. There were a number of deaths resulting from violent clashes with authorities and heavy-handedness on the part of the Hellenic police. Protestors gathered in response to public spending cuts made to counter the sovereign debt crisis in a number of EU member countries, but most catastrophically felt by Greece. The occupation of the square in front of parliament in Athens reminds us of the 'situated resistance'

of Greek protestors (Douzinas, 2014b) as well as the practices and performances of social centres and squats.

The uprisings in Greece emanate from a place of inequality, unemployment and inefficiency on the part of the Greek government in protecting the interests of its peoples in the light of the onset of harsh economic times. This ineffectual governing in response to globalised financial crises resulted in sovereign bankruptcy assisted by the overbearing presence of EU monetary obligations resulting from politics up in Brussels. The occupation protests started after the more violent resistances of 2010, and even before the events of when 15-year-old student Alexandros Grigoropoulos was shot dead by two policemen on 6 December 2008, resulting in the sparking of unrest and resistance by a younger generation gripped by disillusion and distrust of Greek and European authority. This trigger for outrage at the injustice impounded by the Greek authorities exemplifies the impact of wider global economic sanctions and events felt upon the fate of an individual, a young teenager. This is not dissimilar to the Summer Riots story, which we will come to shortly, where the Greek youth's reactions represent the embittered and entrenched socio-economic inequality caused by wider capitalist superstructures. Resonating with informal nonlinearity promoted by autonomism and anarchism in social centres, the forms of retaliation in Greece were philosophically the same but more extreme where black bloc activists deliberately caused unrest and disruption and committed damage to private property. Greece is not only the homestead of democratic philosophy with Athens as the original *polis*, but has a rich history of anarchist and autonomist politics, with 17 November celebrated each year to remember the Athens Polytechnic Uprising of 1973 seeing the end of military junta rule and the fight against tyranny through resistance. The leaderlessness of social centres emanates from the same anti-state core belief as anarchism and autonomism, which is at times expressed through left-wing extremism (such as the RAF mentioned earlier) and violence to private property. The fight against economic determinism impinging on the rights, aspirations and mortality of the Greek people was a countering of the brutal and thoughtless actions of state officials and their economic irresponsibility through taking to the streets in both violent and non-violent protest, most notably in occupation of the iconic Syntagma Square in Athens.

Similarly, the feeling of discontent was rising in Spain, where the 'Great Depression' of the era was taking grip. In 2012, one in every ten young Spanish person was forced to go back to live with their parents (Guardiola-Rivera, 2012: 258). The economic climate on the Spanish mainland had been worrying for some years, creating a situation where the young are the dispossessed, the future of the country abandoned as a consequence of the Euro crisis. In the words of Escobar (Escobar 2011, in Guardiola-Rivera, 2012: 258):

> The current Great Depression created a crack between generations that has become gangrenous and stinks. The youth, which was called in this country, with the usual pomp and circumstance, 'the best prepared generation in the

> history of Spain', and which today lives with monthly salaries under a thousand Euros or appeal to their parents' charity, have been expulsed out of the system and into misery.

Guardiola-Rivera gives a poignant account of the plight of the Spanish youth, the '*nimileuristas*', who are on less than a thousand Euros per month, their labelling as the 'NEET' generation (NEET meaning 'not in education, employment or training', 2012: 255).[3] Like many other movements during that year, such as those in Egypt and Greece, where occupied squares became the foci of activity, Puerto del Sol Square in Madrid was the gathering point of the movement. Buildings were occupied, the most infamous example being the taking of an abandoned hotel in the heart of Madrid and the radicalisation of the space resulting in the perceived node of the *Indignados* movement. This was a fifty-day-long experiment, tweeted as #*hotelmadrid* starting on 15 October 2011. According to activists writing on the movement (Abellán, Sequera and Janoschka, 2012: 434):

> The squatting of the hotel accomplishes key demands related to 'real democracy' and the re-appropriation of public space as a political space with claims for the right to housing, providing an excellent example for the discussion of the shifting dimensions of emancipatory struggles that emerged in the course of the Spanish 15-M Movement. In this regard, squatters engage actively against neo-liberalism, promote the right to housing and convert such mobilisation into a forward-looking project that not only reclaims but also takes, socialising private properties through common repossession. Referring to strategic disobedience we discuss how protest camps, public political assemblies and squatting create spaces of citizenship and intend to crack naturalised facets of capitalism such as the powerful discourse about property rights.

The squatters were evicted by the police on 5 December 2011, Abellán *et al.* (2012) referring to the hotel as a 'school' of thought and a breeding ground for resistance spreading across the rest of the city and indeed arguably to the Occupy movement, which was to follow not much long after. The hotel served as a powerful symbol in the 'movements' collective memory', specifically referring to the occupation as a 'laboratory for urban resistance', as a 'practical solution for some of the economic problems a growing number of middle class households are suffering both in the city and statewide' (Abellán *et al.*, 2012: 436). Very similar to

3 Guardiola-Rivera speaks of the influence of Frenchman Stephane Hessel on the resistance and protest of the *Indignados*. He explains, Hessel was one of the original drafters of the UN Universal Declaration of Human Rights, resisting fascism and oppression and war throughout his life, and the later author for the manifesto 'Indignez-vous!' (2012: 255). The beginnings of the '15-M Movement' resistance in Spain were back in May of 2011, triggered by call outs to up to 58 Spanish cities from social networking movements (Morell, 2012) such as of 'Real Democracy NOW' and 'Youth without a Future'.

the social centre and squatting movement as a whole, there is an implicit defence of the right to housing, and one uniquely enshrined in the Spanish Constitution (art. 47). Just as Leef's tent occupation sought to defend, in the Israeli context, the right to a roof over one's head, the right to be able to afford housing at the very least, was a central cause being defended in Spain; movements crying out against an economic system that was denying this right, and ultimately contravening it.[4]

The resistance in Greece and Spain speaks to the social centre law that forms the backbone to this work. In Greece, there was a defiant tactic of spatial justice, a *re-taking* that happened firstly from the shooting of Alexandros in 2008, and then further the economic sanctions wielded against the Greek people after 2010. This re-taking was a re-taking of the streets in anger against an innocent death, a re-enacting the principles of the Greek City State, this time not in the name of the elite, but in the name of those who felt the absence of equality and freedom most violently. Syntagma Square was occupied and democracy re-enacted through the variant versions of anarchism and autonomism, both violent and peaceful, all expressing a nonlinear informality in outrage against the actions and inefficacies of the law of the state.

In Spain, the constitutional right to housing as enshrined and manifested in law bolstered the occupation of space by the protestors. Arguably this formal protection enriches the very long tradition of squatting and social centres in Spain, demonstrating a similar confidence in law to that of the social centre and squatting participants in the UK. This admiration of law and rights gave way to the same recital whereby spaces were occupied through daily and vernacular means and yet there was a radicalisation borne of this *enactment*; a reminder of the performance of self-management so clear within the self-legislative principles of the social centre movement in the UK. Abellán *et al.*, even refer to the hotel acting as a memory and a platform for the various factions and movements, upon which they could build and go further, in a similar fashion to a memorial for the commons (2012). The horizontal hierarchies of the *Indignados* were the same as those in anti-authoritarian movements across the globe, illustrative of an alternative form of organising peoples and causes. Guardiola-Rivera speaks of the use of *Reacciona*, the central document of the movement that drove their principles and almost acted as a constitution in itself (2012), reminiscent of the social centre archives and the radical literature characteristic of the movements both on the continent and within Britain.

Returning to the UK, the Summer Riots of London 2011 were a spectacular event for those living in London or any of the cities affected, where there was a distinct atmosphere of heat, of something burning, energies dissipated. Most of the reports identify the origins of the riots as the police shooting of a 29-year-old

4 Such mobilisations against gentrification and increased rent prices had been taking place in Spain since 2006, those organised by the 'platform for dignified housing' and 'V de vivienda' and 'Plataforma de Afectados por la Hipoteca' (PAH) (Abellán *et al.*, 2012: 439).

black man, Mark Duggan, in Tottenham, North London.[5] The riots spread from Tottenham to other areas across London, notably Enfield, Brixton, Hackney, Clapham, Croydon, Ealing, Peckham and then on to Birmingham, Bristol, Nottingham, Leicester, Manchester and other big cities across England. It became clear there was a lack of police response and a majority of the crimes involved property damage and looting. By the weekend of 13–14 August, there had been 2,200 people arrested; 1,400 of them in London. There were around-the-clock magistrate courts processing the suspects, assigning many to higher courts in order to administer stiffer penalties (Kellner 2012: 26). As one young man from Tottenham said: 'I still to this day don't class it as a riot … I think it was a protest' (LSE, 2012: 21). The very fact that the Courts saw fit to impose additional culpability of 'Riot-Related-Offending' to explain the apparent collective conscience of the riots, by pinpointing the 'leaders' in the *Blackshaw and Sutclifffe* cases of an apparently *leaderless* resistance (Finchett-Maddock, 2012, 2014), speaks of state law's miscomprehension of the Riots and its archive of *self-management* on a spontaneous and reactive scale.

The occurrence of the events in London do not naturally appear to be related to the other protests, as the contesting of landed property in space is not immediately obvious; yet the striating violence of individual property is felt through the pre-eminence of the commodity fetish and the power materiality over expressions of unrest and dissatisfaction. Merchandise stolen from shop windows of familiar high street chains were products of the larger capitalist economy and exchange-value relations; examples of the horror of capital as the proletariat wrest their goods from the owners of the means of production whose power is vested in the original enclosure of land. Greek and London rioters alike, there was an expression of outrage at the death of one individual at the hands of the state that simultaneously unearthed deep-seated unhappiness and distrust of authority and state monopoly of force felt by minority groups and the inequity of extant socio-economic circumstances.

Not long after the riots this tidal wave of insurrection came full circle with what we now know as the beginnings of the Occupy movement in North America. The Occupy Movement became an international protest movement, arguably inspired by the *Indignados*, the Canadian magazine Adbusters and the Arab Spring, seeking economic justice and social equality in power relations on a broad scale, focusing on the crises caused by the global financial system and the

5 The incident occurred when armed officers, searching for illegal weapons, stopped and searched the minicab in which Duggan was travelling (Kellner 2012: 18). The police defended the shooting claiming that Duggan was carrying a loaded gun, which he had fired. However, there was no evidence released that the weapon had been used for such reasons. In the 2014 inquest in to Mark Duggan's death, it was ruled that the police shooting was lawful, and yet the jury's majority did not believe that Duggan had been holding the gun in question in possession at the time (Dodd, *The Guardian*, 2014). For the local community this was another example of excessive police brutality (Kellner 2012, p 18) and, given the sentiment that Duggan's death caused, it seems that this was one extremity of police behaviour that incensed an already raw community.

effect that these inequalities have had on those who claim to be the 99 per cent. These 99 per cent were seen as the vast majority of people in the world, whose lives have been subject to the decisions of the remaining 1 per cent. The concern was therefore the effect of the inequality of the global economic system undermining any basis for democracy. On 17 September 2011, the first Occupy protest to receive wide coverage, Occupy Wall Street in New York City's Zuccotti Park, set up camp. After that, Occupy protests took place in over ninety-five cities, across eighty-two countries throughout the world. The occupation initially brought about sparse media attention, up until when shots of police repression started going viral across the US and the rest of the world, leading to what Juris and Rasza have spoken of as a surge in public sympathy and support (Juris and Rasza, 2012).

The shared characteristic between all of the Occupy sites was a camp of tents, outdoor kitchens, free universities and meeting spaces, in a park or other assumed public space of a symbolic positioning near a city or town's financial district. This spatial contestation highlighted who owned the space being occupied, how the protestors used the space, what they were expressing, how they had both been allowed to stay and how they had been made to move on. Within the UK the most well-known encampment was 'Occupy St Paul's'. Occupying land in the UK has been an age old system of protest as we have been discussing for some pages now, going as far back to the sixteenth and seventeenth century. Americans too have a long legacy of occupations, such as Hooverville, Resurrection City, Rosa Parks, and the 'SNCC' (Student Nonviolent Coordinating Committee).

The Occupy movement was a global expression of the division between the right to use space, whether for protest, whether for art, or whether as a home, whether for whatever; and the rights and responsibilities of those on whose land these occupations were taking place. Occupy has received criticism for its lack of demands and goals, and of course the problems their presence causes for the proprietors of the lands concerned. The filling in of space, and the uselessness of those who were protesting as viewed by those critical of the movement, was equated with visions of Ezra Pound's 'multitudes in the ooze' (Liboiron, 2012: 396). In a counter move to this, the occupiers were sedimenting themselves 'promoting the mutual recognition of the cracks' within the system (Holloway, 2013). The Occupy protest undoubtedly caused a 'global conversation' on matters that affect us economically, environmentally and socially, the efforts of which are not something to be taken lightly. According to Pickerill and Krinsky (2012: 279), Occupy enabled us to critically re-examine and question of collective action itself. What Occupy did exemplify was the use of the body in protest, just as Butler spoke of in her piece 'For and Against Precarity' for the Occupy journal *TIDAL* (Butler, 2012):

> When bodies gather as they do to express their indignation and to enact their plural existence in public space, they are also making broader demands. They

> are demanding to be recognized and to be valued; they are exercising a right to appear and to exercise freedom; they are calling for a livable life.

This is in a similar vein to Guattari*'s To Have Done With the Massacre of the Body*, (2007: 209), where the body is argued as the first point of interaction of law, and thus it must be the first point of resistance (Lambert, 2013). These bodies allowed for the resistance itself to be grounded, although still spreading from localities across on a transitory and planetary scale. According to Glück, the tension between the park-scaled locality of physical occupation and the global scale of inequitable capital against which the protestors were fighting, captured one of the central tensions of the movement (2012). The production and reproduction of scale (whether geographical or social) through social practices is reminiscent of the performative quality of social centre law, and social space as a construct overall. Occupy was also demonstrating against the occupation of colonialism, most obviously contested in the settler countries of North America where territories were being camped on that in history had already been colonised removing the originary indigenous peoples from their land. As Barker illustrates 'it cannot be ignored that American wealth (especially that of the esteemed home-owning middle class) was and is generated from the exploitation of stolen land' (2012, 329).

Occupy relates quite lucidly to the constructs of social centre law. In terms of the occupation of space, whether legally or otherwise, there is an inherent belief in the right to be able to do so, the fundamental role of the state as that which should allow for the voices of democracy to be heard, and not stifled. To have the right to occupy space reminds us of the Harveyan right to the city, as reinforced through works by Schein (2012: 335) whereby the right to the city addresses the right to housing, specifically in relation to the homeless question of Occupy. The homeless were very much members of the encampments, highlighting the shelter, however flimsy, the tents providing for those without a permanent abode. According to Smith *et al.*, the homeless 'individuals gained a new political role that was different from that of being a recipient of charity and services' (Smith, Castañeda and Heyman, 2012: 356). Alongside an admiration for the law, there was a vernacular, everyday level of playfulness, reminiscent of the *comedy of the commons*, whereby Occupy Wall Street staged 'couch-ins' at Bank of America branches to protest mortgage foreclosures, and a March 2012 meeting was roused with a 'Clown check!' to announce singing and dancing clowns to cause havoc during actions (Schneider, 2012). Reminding us of the Situationists and those who have used humour and critique in protest before (Haugerud, 2012):

> Levity brings so many forces that are otherwise buried under frustration, under the hard knocks of life … If you have a moment of humour it shifts the dialogue, [and] being able to crack a joke and get people to draw on their own sense of what is right is very powerful.

The commons are thus re-enacted, in a light-hearted manner, but also through the values and principles and the well-documented self-management techniques of Occupy. I say well-documented as Occupy managed to visibalise the consensus-decision-making practices spoken of in relation to social centres and wider anti-authoritarian movements, in a way not done before.

The list of working groups reads much like an inventory or almost a political manifesto (Lambert, 2013), demonstrating the collectivist and archival similarities between social centre law and Occupy (2013: 39–40):

> Arts & Culture; – Craft-In-Everywhere; – Comfort; – Laundry and Shower Donations; – Design; – Direct Action Committee; – Education and Empowerment; – Facilitation Committee; – Food Committee; – Free/Libre/Open-source (FLO) Solutions; – Info / Front Desk; – Internet; – Legal; Media Committee; – Medical; – Outreach Committee; – People of Color; – Political and Electoral Reform; – Sanitation Committee; – Student Engagement; – Tactical Committee; – Town Planning Committee; – Treasury Committee; – Students Committee.

These groups are reminiscent of the activities and concerns of social centres, and the manner in which they were organised according to consensus decision-making, forming part of the archive that both social centres and Occupy were seeking to promote and raise awareness of. In this *praxis* of the comedy of the commons, the informal nonlinearity of Occupy carries the message of other movements and contesting philosophies that seek to subvert the dominant regime of space and time. In the words of Alex C. (2012), to begin this project, the key steps are:

> (1) Recognizing and identifying 'springs' or sources of power – e.g. information, connections, access to resources, history, etc. (2) Mapping how these power flows are distributed in space, people and time. (3) Acting upon the cartography to shape the flow of power in a way that benefits all.

Here Occupy clearly performs a memory of the commons, hinges itself firmly to wider networks and concerns that spread through time and space, across geography and geometry.

Just as the Israeli tent protests, the 15-M, the homeless of Occupy and the squatting and social centre movement have demonstrated, the occupation of living space and time to re-take, re-utilise and contest, all speaks of a linking of protest with some conception of what it means to be 'home'. Discussed next are the eviction resistances and social centres of London and Brighton (2013–15) and their performance of the commons in the response to the housing crisis through innovating conceptions of a 'temporary autonomous home'.

Eviction resistance and responses to the housing crisis

The eviction resistances originating across London constituencies of both the Left and Right,[6] combined with the new confidence of squatted social centres (Radical Bank of Brighton and Hove and Elephant and Castle Social Centre in South London), are reigniting the memory of the commons through their performances of nonlinear informality.

Eviction resistance Focus E-15 has become somewhat of an institution now, but it began back in September 2013 with twenty-nine young mothers of a homeless hostel who, according to their blog, were served eviction notices from East Newham Housing Association as it was selling off the property as a result of local authority cuts to social housing subsidies. They were offered to be re-housed in Manchester and Birmingham; hundreds of miles away from what they had lived all their lives, their families, their heritage, their belonging. The young mothers started a stall each Saturday in Stratford High Street, raising awareness of what was happening to them and the eviction notices they were served, their slogan *'social housing not social cleansing'* becoming the byword for a developing movement.

The campaign caught the heart and minds of many, and since then there have been marches, celebrity endorsements, appearances of the collective at festivals and fringes to speak and inspire potential supporters and is an integral part of a wider mobilisation against expropriation across London. In a similar move to the Aylesbury occupation in Southwark, the young mothers highlighted the abandonment and laying to waste of empty social housing stock by occupying huge swathes of empty council housing ready to be demolished. Similar resistances to housing association and council sell-off-prompted evictions have been happening throughout London with extant actions against Annington Homes and Barnet Homes in Sweets Way Estate, Camden Resists and Islington Park Street halting their evictions from One Housing Group properties.

The Aylesbury estate in Walworth, Southwark was likewise the coming together of direct housing action through protest and protecting people's homes through the use of occupation. This huge action rang similar to protests and squatting going back to the sixties and seventies where on 31 January 2015, a 500-strong March for Homes took place uniting activists and communities from across London. Part of the march broke away and formed a 150 occupation of Chartridge House on the Aylesbury Estate, one of the main blocks being emptied for demolition to make way for private housing development by Southwark Council in south-east London. After two weeks of occupation on Monday February 16, the authorities accorded a PO to evict the occupiers. The occupiers remained until April whilst fencing (aptly named Aylesbury Alcatraz) and heavy security closed in the still remaining residents who were yet to be 'decanted', who

6 These resistances have been in Newham (Focus E-15), Barnet (Sweets Way Resists), Camden (Camden Resists), Lambeth (Guinness) and Southwark (Aylesbury).

are still living in the enclosure of Aylesbury as it is set for demolition as a 'First Development Site' under the NPPF (National Planning Policy Framework) 2012 on the re-development of brownfield land.

Interestingly, after an era that saw the decline of squatted social centres because of the new legal framework of criminal trespass now associated with squatting residential buildings, there has been a resurgence of social centre and squatting activity in sympathy with the causes of the eviction resistances. Radical Bank of Brighton and Hove and Elephant and Castle Social Centre in South London are examples of this resurgence in 2015. According to Serpis (2015), RadBank were inspired by a feeling of solidarity and common connection with thousands partaking in anti-austerity actions across the UK, as well as other social centres, such as the Elephant and Castle Social Centre in the now intensely re-configured and re-formatted built and social constructions of Lambeth. The Elephant and Castle pub in its current form on the corner of New Kent Road and Newington Causeway (Segalov, 2015), was built in the sixties but according to reports (Hani, 2015), there has been a pub on that spot since 1765. As a result of losing its alcohol licence, the site has become vulnerable to developer acquisition, with plans to use the space as a new branch of Foxtons estate agents. The Elephant and Castle pub was squatted to halt the gentrification of one of London's historic drinking houses and to make visible a connection between the squatting movement and the concerns of the eviction resistances. The advent of new social centres combined with eviction resistances in London express this contesting of private re-appropriation of homes in powerful displays of collective strength, and are an emergent movement that demonstrate an ever co-dependent dance between law and protest (Finchett-Maddock, 2015).

Squatting for use, the tactic of eviction resistances and social centres, is a politics of procrastination where a biding for time and stalling a PO allows for a Hakim Beyian (now TAZ), a 'temporary autonomous zone' of property for use or even a 'temporary autonomous *home*'. To claim an outrage in protest demands the apportionment of time, a moment in which to be heard; the space in which this detraction resides, is to stake a claim that ultimately relies on our association with the earth and the resources round us. This association is always the land, our placement at a given time within a sovereignty, where arguably all protest seeks to assert the protection of each of our conceptions of home. This connection with land and home rings so true as rights to protest and rights to housing come together in direct action, both symbolically contesting the enclosure of private property whilst at the same time halting the extraction from one's place of existence as is happening in the resistances against the neo-liberalisation of housing stock. The police holding and questioning of Jasmin from the Focus E-15 (Booth, 2015) resistance specifically highlighted the draconian measures brought against individuals contesting dispossession of their homes and the criminalisation of protesting for housing specifically, bringing together this convergence of resistance and habitat once again (Finchett-Maddock, 2015). The temporary

autonomous home asserts the same practices and tactics of social centres in their archiving of autonomy and nonlinear commons, the connection to similar causes clear within networks visible between recent RadBank, Elephant and Castle and interlinked support between eviction resistances.

Archiving autonomy and nonlinear commons

The role of law in protest has recently been turned to by Mulqueen and Tartaryn (2012) in their application of the Nanceyan 'inoperative community' to the ambiguous use of law, either those proposed to have been created by the movements themselves, or the reliance on state law mechanisms, demonstrating the unclear boundary between the two. Mulqueen and Tartaryn would rather not refer to legal pluralist definitions that speak of empirical and observable liminalities existent between law and protest, and speak instead of life within law and a lived law (2012: 283):

> This law is part of a constant negotiation and it is involved in the dynamic processes of movements. Law involves establishing a limit and tracing this limit, but this limit is un-working itself as soon as it is constituted. The Occupy movements live law by existing not outside the law, but by rethinking the role and function of law in the movement and processes of community.

This 're-thinking of law' resonates with the supposed law of social centres, and thus whether there is anything that can be learnt from the use and interaction of the two legalities (formal and informal) that are constituent of more recent occupation movements. It is true to say that this *continuum of formalism* of which Santos speaks, the move from the constituent power to the instituted legal, is a question that underlies the great majority of critical legal discussions on law. The admiration for law which the social centre movement are portrayed as having expressed, manifests itself in each of the movements of the year of the protestor and eviction resistances since, as a basic performance of constituent power, transformed through the mimicry and subversion of performative succession. Although, as Wall clearly demonstrates, this creation of new law is at once an indication of the presence of state law. Wherever there is resistance, there is always the overcasting umbra of legality of the institution, of the monopoly of power and the semi-autonomous nature of all resistance and resistant laws.

Mulqueen and Tartaryn argue the role of law is important in social movements, because all social movements suggest alternatives to dominant forms of social and political organisation, and yet because they seek to change law *per se*, there will always be law as a 'temper', either positive or negative, within the work of social movements. This admiration for law, just as Nelson Mandela knew he had to subsume himself to the etiquette of the Courts, works at the state institutional level, and, as Mulqueen and Tartaryn relay, is always in negotiation at the

level of resistance (2012: 285). Thus any law of resistance is one that creates a space for this very negotiation, of the limits and de-limits of law itself, the zone of the other or the a-legal, where there is a 'law that is thinking, re-thinking and de-thinking itself within the movements of the "movement"' (Mulqueen and Tartaryn, 2012: 285).

What resonance does social centre law and its nonlinear informality have for the year of the protestor and the eviction resistances that have followed? The first would be arguably an ambiguous legal innovation that relies on admiration for state law at the same time as proffering alternatives. This is expressed within the movements from across continents that, despite their ideological and politically different realities, all seek the protection of rights and some model of democracy and justice, whether anarchist or otherwise. These are aspirations congenital to positive representative law too. Constituent power lays the foundation for resistance's state law admiration, and yet, as we know from the ways in which each of the protests also operate through expressions of anti-authoritarianism, constituent power is the search for an alternative archive of law itself – a law of resistance. Within the Arab Spring and even the London Riots, where force used by activists was more prevalent than in other examples we have looked at, this is a basic re-taking of the monopoly of violence from the state and speaks less of a positing of alternative law, but a retaliation and copying strategy within the framework of law already prescribed.

Within each of the protests there is the element of occupation, whereby politically symbolic squares, piazzas, buildings and homes were filled with bodies in a mass manoeuvre of re-occupation and re-enaction. This was clearly demonstrated with the Occupy movement, Tent City, the use of politically important spaces in Greece and Spain and the recent resistances of evictions in London. Here we come back to the a-legal vacuum of a law of resistance, which links land with law and the time and space state law create for resistance. Tzanakopoulos states 'one could then argue that only by thinking the possibility of the void is the void produced. And what is it to think the possibility of the void if not precisely to put politics in command?' (Tzanakopoulos, 2012: 281). This performance of the void, the cementing of the empty and inverted zone, the nature of law and liminality itself, is accelerated through the importance of territory and 'being here' within the protests of Occupy, Focus-E15, social centres, the tent protests, as well as the bringing together of bodies in the various squares across the Arab World, Greece and beyond.

In agreement with Graeber, the form of resistance that has emerged looks remarkably similar to the old global justice movement (2012). A reversion to occupation protest, a term coined by public law academic Mead, appears to be the chosen method of revolt. This is what Jeffrey has referred to as the rise in 'a logic of aggregation' (Juris, 2012: 267), instead of the use of the internet and cyberspace as a site of protest. The use of space is manifested as a form of materiality (Schradie 2011), contested through the occupation of sovereign zones

that are regulated in a truly Foucauldian control of not just mind, but body (Foucault 1978; Juris 2008). However, in his account of the Chilean student protests of 2012, Guzman-Concha questions whether such occupations are characteristically altered in such a way that, due to their tactics of occupation, they really represent anything that is necessarily different from previous examples of protest and student uprisings around the world in times past and times in the future (Guzman-Concha, 2012: 408). This rise in logic of aggregation, a rise in the *archiving of the memory of the commons*, may take on an element of artifice, given the preponderance of resistance that occurred around the same time. Having recounted land rights movements and pre-constitutional politics attached to land in examples in history, the pre-occupation with occupation is not something new, and occupation protests have always been the preeminent form of activism, if not the first. If we follow Carl Schmitt that the order and orientation of law comes from the earth, then we can also assume all resistance emanates from the earth too.

Goyens spoke of how Occupy has also highlighted the limits of the 'Facebook revolution', and demonstrated the need for protest to be grounded in place politics (Goyens, 2009). It is arguably only when we finally remove ourselves from the *landed* commons, that this occupation of territory itself will become unnecessary. All it does do is take us back to the memory of The Diggers and The Levellers, and enacts a nostalgia within those who are participants in the various movements, taking action using and occupying land, because the very regime against which all movements fight rests its power in the consumption of land and law in the first place. How best to start a fight against the monopoly of space, time, law by capital, than through the occupation of space, time and law through resistance?

Woods, Anderson, Guilbert and Watkin (2013) refer to the 'rhizomatic character' of new social movements, those that are epitomised by the Occupy movement and other place-based protests in recent years. It is not something unique to proclaim, as the protest movements specifically of the Occupy camp have highlighted their commitment to self-managed practices of organisation. What Woods *et al.* do highlight is that the rhizomatic character of protest is not confined to purely recent years, but is a disposition of protest movements throughout history. It is not a revolutionary shift in political organisation, but rather a part of the 'ongoing, dynamic, and cyclical interplay of rhizomic and arborescent forms' (Woods *et al.*, 2013: 434). This 'matter out of place' (Woods *et al.*, 2013: 434) is therefore not something new. Juris attests that global justice movements during the late nineties and naughties were epitomised by a culture of networking arising as activists began to use digital media (Juris, 2012: 266), through the early impact of the internet, which led to the onset of social networking as a living and breathing portal of sharing of information and organisation. During the May Day protests in London, the anti-G8 or anti-G20 protests, there were still occupations used, the blocking of space and the resultant use of the body as resistance. During the 2001 May Day protests in London,

alter-globalisation protestors divided the rallies up into places on the Monopoly Board, across the various parts of London. This was a cartography of resistance as much as the re-appropriation of Zuccotti Park with street artist Banksy's donation of the same caricatured board game, a subversive tactic repeated by the St Paul's encampments – and indeed a subversive critique emanating from the humble social centre. As mentioned earlier, the party protests of the early nineties, the anti-road protests of the RTS movement, guerrilla gardening, the Battle of Seattle and the summits of the WSF, were all based upon a re-occupation and re-enactment of time and space.

Halvorsen notes the similarities between Occupy London and the alter-globalisation movement's self-management practices and DiY politics, which speak to the social centre law archive and rememberance of the commons (2012: 451). Graeber proclaims Occupy's rejection of old-fashioned party politics, the embracing of radical diversity, the determination to create 'bottom-up' forms of democracy, a task congenital to any autonomist or anarchist vision of social organisation. Halvorsen highlights how both the movements of the nineties and those of the year of the protestor seek to challenge claims that 'there-is-no-alternative' to neo-liberal globalisation, and the subsequent 'end of history', to use Fukuyama. The WSF was one such example of the coming together of peoples, non-governmental organisation (NGO), civil society, political organisations, to 'create an open space in which movements celebrate their diversity and thought about how to foster links and support each other. It aimed to be a non-hierarchical and horizontal space that explicitly avoided any formal decision-making structures' (2012: 451). UK social centres are integral to the same era, and yet the argument here is that these similarities point to one very great contingency – that which indicates the occupation protests and laws of resistance are by no means new, but are in fact as old as law itself.

Self-management practices inimically link occupation protests to a critique of linear time due to their nonlinear informality, the use of consensus decision-marking procedures, their transience and their subversion of the everyday. Agreeing with Woods *et al.*, the immanence of resistance, allowing space for the emergence of spatial justice (Philippopoulos-Mihalopoulos, 2011) is a temporal intervention, allowing for understandings of not just resistance, but so too explications of law. Reminding ourselves what social centre law was trying to describe, we recall a performative, an enactment of the memory of the commons that relied upon coordinates of becoming and the characteristic legal appropriation of time and space through vernacular and every day practicalities and knowledge, or *praxis,* that allowed for the spaces to be occupied in the first place.

The hinging role of property is most clear within the re-appropriation of space by the *Indignados*, and also the eviction resistances and extant social centres in London and Brighton; nevertheless, all protest phenomena discussed expresses the desire for a grounded activism. Perhaps it is in an era where enclosure has expanded into all areas of public life that we seek to go back to the very basics and

reclaim the earth from which all life and law emanates. The fact that we seek to link these protests together reminds us of the archival nature of protest where each event is the reoccurrence of those actions that happened previously, the bringing forth of the past into the now, a compression of time on into the future. By chronicling the movements of 2011, which clearly are not confined either before or after just that year, it is hoped that social centre law is useful in explaining not only a law of resistance but the law of the state in response, that of the archive of the *memory of enclosure*.

Encroachment and the continuum of formalism

Nearly all the social centres that were in operation between 2006 and 2011 have now been evicted, other than those spaces which are actually rented and thus are not affected by the rules relating to squatting and any recent changes in the law curbing the practice. The spaces that remain in London are predominantly 56a Infoshop, LARC and Pogo Café as referred to earlier and taken from the Autonomous London website, as well as some of the new wave of centres happening in response to the housing crisis in the UK such as the Elephant and Castle Social Centre. Since the end of 2010, there have been a number of spaces such as AntiCuts Space (Bloomsbury) (which was also linked to the student protests and a reaction to the introduction of austerity measures and cuts brought in by the Coalition government after the financial crisis), 84GreatEasternStreet (Shoreditch), SystemXChange (Mortlake), Social Centre Plus (Deptford) and WellFurnished (Hackney), amongst others that have been less visible than these mentioned. This decline in the prevalence of social centres is arguably indicative of a movement of state law, as it *archives the memory of enclosure* and infiltrates the remaining spaces and zones of resistance and resistant law.

With that in mind, politics has had a spectacular few years where both law-makers and law-breakers have excelled in their political aptitudes and stances. We have seen an acceleration of neo-liberal ideas of the market, capitalist politics that according to Wendy Brown in her *Neo-liberalism and the End of Democracy* essay (2003), 'undergirds […] a mode of governance encompassing but not limited to the state, and one that produces subjects, forms of citizenship and behaviour, and a new organisation of the social'. Brown explains how classic liberal economics, equating freedom and opportunity based on the mercantilist freedom of the market, has evolved beyond the strata of economic production, to the production of economic subjects in the form of the neo-liberal agenda. This regime of neo-liberalism is equated with the projects of the World Trade Organisation (WTO), market-driven policies of radical free trade and economic deregulation, coupled with an unabated critique of Keynesian welfare state policies, as well as a close link to the neo-conservative politics of the hard-line Republican administrations in the United States in recent years (Reagan, Bush Senior and Junior). It is arguable that after the events of 9/11, the then alter-globalisation movement's efforts and energies were somewhat

stunned and perhaps felt futile in the face of what was clearly becoming a non-negotiable understanding of fear politics instilled in the 'war on terror'. Trying to fight for alternative, collective understandings of the world, had become an even more gargantuan task than before. That chink of hope, the Kleinian residue, the nostalgic revelations of the Battle of Seattle and the whimsical guerrilla gardening of the RTS, seemed to have all but dissolved.

With the onset of neo-liberal policies has been the onset of these characteristics manifested in law. The primacy of private over public and reliance on the market has subsequently led to new intersections in public and private law, and more often, less the public protection afforded of state authority, and more uncapitulated private ownership and supremacy of private rights over those of the individual or the even that of the state. As Hart and Negri were telling us back in 2000, 'empire' is no longer about *state* sovereignty, but a sovereignty made up of a range of both public and private transnational networks in the distinct business of evading accountability – an era of enclosure of enclosure. The social centre movement is such a good example of how this closing in has happened over time, giving real time signs of resistance that, despite the gradual and sometimes rapid encroachment of time and space by market forces, are left to merely inhabit and exist within the current economic structure. Trying to live outside of that structure is most obviously manifested in the ways that people choose to live, examples such as social centres and their laws that have been the focus of this book.

Squatting is a way of living, just as social centres are, and as we know, many social centres are squatted. Since the early seventies and *McPhail v Persons, Names Unknown* [1973] Ch. 447 (AC (Civ Div)) there has been the right not to be removed forcibly from a property that was unlawfully occupied without the consent of the paper title owner without a Court order. The impact of s.144 LASPO 2012 has been to rejuvenate conservative policies of slowly removing the court protections for the squatter from the law of England and Wales altogether. Whether the increased totalising nature of individual property rights, as held sacrosanct within the Common law, is a facet of a gradually more vicious neo-liberal politics is one question, and for any 'progressive' of whom Brown speaks, the answer is resoundingly obvious. However, the real question is, how do people continue to find spaces to live and resist within this suffocating institution of law? The answer is that they do, and despite the desistance of the law and the impact this has on our surroundings of where we can be, social centres happen and squats happen in their informal capacities, even if there is no longer the legal and less the actual space for them to exist. As the more pernicious the nature of politics and law coming together, so too is the virility of the resistances they exceed.

Having spoken of the similarities between the recent protest movements' archiving the memory of the commons and the law of the social centre movement, it is timely at this point to go back to the original inception of this work whereby the linking of the law with the land indicates a continuum of formalism called enclosure.

Since the seventies and eighties, and in the lead up to 2011, there has been an encroaching shift towards the removal of squatters' rights from UK law. During the seventies, the legal landscape was very different from now. According to barrister David Watkinson, there was no duty on local housing authorities to secure accommodation for the homeless until the Housing (Homeless Persons) Act, December 1977. There was no security of tenure for local authority tenants until 1980 (Housing Act 1980), nor for tenants in the private furnished property sector until the Rent Act 1974, and there had been the years of decontrol for unfurnished tenants in the private sector 1957–1965 (Housing Act 1957, Rent Acts 1965-1977, Protection from Eviction Acts 1967–1977) (Watkinson, 1994). In order to deter eviction without a court order, squatters first relied on the Forcible Entry Acts, repealed by the Criminal Law Act 1977 and the offence of 'violent entry' requiring a person on the premises replaced that of entry alone (*McPhail*).

The process and length of time with regard to POs was altered somewhat in 1971 as it was held that the court could not grant a PO against persons whose names were unknown (*Wykeham Terrace, Brighton Re* 1969 [1971] Ch. 204 Ch. Div. Ch 204.), allowing for possession if 'reasonable steps' on behalf of the landowner, had been taken to recover the names. In 1975 (*Burston Finance v Wilkins* [1975] 240 E.G. 375) a High Court judge decided that even if names were unknown but squatters knew of the proceedings, then they were impelled to come to court no matter what, whether or not 'reasonable steps' to consider their names had been taken. Again, in 1975, Lord Denning said: 'Irregularities no longer nullify the proceedings. People who defy the law cannot be allowed to avoid it by putting up technical objections' (*Warwick University v De Graaf* 1975 1 WLR 1135 (AC (Civ Div)). By 1977, POs were shortened once again and the 'reasonable steps' requirement entirely removed (Watkinson, 1994). On top of this, possession made against squatters was made to take effect immediately, as in *McPhail* with the courts having no power to suspend a court order once it had been made and without the landowner's express agreement (Watkinson, 1994). In 1972, the Law Commission requested by the Lord Chancellor to look into whether the act of squatting could be moved over from a civil wrong to a criminal offence, returning to the law of forcible entry (laws of 1381 and 1623) in a contemporary context. The Lord Chancellor responded with a working paper in July 1974 'Working Paper No. 54: Criminal Law Offences of Entering and Remaining on Property', the enactment of these recommendations in the Criminal Law Act 1977 giving the version of squatter's rights up until LASPO.

The CJA 1994 made some substantial changes to the law relating to squatting, measures in the Criminal Justice Bill designed to deal a great deterrence to squatters. Sections 75 and 76 are with regard to Interim possession orders (IPOs), the new fast-track way of evicting squatters. Once all of the correct proceedings are followed and the courts have granted the IPO, the squatters concerned have 24 hours in which to leave the premises after the order has been served. Sections 72, 73 and 74 related to squatters and IPOs,

changing Section 6 of the Criminal Law Act 1977 and applying only to residential property. Displaced residential occupiers (DROs) and IPOs (or others who can prove that they are acting on behalf of them), were made exempt from the protection previously given to squatters, thus allowing them to use violence to secure entry. This is alongside making it an offence to resist eviction by a DRO or PIO with a court fine or a prison sentence of six months if the related sections are violated.

The Land Registration Act 2002 fundamentally altered the law of adverse possession, whereby after ten years of physical possession, a squatter has to apply to the 'Land Registry' to have their title recognised as owner. In a move that did not happen previously, the Registry upon receiving the claim from the adverse possessor then notifies the original owner of the property, and the owner can then defeat the application simply by raising an objection. Sections 96 to 98 and Schedule 6 give the paper owner the right to be notified that adverse possession is occurring, and as a result, recover possession (the Act does not cover unregistered land (Section 96 (1)). In *Buckinghamshire CC v Moran [1989] 3 W.L.R. 152 (AC)*), it was ruled a person claiming to have obtained title by adverse possession must show both actual possession and the requisite intention to possess the land.

Section 144 of LASPO has furthered a move to outlaw squatting overall, the first step being to criminalise squatting in residential buildings. The halt at commercial property squatting being criminalised has been to avoid an infringement on the right to protest and linked to the student occupations prevalent around 2011. According to Cowan, Cobb and Fox O'Mahony, the regime of unquestioned support for the landowner in the removal of squatters from their premises, regardless of the authenticity of the claim of the squatter, has illustrated a shift from use value of land to the unimpeded legitimacy of proprietary claims: 'This represents a significant leap from the settlement created by the Law Commission and the legislators of the Criminal Law Act 1977, all of whom saw the need for immediate use for property, whether as a displaced or intending occupier, as the *sine qua non* of criminal liability' (2012: 115). Cowan *et al.* claim that the move to criminalise underlines the problem of squatting as which intrinsically infringes proprietary claims, always favouring the displaced owner whether or not the squatter may have a more factually sympathetic case to remain (2012: 117). In fact, they claim this is fundamentally altered from the Criminal Law Act 1977 in that the immorality is always on the side of the squatter, drawing 'our attention away from the responsibility that might be apportioned to property owners' (Cowan *et al.*, 2012: 118). The commons now not only evade description but they seemingly evade legal category, despite the legal mechanisms in place to name them. With the Commons Registration Act 1965 a village green or space of community value could be registered as a communally owned zone; interestingly in 2013 the Growth and Infrastructure Act was passed which made it no longer possible to apply to register land as a village green if it has been earmarked for development.

The law relating to landed property further demonstrates the enclosing of the commons in the name of private property rights through the *quasi-public* nature of previously wholly welfare-owned spaces. Mead outlines three distinctions of quasi-public land, the first being whereby despite being wholly privately owned, the land is being used to promote or to serve the greater public good (e.g. cinema or entertainment complex); the second being privately owned land used for a social good through an agreement with the state, through social landlord contracts; the third is land that was once held publicly but has been sold to a private developer or is held jointly in private or public hands (2010: 131–132). This movement in and outside of the public and private divide demonstrates that the law is now evasive to the distinctions between the two, in a similar way to how de Lucia (2013) describes that it might not be possible to have any understanding of the commons in relation to the public/private division. The enhancement of enclosed spaces into previously common ones is clearly demonstrated in the balancing of rights of the occupiers or protestors under the Human Rights Act (1998) (HRA) against the right to peaceful enjoyment of property by the landowner as upheld by Article 1 Protocol 1 of the European Convention on Human Rights (ECHR).[7]

In recent years there have been a number of cases relaying the increased privatisation of space and the equal demise of protest protections such as protestors being banned from privately owned shopping malls in *Appleby v United Kingdom* (44306/98) (2003) 37 E.H.R.R. 38 or where climate change activists have come up against heavy civil lawsuits by energy giants on whose land demonstrations have taken place (West Burton being a prime example) and the well-documented use of private law mechanisms to remove students during university occupations. Occupation protests exemplified by the student opposition to the rise in tuition fees demonstrated an increased resort to private law mechanisms to remove students from sit-ins, whilst at the same time highlighting the very private nature of *quasi-public spaces* such as the university

7 With regards to the ECHR 1950 (and its inclusion within UK law within the HRA), it appears that Convention law battles with the rights of the landowner on the one hand and the rights of occupiers on the other. In the famous *JA Pye (Oxford) Ltd v United Kingdom* (44302/02) [2005] 49 E.G. 90 (ECHR), a decision that overruled an earlier ruling stating the doctrine of adverse possession was in breach of Article 1 Protocol 1 of the ECHR (entitlement to peaceful enjoyment of possessions and no deprivation except in the public interest and subject to conditions). This previous ruling was overturned on the basis that 'a limitation period for actions for the recovery of land pursues a legitimate aim in the public interest' (*JA Pye (Oxford) Ltd v The United Kingdom* (ECtHR Application No.44302/02) 30 August 2007) In the case of *Mayor of London v Hall* (trespass by the 'democracy village' encampment on Parliament Square, London, the campers were not seen as purely using their rights to visit the gardens, but as having entered with the intention of occupation and had remained there despite being asked to leave. Following *McPhail*, they were also in breach of relevant byelaws and although their removal breached Article 10 and 11 of the ECHR, the interference was deemed proportionate, and their appeals to remain were dismissed.

(*Appleby* and *Djemal; Samede*) and a retreat from using any form of possession-based law to counter the protests. In the famous *Appleby v UK* (2003), three residents of Washington in the North-East of England were prevented from meeting in a privately owned shopping centre in their home town where they had wanted to share information about a proposed local development plan, which they were refused permission to do so by the owners of the shopping mall, Postel Properties Limited (Mead, 2010: 132). The three applied to the European Court of Human Rights (ECtHR) claiming the UK was in breach of obligations owed by it under Articles 10 and 11 of the Convention.[8] The court found that in balancing the communal interest with the commercial interest of the property owner, their rights outweighed any positive obligations of the UK to put a correct legal framework in place, the US had no case law to provide a precedent and that the right to freedom of expression did not simultaneously bestow any freedom of forum (Mead, 2010: 133). Appleby is insightful as an example of enclosure and the sometimes-rapid removal of assumed public spaces, or forms of proprietorial rights of resistance. The contested nature of the commons as spaces normally considered rightfully accessible by the public is clear when even protesting outside the shopping mall (which is what happened subsequently in the case) is denied as a result of its private ownership.[9] The use of article 8, which is the right to freedom of private and family life, as defence against eviction by either public or private

8 These were rights to freedom of expression and freedom of assembly respectively stating the UK had failed to put in place a decent legal framework within which both rights could be upheld despite the private nature of the authority concerned. In essence, they were trespassing on the land, their protests giving way to a land tort and not a publicly recognised right to express one's opinions with the common protection of a public authority.

9 The Occupy encampment of St Paul's also brought to light the unassumed nature of what appeared to be public space, with the proprietary rights of the City of London and the proportional rights of the Church and its supporters, outweighing the rights of those protesting (*City of London v Samede* [2012] EWCA Civ 160, following the decision to move them [2012] EWHC 34 (QB)). The rulings were inevitably in favour of the landowners, once again remedied through the use of private law mechanisms. Interestingly in *Samede*, claims of members of the camp's rights under article 8 being infringed were dismissed, the distinction between occupation of land for protest and those as a home being clearly delineated. On the 22 February, the Occupy St Paul's were given their opportunity to appeal. The Occupy St Paul's protest, like the other Occupy protests, were illustrative of the quasi-public nature of the occupying law of not just the state, but capital, when it comes to the division of proprietors, the crossing over to trespass and the use of the rights of the highway to protect the land that had been occupied. The City of London Corporation and the Church were concerned proprietors, and the Stock Exchange too. According to Stuart Fraser, the City of London Corporation's Chairman of Policy and Resources: 'Protest is an essential right in a democracy – but camping on the highway is not and we believe we will have a strong highways case because an encampment on a busy thoroughfare clearly impacts the rights of others' (*Samede*). Paternoster Square, where the St Paul's encampment had been situated, is now technically a city walkway allowing police to remove future encampments straight away, without a court order.

bodies, has not so far been able to counter the rights of the displaced paper-title owner (see *Malik v Fassenfelt and Ors* [2013] EWCA 798).[10]

Despite this, there are now some interesting questions in relation to protests around anti-fracking demonstrations where in the *Manchester Ship Canal Developments Ltd v Persons Unknown* [2014] EWHC 645 (Ch) case, article 8 as a defence in protests on private land can be engaged and have the potential to trump the article 1 protocol 1 right of peaceful possession of property by the landowner in 'exceptional circumstances'. The horizontal use of the HRA was possible following the decision in the Grow Heathrow case (*Malik*) where the court itself must comply with human rights obligations under section 6 of the act, thus allowing for human rights protections against actions of private bodies. Fascinatingly, and encouragingly, was the decision only on 23 June 2015 of the High Court in London to grant residents of the Runnymede eco-village, site of the signing of Magna Carta 800 years previously, a stay of execution from eviction proceedings brought by Orchid Runnymede Limited, based on the exceptional historical circumstances of the location, as well as another ground-breaking consideration (Occupy Democracy, 2015). Most exciting for squatting collectives and eviction resistances of the future, was the acknowledgement of common rights arguments of sustenance and sustainable land use enshrined (but forgotten) under the twin Charter of Magna Carta, the Charter or the Forest. The possibility of communal rights arguments coming up against individual property arguments, even at a relatively lower court level, is something to hold on to amidst the apparent totalitarian enclosing of the commons elsewhere in law. Similarly, the energy and commitment of locals and anti-fracking activists making their voices heard and listened to in planning decisions, brought about Cuadrilla's failed application to explore fracking possibilities in Plumpton, Lancashire; another victory for community and collectivism over the avarice and destruction of private interests in land.[11]

Other than the exciting success of Runnymede EcoVillage's admiration for the law and its collective heritage, however, the usefulness of human rights instruments so far seems to merely reinforce the sanctity of the right of the

10 In *Malik*, whereby the displaced private landowner ordered possession of his car lot that was being occupied by the 'Grow Heathrow' encampment, the defendants used article 8 as a defence, the right to private and family life that invokes the closest there is in convention rights to the right to a home. The question arose as to whether article 8 can be used of in defence of both private and public landlords. In *McCann v the United Kingdom* (Application No. 19009/04), the right to a home was subject to proportionality, *Manchester CC v Pinnock* and *LB Hounslow v Powell* following where article 8 could be raised against a local authority seeking possession. What *Malik* did was to allow the capability of invoking article 8 in commercial properties, although eviction was seen as a proportionate measure to protect the interests of the displaced owner (McCormick, 2012: 23–24). Grow Heathrow are still in opposition to the third runway and are still under threat of eviction.

11 Anti-fracking activists have been considering using the 'CBoR' approach, developing 'Community Bills of Rights' that represent the assets and values of communities in their fight against private energy interests taking over their land in the name of fracking.

proprietor over the informal occupier, demonstrating the practically unabated onset of enclosure and the removal of any opportunity for the proprietorial right of resistance.

Further illustrating the neo-liberalism of law and its archiving of the memory of enclosure, is the direct juridical trigger of the eviction resistances in London. Cuts to public funding of social housing and big property manipulation of planning procedures have allowed for local authority social housing quotas to be ignored resulting in housing association sell-offs of hostels, supported homes, shelters for the homeless and vulnerable with the impending and actual eviction of residents. Section 106 of the Town and Country Planning Act 1990 allows for formalised and legitimated 'planning gain', where property developers seeking planning approval for projects from local councils can offer additional benefits to the community in the form of financial support to make their planning applications appear more attractive. The economically malnourished state councils are in as a result of austerity measures, means the bigger the private property project, the more money offset to them from the property sovereigns such as Lend Lease and its controversial combined demolition and development strategy of the Heygate Estate in Elephant and Castle; the transformation into the sickly Elephant Park that the Elephant and Castle Social centre has been protesting against. As Wainwright (2015) reminds us, the market seduction of planning is not new, as is quite clearly the case of the clever rhetoric of the NPPF that proclaimed the presumption in favour of development encouraging brownfield development of run-down social housing sites by private interests.[12]

The removal of the proprietorial right of resistance and the a-legal vacuum

The right to exclude, paradoxically reproduced by adverse possession whereby the possessory claim must be solid enough to exclude all others (even the paper title owner), is arguably no different from the original understanding of possession, that which is not a taking by wrong. Even Denning agreed within this in *Pye*, stating adverse possession as no different from possession in the original sense (*J A Pye (Oxford) Ltd and Others v Graham and Another*). In a similar vein, Dobbs' recent genealogy of squatting in the US reminds us of the colonial argument of Occupy, stating 'as indigenous advocates frequently point out, we are a nation founded by squatters' (2012: 2). Law's treatment of squatting demonstrates an attempt to include the exception (squats, social centre law, the proprietorial law of resistance)

12 Additionally, the 'right to acquire' legislation going through parliament currently that would allow housing association residents to buy their homes, will further reduce social housing stock and, according to a piece by blogger Amy Ling, is questionable in terms of its legality through forcing housing associations to sell their property in terms of article 1 protocol 1 protections under the ECHR (Ling, 2015). The 'Right to Buy and Right to Acquire Schemes (Research) Bill 2014-15' had its First Reading House Of Commons 4 February 2015.

within state law (law of adverse possession), determining a 'zone of indistinction in which fact and law coincide' (Agamben, 2008: 26).

This *proprietorial right of resistance* and the ongoing project of enclosure that threatens to forget the need for this exception within state law, is both reminder and warning of the landed nature of law, the empirical evidence of ownership based on realty in land. By the removal of this right, the confiscation of the founding principle of land law as *usucapio* (seizure of land), the question is, how can law overall be functional, based on a Schmittean understanding of the earth as being the origin of order, orientation and law?

Everything in colonialism and property is a measurement and distribution of soil, in Carl Schmitt's understanding: 'Every ontomomous and ontological judgment derives from the land. For this reason, we will begin with land appropriation as the primeval act in founding law' (Schmitt, 1950: 45). Schmitt's *nomos* is an understanding of law and its role in the expropriation of land and the development of property rights. It is used here to relay the layering effect of law. This is the very earth itself, and the role of state law as the encloser of the earth, but in a process that is not natural, but constructed. Schmitt primarily locates law with the earth, and with justice: 'In mythical language, the earth became known as the mother of law. This signifies a threefold root of law and justice' (1950: 42).

Agreeing with Schmitt, and in evidence of the means by which this age old drama of the commons is being re-told through the expansion of enclosure into time and space, this very founding act of law underlies all other requisite rights. The misuse of the soil as where collective rights are formalised into individual claims, instead of informal communal stewardship, has ended, in line with Hardin's projections. The management of the commons is fundamental within law as well as within resources and relations.

Individual property rights rely on this earthly basis, as without a territorial understanding of law, there can be no ordering of law on top. The archive of enclosure as the ongoing project of encroachment within the continuum of formalism more and more obviously demonstrates space and time itself and state law as a receptacle of capital and individual property, affecting social centres, occupation movements and those that do not have formal property most drastically.

The removal of the proprietorial right of resistance, I argue to be not just an important indication of how far law has gone in closing in on all forms of alternative property narratives. It also demonstrates just how maddened enclosure has become through its tactic of criminalisation, the resort to private law mechanisms on the part of landowners, commercial bending of planning procedures, eviction and the expansion of quasi-public space, with its regime of control in land and what this means to the (dis)functioning of state law in sum. It is a sign that the state is forgetting its material roots whilst abstracting our rights further and further into registration as opposed to possession. What is wrong with this, you might say? Nothing immediately, if you are one of the landed propertied individuals that enclosure works for. But everything if you are

one of today's commoners who seeks to either contest the nature of enclosure with a law of resistance, you are a mother resisting eviction from your newly acquired brownfield site homeless hostel or simply the improper of which Davies speaks, who feel the force, representation and hierarchy of state law at its most vehement.

The argument remains that there is a fundamental threat to the functioning of the basis of institutionalised law if it forgets its landed beginnings, its presence and the collective, which it is clearly continuing to do so through the thoughtless spectacle of removing squatters' rights that are the proprietorial right of resistance, the paradoxical a-legal vacuum on which all other rights are grounded. The law is contingent on resistance, and the same vice versa. What this says for social centre law and the state law archive of enclosure, is that just like in history, occupation protests are nothing new, there is nothing novel in an enclosing law. Our private property rights are based upon this enclosing system, as demonstrated with the Inclosure Acts and the preference for the Magna Carta over the Charter of the Forest. The Charter of the Forest is illustrative of the existence of other ways of managing space, time, the commons, those which are organised in terms of communal sharing (collective) and it is encouraging that its existence has been recognised by not only by the Runnymede squatters in their defence, but by the common law, in recent times. The project of criminalisation, the closing in of the scaffold of adverse possession, the enclosure of enclosure through the neo-liberalisation of social housing, is the totalising project of law shaped by the overarching economic rhetoric of individual property rights (Cowan, Fox O'Mahony and Cobb, 2012; Manjikian, 2013; Dobbs, 2012); and we see its effects on the ground as more and more people sleep rough on the street at night, as an unabated housing crisis grips the UK.

Simultaneously, however, enclosure's confession of the import of land in law, shows how state law is responding to its other, the memory of the commons, through its reification of the other, the *collective*. The Charter of the Forest will tell us that collectives are approached with difficulty along a continuum of formalism, after the intersection of private property rights through institutionalisation, and there are other examples where the treatment of numbers by law is one of disdain.[13] These collectives are the present, the commons, the substance of law itself. The admittance of land as the foundation of not just formal law but informal law, just reasserts the foundational matter of land of and in everything. It shows that land *is* the collective. It is not just space but it is the content of time itself.

13 The CJA 1994 as an example regulates numbers of people collectively enjoying electronic music at any one time, demonstrating another example of this encroaching on the other, the collective other. This refers to Section 63 regarding powers to remove persons attending or preparing for a rave, a gathering on land in the open air. Subsection (1A) (a) refers to a gathering on land of 20 or more persons who are trespassing on the land, thus allowing the authorities to intervene based upon numbers.

It is hoped that this chapter has illustrated the presence of performances of memories of the commons and the memories of enclosure in both law and resistance today. It is my wish that the theory of re-occupation and re-enactment of social centre law may be useful to our understanding of the interrelation of law, resistance, and laws of resistance, from history and on into times as yet we can only speculate.

Conclusion

Liminal futures

Returning back to some of the central questions that propelled the bringing together of these works and this research on law, space, protest, property and the commons, how does the performance of an alternative law create moments of the commons and why is this manifested in the occupation of time and space? What does this say about the state's reaction of the state in the form of the criminalisation of squatting, the privatisation of law, of housing and the illegalisation of occupation? What are the links between the criminalisation of squatting and recent occupation resistances, and how can a theory of social centre law be helpful to our understanding of them?

Considering how the performance of an alternative law could create moments of the commons and why this is manifested in the occupation of space-time. To answer this we took an informed backstage walk through the theatre of time, space, law, property and protest, revealing processes that are easily confused with products, and the same vice versa. We have been asking 'what?' when the vital question is really a 'how?' Yet this division between the two becomes even more prescient as we look to understandings of performative theory, and how this can account for not just the process, or the *praxis* itself of self-management and self-legislation, but that the *praxis* and the product, are indeed, one and the same. Ever since first investigating social centres, I have been inspired to decipher the process and product of law and resistance. We have discussed these in both theoretical and empirical contemplation, distinguishing between the practice of the individuals, the traditions and etiquettes peculiar to each group, and the use of space itself or the very walls in which the social centres enact themselves. The same curiosity is stirred when considering the theory of social centre law in reference to the protest phenomena of recent times. We have turned to theories of legal plurality to explicate the possibility of there being a law, or forms of hidden laws, we have seen the inversion of state law as the archive of enclosure and the tragedy of the commons as the bountiful contrast of the comedy of the commons. Autonomy-as-practice, as anarchism, as the affirmation of the lack of law in the very act of law-making, we have observed in the actions of the social centre participants.

As we know, Santos refers to this movement from informal practice to institution as his *continuum of formalism* of law. This work takes this continuum of formalism to

describe the linear trajectory of institutionalised state law, contrasting that with how *informal nonlinearity* of social centres, where intangible etiquettes, flows of thinking and animations of agreement and disagreement, either remain informal or become reified as formal architectures, whether in state law or in other mechanisms of normativity. The archive, the process which in the practice magics the end result, describes this *how* and this *what* together as the performative utterance that is not purely a set of linguistic dialogues but determines matter in the external world.

This archive speaks of the positioning of protest in time and space, the role of the law in the land to agree that a combination of political objective and practicality asserts a pre-occupation with occupation. This is the fanning of the spark of the memory of the commons in every re-occupation and every re-enactment of social centre law, or the memory of enclosure within state law itself. State law is recalcitrant, it wishes to go everywhere and with a tactic of resentment, it tries to propitiate all nooks and crannies where resistance has sought shelter. This is the state's reaction in the form of the criminalisation of squatting, the privatisation of law, the illegalisation of the occupation of space, the enclosure of enclosure. There are those who would ascertain this a fairly obvious manoeuvre of law and resistance and something that a social centre law theory does nothing to add to in terms of explicating the 'how' of both.

In their recent article 'Staging Encounters' on the conceptual framework of 'plasticity' by-now famous student of Derrida, Catherine Malabou, Bhandar and Goldberg-Hiller ask the question: 'If the point, Marx once reminded us, is not only to interpret the world, but ultimately to change it, in which ways might we grasp Malabou's central concept of plasticity to facilitate political *praxis*?' (2013: 2). Malabou's conception of plasticity is reminiscent of the filling of the receptacle, all space as replete with law, the mould filled with the jelly to the point where the jelly is the mould and the other way around – to the point where the form is the political *praxis*, and vice versa. The filling of the receptacle itself is a re-configuration of a Hegelian movement, the relational understanding of the dialectic, at the same time as taking inspiration from neuroscience and neuroplasticity (Bhandar and Goldberg-Hiller, 2013: 3):[1]

1 In chorus with Michael J. Shapiro's interrogation in the same publication 'Do forms of law and justice exhibit a plasticity that harbours the promise of newly relational, perhaps even emancipatory, political practices?' (Bhandar and Goldberg-Hiller, 2013: 3); this piece of writing and research's reasoning emanates from the same wish to change, to alter and to demonstrate the resignificatory potential of both law and resistance through the performance of such, and the process and product of the archive. Plasticity informs a percolating role of law and resistance, especially in terms of law's exaggerated response, the State's legal sanctions as evidence of its Emperor's clothes worn with a confidence assured of a liberalism and capitalism meeting in all corners of the polity. To quote extant critical thinker Wendy Brown again and as referred to in Jane Bennett's (2010) *Vibrant Matter: A Political Ecology of Things*, we need that which removes the scales from our eyes to reveal the 'discourse of tolerance (valorises) the West, othering the rest […] while feigning no more than […] extend the benefits of liberal thought and practices' (2010: xiv). This almost dialectical movement is something of which has been spoken of in enough ways and by the most accomplished of philosophers and it is not the task here to assume a critique of a Hegelian synthesis, and yet at the same time it is important to note the similar movement of law and resistance, although somewhat slightly transformed.

> Malabou asks us instead to see each institution engaged with a kind of immanent thought that materially grounds its potential metamorphoses. The form of thought today, she argues, is ontologically plastic; self-transformation is built into our bodies, it suffuses our possible readings of philosophy, and it promises us new perspectives on political and social change.

This receptacle, the process and the product, is reminiscent of Foucault's *'dispositif'*. *Dispositif* in French, means device, the root of the word influencing the connectivity and productivity of relations in the Foucauldian perspective. It is about the means and the end, the process and the production (Foucault in Gordon, 1980: 194–228). Hardt and Negri's take on the *dispositif* is an image of a network of heterogeneous elements oriented by a specific purpose, whereby at any moment, discourses cross and intertwine and order the urgency of a new apparatus, an update, a re-consideration. Either in seismic shifts, or rather minor instances answering less paradigmatic demands. It is the strategic creation of knowledges, those created somewhat *ad hoc*, or those that are intersected as part of a planned schedule. However, these discourses and processes, whether from institutions, to languages, to books, to music, all appear as a response to a *demand*, whereby the moment necessitates the product of which it creates. Agamben even goes so far as to exemplify cigarettes in this category (2009: 14), like a type of 'needs-must'. In less colloquial terms, Hardt and Negri account for this as the necessary intervention of a force 'the striving overall interconnection and movement and creation of discourses' (Hardt and Negri, 2009: 126). Social centres are used as examples of *dispositif* in action within the writings of Hardt and Negri, as they underscore how movements swarm and multiply around the knowledge; the practices, the people, the spaces, and the means by which all of these coagulate and congeal to form even just a benefit night or a bike repair workshop. In their words (2009: 126):

> In social centres and nomad universities, on web sites and in movement journals, extraordinarily advanced forms of militant knowledge production have developed that are completed embedded in the circuits of social practice.

The new innovation itself, in whatever visualisation, is determined as a result of *dispositifs*, the transmogrification of new authenticity. This novum is the cross-hatching of the *dispositif* of the commons, inventing strategy, blue-chipping, for instance, a social centre law: 'It is active engagement with the production of subjectivity in order to transform reality, which ultimately involves the production of new truths' (2009: 126).

Resistance is always the result of some kind of requirement or requisite reordering in order for a system to survive or be replaced. This is how social centres adapt to their environment, through the emergence of their own law. They respond to the Meillassouxian *hyperchaos* in a nonlinear movement of

emergence that always accounts for the new, the negentropic life breath of originary ideas. *Dispositif* is just another means of understanding a coping mechanism, an apparatus for the future that formulates out of a crossing of dialogues and discourses, practices and actions; performances. The apparatus in this instance resembles the law that the social centres *perform*, but is also represents both the process and the product.

Bhandar and Goldberg-Hiller use an arresting description of form as energy from Jameson, whereby the results of relational movements in the dialectical tradition denote the 'jumping of a spark between two poles, the coming into contact of two unequal terms, of two apparently unrelated modes of being' (2013: 5). This beautiful portrayal of process and production 'happening' reverberates Benjamin's 'aura', the coming together of time, space and distance, the spark of the original.

Locating the origin is something that Benjamin names as an 'auratic moment'. In his 'Some Motifs in Baudelaire', he uses the metaphor of a shooting star to describe this auratic phenomena, or the experience of the aura. Mosès describes aura as the immemorial in the midst of the present, reflecting on Benjamin's supposition as the 'unique phenomenon of a distance however close it may be' (2009: 78). Here, the depths of space and the time (dimensions of distance) still maintain the incommensurability of the original, when space embodies time and vice versa; an auratic experience, the meeting of the two where the spark of the original can be seen. From his Baudelaire piece, Benjamin states (2009: 78):

> in folk symbolism, distance in space can take the place of distance in time, that is why the shooting star, which plunges into the infinite distance of space, has become the symbol of a fulfilled wish […] The period of time encompassed by the instant in which the light of a shooting star flashes for a man is of the kind that Joubert described with his customary assurance. Time […] is found in even eternity; but it is not earthly, worldy time […] [I]t does not destroy; it merely completes.

Within this metaphor is a flash of the origin, the past meets the present, and they become one another, innovating to reveal and generate, what happened at the beginning and what happens infinitely on to the end.

The aura is useful as a euphemism for the coming together of laws of resistance in an instant, the lack of delay in time and non-fixity of time, the ultimate performative quality of the legality created. This unclear division between what is the process of law and the product once can be envisioned in the innovation of an auratic instant, the experience of Santos' continuum of formalism, the informal nonlinearity, the *dispositif*.

Andrew Benjamin claims there are two conceptions of the aura that to be found explicitly within Walter Benjamin's work. The first is in relation to nostalgia within aura, the decline of originality in art and one that critiques modernity for such a loss. Accordingly: 'A decline in the capacity to experience is precisely the

problem identified by Benjamin as the consequence of the commodification of art coupled to a general estrangement and alienation from an existence marked by authenticity' (Benjamin, 1986: 32).

The second perceived projection of aura is linked to the idea of the *other*, where it is argued the inter-subjective and the ethical are brought into the conception of aura. A Levinasian understanding of the 'other'[2] is to say that there is an ontological responsibility to acknowledge the other, those who are exterior to ourselves, or merely anything that is outside of our being, by understanding the other in terms of how we recognise our own selves (1969). The other underlines a presence of justice and a call of responsibility, understood in Levinasian terms as within the 'face' of the other, the call of responsibility and the response of the *gaze* of the other.[3] The gaze of another should be returned for aura to be enacted in a subjective response to the call of justice and responsibility (Benjamin in 196: 32):

> Looking at someone carried the implicit expectation that our look will be returned by the object of our gaze. When this expectation is met (which, in the case of thought processes, can apply equally to the look of the eye of the mind to a glance pure and simple), there is an experience of the aura to the fullest extent.

Andrew Benjamin here relates the two captions of aura to the present relation of time and notes these conceptions as part of a greater problem that infiltrates philosophy generally. Andrew Benjamin asserted: 'The complexity of the problem of the relationship between time and aura stems from the fact that solving the problem necessitates making substantial claims about the way in which the relationship between time and being has been structured in the history of philosophy' (1986: 32). The temporal element is a reliance upon the return of the gaze, the gap of which there is created in the delay of looking, and the abyss that has to be filled. Aura is the unique manifestation of a distance (Benjamin, 1999: 184), and the closer the ethical resides, the lesser the distance is. In recent writings on the Arab Uprisings, Kerton relates the happenings in Tahrir Square with its

2 The idea of the other is influenced by both continental philosopher Levinas' understanding of the other, an ethical relation between ourselves (1969) and the face of the other; as well as more of a process of 'othering' of which Edward Said so eloquently portrayed in his work on 'orientalism' (1979). This us and them mentality is supported in the political philosophy of Schmitt again, whereby sovereignty exists as a mechanism of boundary drawing, the division between the 'friend and the enemy' (2006). In the Schmittean sense, the other is a form of identifying those of whom we are not a part, those we should either be concerned about or suspicious of; in terms of understanding sovereignty, it is those who are beyond the scope of one jurisdiction and under the regime of another.

3 This takes one to the face of the other and, therefore, there is ethics added to aesthetics here. According to Andrew Benjamin's reading of the text, the decline of the aura is therefore due to lack of inter-subjectivity or experience; either that experience is declining or the object being experienced has declined. Accordingly, the artwork is losing its capability to look back.

onlooking Western audience, considering the role of Benjamin's aura in digital mediation, whereby 'the increased democratisation of modes of looking, and the proliferation of visual representations, leads to a construction of the image as standing in for and ultimately becoming conflated with the object' (2012: 305).

What does a closeness to the ethical mean for the performance of a law of resistance or a social centre law? To return the gaze of the other and to have a closer proximity to a subjective experience, is a way of describing a law of resistance or social centre law's vernacular self-management through its retrieval of the commons; by being the producers of their law, they are the legitimators of their law, in a direct democratic way. Social centre law is arguably the other itself, or the space where the other of law resides. Through self-legislation (autonomy), this closeness to the other is possible, coupled with the practices of autonomy within social centres and occupation protests, through considering the greater good of their community, and propelling a non-tragic version of the management of the commons. Thus the proposal nonlinearity to their time has been to indicate how the past can return to the now, in the hope of justice and the creation of aura, the archival performance being the very process (and product) through which this is achieved.

Introducing Benjamin's aura is useful to our journey into law and resistance in two ways: its understanding of time and space and the coming together of that in an instant; and its proximity to a subjective experience, one that helps explain the reproductive role of justice and ethics within the proposed law of social centres and laws of resistance. By proposing the example of social centre law as having no delay in their time, is to reveal the distance state law has from a consideration of justice through its detachment from the gaze of the other (in this instance, the spaces and its recipients, or its lack of presence in favour of re-presence). The coming together of space and time through a Benjaminian aura, or similarly, the archive, arché-materialism or Kantian succession, highlights the delay of time within law. Consequently, social centre law and laws of resistance have greater access to justice through their presence as opposed to the re-presence of state law, being closer to democratic understandings of resistant origins of law, and thus subjectivity, through the acceptance and faithful response to the call of the other. Aura replicating the archival motion demonstrates the limits and de-limits of state law, a law of resistance and resistance itself, whilst at the same time shows that there are spaces where the two collide, the impurity of law revealed through the presence of the other within itself. Benjamin's auratic moments allows us to see the coming together of what he calls 'space-time as distance', a product of performativity as typified by the a-legal vacuum of a law of resistance, the Interzone, the Third Space.

Is there a reified product of the archive of laws of resistance however? There are the objects in reality that evolve as a result of those processes that mimic the actual archiving of state law, such as the 56a Infoshop social centre archive that documents, records and digests of social centre law, much like case law of the common law. There are those processes that may not obviously create material

results, which is perhaps why informal nonlinearity is harder to spot than continua of formalism.

What matter does law and resistance produce that would result from performing the matter of law? The obvious answer would be to go back to the division of the external with the internal world and to see the law of the land as again the starting point, the movement of soil that grounds the space with its legal and empirical being. If the archive is the performance of matter, or more precisely, the performance of matter is the archival transcendence from concept to solid object, then it would suggest that the matter is the *walls* that we manipulate. It is even our own bodies, back again to the remit of the corporeal and the body before the law, as Philippopoulos-Mihalopoulos would describe bodies in the *lawscape*. A clear link of an archive of property, the enrolment of which Blomley speaks, would be the performance of architecture, the creation of bricks of division and the scale designs of inclusion/exclusion. Similarly, if there is an archive of property which law and individual rights govern, then there is the archive of alternative property narratives (to return to Davies), of which the social centre movement and the occupation protests would replicate. The archive of property, the performance of resistance's matter, is reclamation of time and space, the re-enactment of the commons, the catalytic role of memory hinging it all as one.

Understanding what matter law and resistance produces in recent protest phenomena, such as the responses to the housing crisis, is the same as understanding this age-old interweaving narrative of law and its Other, without assuming a foundation or an originary violence; it is all to seek that what is 'extra-legal' and yet the embodiment of law itself. What a performative explanation of law and resistance as archive refers to is *how* this movement explains itself, by demonstrating a *'what'* that has come into being; a theory of social centre law might be helpful as a 'grounded' understanding of this.

Relating the story of social centres and the movements spoken of in this book, raises the presence of the commons through the 'hope' of the future, the latency of the unfinished past (commons) within the now (social centre law). The Future, Front, Novum (1995: 8), as the vernacular of Bloch, is inscribed in the presence of a form of *law*, created, performed and enacted by the social centre *archive*.

By accepting the existence of alternative understandings of law as that, which following Butler, is merely another reification, this is where freedom and change can take place. Santos suggests that the development of alternative law expresses a signatory of popular justice, sometimes in conflict, and sometimes parallel with the law of the state (Santos, 1977: 5). The task of social centres and protest movements is to reclaim time and space through re-occupation and re-enactment from the forces of enclosure, and yet admiring the potential of state law at the same time. It is the closing of the gap between law and justice, through the performance of their own law, and the revelation of state law.

Conclusion

This story of law has been the story of otherly law. It is a questioning of what is legitimate and illegitimate, and whether there can be such a powerful division at all. In a way, these annotations of a hidden or 'underground subculture', to use such language, tells more about the status of *law* as a phenomena itself than it does that of the law of social centres and occupation protests. To start with, without the appropriation of law, the apportionment of time and space, the dividing up of land in the name of property rights and the exclusion of the other, there would be no such need for social centres. No such 'necessity', no obligation of an alternative *dispositif*; thus no such thing as social centres nor occupation protests. Nevertheless, it is what this very movement of spaces can expose about law that is the resultant benefit of this research into these 'chinks in the world machine'. Forget about the commons for a while, because this is more concerned with enclosure itself. In line with Falk Moore and her methodological argument for researching law in its social setting, this is a study of law in its semi-autonomous realm; on the micro, in order to understand the macro (Falk Moore, 1973: 719).

It is hoped that this work will contribute towards the task of recognising alternative ways of law, time, space, being and living, for practical use in the future. It is also a divergence of legal geographical, legal pluralist, post-structuralist, speculative and critical legal approaches, of which has hoped to be a fruitful collaboration, and contribution as a useful research framework for understanding protest, property and the commons, in the future. The critique of the exclusionary nature of state law is enabled through the coordinates of critical legal theory and legal pluralism, revealing possible alternatives to our understandings of law and legality: 'Looking to the 'dark side' of the majestic rule of law, legal pluralism rediscovers the subversive power of suppressed discourses' (Teubner, 1991: 1443). This powerful unearthing of other ways of legal innovation is central to this application of discourses of law. This piece of work hopes to not only prescribe to this task, but also, simultaneously, be a part of 'a radical rethinking of the way we perceive the legal, […], [where this radicalisation can happen if legal theory begins to live on the frontier' (Melissaris, 2004: 73–77). As Howard Caygill says, 'go on believing in resistance as a way, perhaps the only viable way, of living in the modern world' (2013), and this book fully adheres to such a rejuvenating sentiment.

By writing about social centres, it is hoped that their ways can be understood by a wider audience, and thus expand a positive understanding of them. At the same time, this is also a retroactive project that has hoped to relay what can be learnt from social centres, about the remit of law itself. Social centres and occupation protests are unique in their direct living and breathing embodiment of what law excludes through the creation of its own loopholes, and the effects of its ever-encroaching delimiting of these boundaries in the name of private property. Squatting reveals one of the most obvious examples of law's impurity,

how it has the resistance residing legitimately within its own bounds already. This makes for a story of the commons as not just a law and space take on social centres and protest movements, but a social centre and protest take on the potentiality of law itself.

On a practical level, this study of social centres has performed its own process and product, its own archive, where it has been purposefully returned to the movement to find its place with all the other nonlinear histories and literatures housed at the infoshop of 56a in South London.

Cordelia and Ziggy. *The Little Squatters Handbook*

Appendix

Empirical work and list of interview participants

There were a number of interviewees and contributors in this work. Alessio Lunghi was interviewed at the beginning of the research back in 2007. He authored *The Spring of Social Centres* (2007) and has been involved in a number of social centres in London and beyond. There were a number of members of the The Cowley Club, Brighton, who were interviewed in the spring of 2008. Maff, a member of the collective at Kebele social centre in Bristol, was interviewed in 2008. Jake Space Invaders was involved in the Bristol Space Invaders who planned a series of decentralised actions in autonomous squatted spaces within the same city. These took place as part of the Days of Decentralised Action in 2008, and those that followed in 2009. He was interviewed twice for this research, in 2008 and 2009. Chris, 56a Infoshop, Elephant and Castle, London, was visited twice in 2009, and he is a member of the collective at 56a Infoshop. He facilitated the archive and infoshop at the centre, and gave this research access to the social centre timeline. There were a number of interviewees from The Library House, Camberwell, London. At the time of interviewing in the summer of 2009, The Library House was still in operation, however, since then it has been evicted. Those spoken to were mainly girls, who welcomed the research with a great vegan lunchtime feast. The ASS, Whitechapel, London was visited during the summer of 2009, giving information on squatting law. They are situated in Whitechapel, above Freedom Press anarchist bookshop, London. Mujinga (E. T. C. Dee) from Brighton is a 'zine' developer based in Brighton, who has squatted in the past, and has an interest squatting as a topic of study. A zine is an online or printed magazine, normally self-published, and prevalent in the anarchist and autonomist scene. He relayed his accounts of squatting and some of the trends in the spring of 2009. The interviewee rampART Collective, London was visited twice, once in 2009 and the last in 2010. They have a wealth of experience of squatting and social centres within London. An interviewee from 195 Mare Street, Hackney, London was interviewed in the spring of 2010, and has been a member of a number of social centre collectives in London. All of the participants were practical members of the squatting and social centre scene and were incredibly helpful in soldering this study of law and resistance together. In addition to qualitative interviews, participant observation was also used as a method of

reflecting on the actions and practices of social centre participants and the dynamics of the spaces themselves. They are briefly listed here alongside the interviewees, in chronological order:

Listed below is the empirical archiving that was conducted for this work:

First Year 2006–7

G8 Protests	Participant Observation (Overt)
Alessio Lunghi	Qualitative Interview
Visits to Women's Anarchist Nuisance Cafe (WANC)	Participant Observation (Overt)

Second Year 2007–8

National Squatters Meeting, Leeds	Participant Observation (Covert)
Nate, Kebele Social Centre, Bristol	Qualitative Interview
Boyd, Kebele Social Centre, Bristol	Qualitative Interview
The Cowley Club, Brighton	Qualitative Interview
TAA, Brighton	Participant Observation (Covert)
Days of Decentralised Action	Participant Observation

Third Year 2009–10

G20 Protests	Participant Observation (Overt)
1000 Flowers Social Centre, Dalston	Participant Observation (Overt)
56a Infoshop, Elephant and Castle	Qualitative Interview
The Library House, Camberwell	Qualitative Interview
rampART, Whitechapel	Qualitative Interview
ASS, Whitechapel	Qualitative Interview
Mujinga, Former Squatter and Zine Developer	Qualitative Interview

Fourth Year 2010–11

London Free School	Participant Observation (Covert)
Debra Shaw	Qualitative Interview
Dan, 195 Mare Street	Qualitative Interview

Bibliography

Abellán, J., Sequera, J. and Janoschka, M., 2012. Occupying the #Hotelmadrid: A Laboratory for Urban Resistance, *Social Movement Studies: Journal of Social, Cultural and Political Protest*, 320–326.

Adorno, T., 1976. Sociology and Empirical Research. In: T. Adorno, H. Albert, R. Dahrendorf, J. Habermas, H. Pilot and K. R. Popper, *The Positivist Dispute in German Sociology*. London: Heinemann.

Advisory Service for Squatters, 2004. *Squatters Handbook*. (12th Edition), London: AK Press.

Agamben, G., 1998. *Homo Sacer: Sovereign Power and Bare Life*, Stanford, CA: Stanford University Press.

Agamben, G., 2005. *State of Exception*. Stanford, CA: Stanford University Press.

Agamben, G., 2007. *Profanations*. Brooklyn, NY: Zone Books.

Agamben, G., 2009. What is an Apparatus? In: *What is an Apparatus? And Other Essays*. Stanford, CA: Stanford University Press.

Agamben, G., 2013. *Highest Poverty: Monastic Rules and Form-of-Life*. Stanford, CA: Stanford University Press.

Appell, G. N., 1993. *Hardin's Myth of the Commons: The Tragedy of Conceptual Confusions*. Working Paper, 8, ME: Indiana University: Social Transformation and Adaptation Research Institute.

Arnheim, R., 1973. On Entropy and Art, *Leonardo*, MIT Press, 6(2):188–189.

Austin, J., 1954. The Province of Jurisprudence Determined. In: Hart, H. L. A. (ed.), *The Province of Jurisprudence Determined and the Uses of the Study of Jurisprudence*, London: Weidenfield and Nicolson.

Austin, J., 1962. *How to Do Things with Words*. Oxford: Clarendon Press.

Amoore, L., (ed.), 2005. *The Global Resistance Reader*. Oxford: Routledge.

Arendt, H., 1970. *Crises of the Republic*. London: Harcourt.

Arendt, H., 2006 [1961]. *Between Past and Future*. Penguin: London.

Bailey, R., 1973. *The Squatters*. Middlesex: Penguin Books.

Bakunin, M., 1893. *God and the State*. London: London Anarchist Groups.

Bakunin, M., 1990. *Statism and Anarchy*. Cambridge: Cambridge University Press.

Bakunin, M., 1981. *A Critique of State Socialism*. Orkney: Cienfuegos.

Barad, K., 2003. Posthumanist Performativity: Toward an Understanding of How Matter Comes to Matter. *Signs*, 28(3):801–831.

Barad, K., 2007. *Meeting the Universe Halfway: Quantum Physics and the Entanglement of Matter and Meaning*. Durham, NC: Duke University Press.

Barad, K., 2012. *What is the Measure of Nothingness? Infinity, Virtuality, Justice*. 100 Notes, Museum Fridericianum Verantsaltungs-GmBH, Ostfildern, Hatje-Cantz Verlag.

Bardon, A., 2013. *A Brief History of the Philosophy of Time*. OUP.

Barker, A., 2012. Already Occupied: Indigenous Peoples, Settler Colonialism and the Occupy Movements in North America, *Social Movement Studies: Journal of Social, Cultural and Political Protest*, 327–334.

Bastian, M., 2013. Political apologies and the question of a 'shared time' in the Australian context, *Theory, Culture & Society*, 30:4–121.

Bastian, M., 2014. Time and Community: A Scoping Study, *Time and Society*, 23(2):137–166.

BBC News. Time unveils the Person of the Year: The Protestor. 14 December 2011. Available at: www.bbc.co.uk/news/world-us-canada-16184196 (accessed 2 December 2013).

Benda-Beckmann, F. and K., 2006. How Communal is Communal and whose Communal is it? Lessons from Minangkabau. In: *Changing Properties of Property*, New York: Berghahn Books, 194–217.

Benjamin, A., 1986. The Decline of Art: Benjamin's Aura, 9, *Oxford Art Journal*, 2:30–35.

Benjamin, W., 1916. On Language as such and on the Language of Man. In: M. Jennings, 2004. *Walter Benjamin: 1913–1926 v. 1: Selected Writings*, Harvard, MA: Harvard University Press.

Benjamin, W., 1978. Critique of Violence. In: *Reflections: Essays, Aphorisms, Autobiographical Writings*. New York: Schocken Books, 277–300.

Benjamin, W., 1986. The Author As Producer. In: *Reflections*, S. Duncombe, (ed.), 2002. *Cultural Resistance Reader*. London: Verso.

Benjamin, W., 1996. *Charles Baudelaire: A Lyric Poet in the Era of High Capitalism*. London: Verso.

Benjamin, W., 1999a. On Some Motifs in Baudelaire. In: *Illuminations*, London: Random House.

Benjamin, W., 1999b *Illuminations*. London: Pimlico.

Benjamin, W., 2007. *Walter Benjamin's The Archive*. London: Verso.

Bennett, J., 2010. *Vibrant Matter: A Political Ecology of Things*. Durham, NC: Duke University Press.

Bentham, J., 2007 [1789]. *An Introduction to the Principles of Morals and Legislation*. Dover: Dover Publications.

Bergson, H., 1944. *Creative evolution*. New York: Henry Holt.

Bey, H., 1991. *T. A. Z. The Temporary Autonomous Zone, Ontological Anarchy*, Poetic Terrorism. London: Autonomedia.

Bhandar, B. and Goldberg-Hiller, J., 2015. Introduction: Staging Encounters. In: *Plastic Materialities: Politics, Legality and Metamorphosis in the Work of Catherine Malabou*. Durham, NC: Duke University Press.

Bieri, S., 2002. Contested Places: Squatting and the Construction of 'the urban' in Swiss Cities. *GeoJournal*, 27:207–215.

Bignell, P. and Franklin, L., Young, urban professional seeks home – vacant premises will do, *The Independent*, 22 August 2010.

Billing, O., 1985. *The Lawyer Terrorist and his Comrades*, Political Psychology, 6(1):29–46.

Blackstone, W., 1765–1769. *Commentaries on the Laws of England*. Oxford: Clarendon Press.

Bloch, E., 1995. *The Principle of Hope: Volume One*. Cambridge, MA: The MIT Press.

Bloch, E., 1995. *The Principle of Hope: Volume Two*. Cambridge, MA: The MIT Press.

Bloch, E., 1995. *The Principle of Hope: Volume Three*. Cambridge, MA: The MIT Press.

Blomley, N., 1994. *Law, Space and the Geographies of Power*. New York: Guilford Press.

Blomley, N., 2004. *Unsettling the City: Urban Land and the Politics of Property*. New York: Routledge.

Blomley, N., 2011. *Rights of Passage: Sidewalks and the Regulation of Public Flow*. London: Routledge.

Blomley, N., 2013. *Performing Property: Making The World*, Vol. XXVI, *Canadian Journal Of Law And Jurisprudence*, I, 23–48.

Blomley, N., 2014. Disentangling property, making space. In: R. Rose-Redwood and M. Glass (eds), *Performativity, Politics and the Production of Social Space* (Routledge Study in Human Geography). New York: Routledge.

Blomley, N., Delaney, D. and Ford, R., (eds), 2001. *The Legal Geographies Reader*. Oxford: Blackwell.

Boal, A., 1974. *Theatre of the Oppressed*. London: Pluto Press.

Blomley, N. and Brighenti, A., 2013. What Sort Of A Legal Space Is A City? In: A. Brighenti, *Urban Interstices: The Aesthetics and the Politics of the In-between*. London: Ashgate.

Bookchin, N., Brown, P., Ebrahimian, S., colectivo Enmedio, Juhasz, A., Martin, L., MTL, Mirzoeff, N., Ross A., Joan Saab, A. and Sitrin, M., 2013. *The Militant Research Handbook*, New York: New York University.

Booth, R., 2015. Focus E15 housing activist arrested on suspicion of squatting, *The Guardian*, 14 April 2015. Available at: www.theguardian.com/society/2015/apr/14/focus-e15-housing-activist-arrested-on-suspicion-of-squatting (accessed 26 June 2015).

Borges, L., 2000. *The Aleph*. London: Penguin.

Bottomley, A. and Lim, H., (eds). 2009. *Feminist Perspectives on Land Law*, Feminist Perspectives, London: Cavendish/Routledge.

Braverman, I., Blomley, N., Delaney, D. P. and Kedar, A., The Expanding Spaces of Law: A Timely Legal Geography [Introduction] (March 18, 2013). In: I. Braverman, N. Blomley, D. Delaney and A. Kedar, 2015. *The Expanding Spaces of Law: A Timely Legal Geography*, Stanford University Press (SUNY Buffalo Legal Studies Research Paper No. 2013-032).

Brighenti, A. (ed.), 2013. *Urban Interstices: The Aesthetics and the Politics of the In-Between*. Farnham: Ashgate.

Broumas, A., 2015. Movements, Constitutability, Commons: Towards a Ius Communis. *Law and Critique*. 26:11–26.

Brown, W., 2003. Neo-Liberalism and the End of Liberal Democracy, *Theory & Event*, 7(1). Available at: http://muse.jhu.edu/journals/theory_&_event/ (accessed 15 February 2015).

Bryan, B., 2000. Property as Ontology: on Aboriginal and English Understandings of Property, *Canadian Journal of Law and Jurisprudence*, 13:3–31.

Budick. S., 2010. *Kant and Milton*. Harvard, MA: Harvard University Press.

Burroughs, W. S., 1986. *The Adding Machine: Selected Essays*. New York: Arcade Publishing.

Burroughs, W. S., 1997. *Junky*. London: Penguin.

Burroughs, W. S., 2013. *Naked Lunch*. London: Grove Press.

Butler, J., 1988. Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory, *Theatre Journal*, 40(4):519–531.

Butler, J., 1990. *Gender Trouble*. London: Routledge.

Butler, J., 1993a. Critically Queer, *Journal of Lesbian and Gay Studies*, 1:17–32.

Butler, J., 1993b. *Bodies that Matter: On the Discursive Limits of Sex*. London: Routledge.
Butler, J., 2012. For and Against Precarity. In: TIDAL. *Occupy Theory, Occupy Strategy*. Issue 1. Available at: http://occupytheory.org/ (accessed 6 November 2015).
Butler, J. and Spivak, G., 2007. *Who Sings the Nation-State?* Chicago, IL: Chicago University Press.
Butler, J. and Athanasiou, A., 2013. *Dispossession: The Performative in the Political*. London, Polity.
C., Alex., *Power in the Movement*. In: TIDAL. *Occupy Theory, Occupy Strategy*. Issue 1. Available at: http://occupytheory.org/ (accessed 6 November 2015).
Campbell, K., 2013. The Laws of Memory: The ICTY, the Archive, and Transitional Justice, *Social & Legal Studies*, 22(2):247–269.
Castañeda, E., 2012. The Indignados of Spain: A Precedent to Occupy Wall Street, *Social Movement Studies: Journal of Social, Cultural and Political Protest*, 309–319.
Castoriadis, C., 1975. *The Imaginary Institution of Society*. Cambridge, MA: MIT Press.
Castoriadis, C., 1988. *Political and Social Writings* Vol. 1: 1946–1955. University of Minnesota Press.
Castoriadis, C., 1991. *Philosophy, Politics, Autonomy*. New York: Oxford University Press.
Castoriadis, C., 1993. *Political and Social Writings* Vol. 3: Recommencing the Revolution: From Socialism to the Autonomous Society, 1961–1979. Minneapolis, MN: University of Minnesota Press.
Castoriadis, C., 1994. The logic of magmas and the question of autonomy, *Philosophy and Social Criticism*, 20:123–154.
Caygill, H., 2013. *On Resistance: A Philosophy of Defiance*. London: Bloomsbury Academic.
César, J., 1992. *Walter Benjamin of Experience and History: Profane Illumination*. San Francisco, CA: Mellen.
Chatterton, P., 2002. 'Squatting is Still Legal, Necessary and Free': A Brief Intervention in the Corporate City, *Antipode*, 1–7.
Chatterton, P., 2007. *The Autonomous Geographies Bibliography*. Available at: www.autonomous geographies.org/files/autonomy_bibliography.pdf (accessed 14 February 2015).
Chatterton, P., 2008. Autonomous Spaces and Social Centres: So what does it mean to be anti-capitalist: In: *What's this Place? Stories from Radical Social Centres in the UK and Ireland*, part of the ESRC-funded project 'Autonomous Geographies'. Available at: www.autonomousgeographies.org (accessed 14 February 2015).
Chatterton, P., 2009. Beyond Scholar Activism: Making Strategic Interventions Inside and Outside the Neoliberal University. *ACME*, 17. Available at: www.paulchatterton.com (accessed 14 February 2015).
Chatterton, P., 2010. Autonomy, the Struggle for Survival and the Self-Management of the Commons, *Antipode*, 42 (4):897–908.
Chatterton, P., 2011. *So what does it mean to be anti-capitalist? Conversations with activists from urban social centres*. Available at: www.paulchatterton.com/?page_id=956 (accessed 14 February 2015).
Chatterton, P. and Hodkinson, S., 2007. Why we need autonomous spaces in the fight against capitalism. In: The Trapeze Collective (eds), *Do it Yourself: A Handbook for Changing our World*. London: Pluto Press.
Chatterton, P. and Hollands, R., 2003. *Urban Nightscapes: Youth Cultures, Pleasure Spaces and Corporate Power* (Critical Geographies). London: Routledge.
Chatterton, P. and Pickerill, J., 2008. *Autonomous Geographies: Activism and Everyday life in the City*. ESRC Final Report (RES-000-23-0957).

Christodoulidis, E., 2007. Against substitution: the constitutional thinking of dissensus. In: M. Loughlin and N. Walker (eds), *The Paradox of Constitutionalism: Constituent Power and Constitutional Form*. Oxford University Press, 189–208.

Clarke, J., 2002. Cornelius Castoriadis: Thinking About Political Theory, *Capitalism Nature Socialism*, 49:67–74.

Clough, P., 2000. The Technical Substrates of Unconscious Memory: Rereading Derrida's Freud in the Age of Teletechnology, *Sociological Theory*, 18(3):343–526.

Conway, H. and Stannard, J., 2013. *The Emotional Paradoxes of Adverse Possession*. N.I.L.Q. 64(1):75–89.

Coombe, R. and Herman, A., 2000. Trademarks, Property and Propriety: The Moral Economy of Consumer Politics and Corporate Accountability on the World Wide Web, *De Paul Law Review*, 50.

Cordelia and Ziggy. 2004. *The Little Squatters Handbook*. London: Advisory Service for Squatters.

Cornell, D., 1992. *The Philosophy of the Limit*. London: Routledge.

Cornell, D., 2008. *Moral Images of Freedom: A Future for Critical Theory*. Plymouth: Rowman and Littlefield Publishers Inc.

Corr, A., 1999. *No Trespassing: Squatting, Rent Strikes, and Land Struggles Worldwide*. London: Southend Press.

Cover, Robert M., 1986. *Violence and the Word*, Faculty Scholarship Series. Paper 2708. Available at: http://digitalcommons.law.yale.edu/fss_papers/2708 (accessed 14 February 2015).

Cowan, D., Fox O'Mahony, L. and Cobb, N., 2012. *Great Debates in Property Law*, London: Palgrave Macmillan.

Curtis, A. D,. (ed.), 1997. *The Castoriadis Reader*. Oxford: Blackwell Publishing.

Dadusc, D. and Dee, E., 2012. The criminalisation of squatting: Discourses, moral panics and resistances in the Netherlands, England and Wales, *Vulnerable demons? Moral rhetoric and the criminalisation of squatting*, Conference Durham Law School, Durham University, March 2013.

Davies, M., 2007. *Property: Meanings, Histories, Theories*. London: Routledge Cavendish.

Dazza, 2000. *In Italy Another World is Growing*. Available at: www.edgehill.ac.uk/Research/smg/ArticlesDazza.htm (accessed 20 May 2007).

Debord, G., 1992. *The Society of the Spectacle*. Detroit, MI: Black & Red Books.

de Landa, M., 2000. *A Thousand Years of Nonlinear History*, New York: Swerve Editions.

de Landa, M., 2011. Emergence, Causality and Realism. In: L. Bryant, N. Srnicek and G. Harman (eds), *The speculative turn: Continental Materialism and Realism*, Melbourne: Re-Press.

Delaney, D., 1986. *Place Race and the Law*. Austin, TX: University of Texas Press.

Delaney, D., 2011. *The Spatial, the Legal and the Pragmatics of World-Making: Nomospheric Investigations*. London: Routledge.

Deleuze, G., 1971. *Sacher-Masoch: An Interpretation*, London: Faber and Faber.

Deleuze, G. and Guattari, F., 2004. *A Thousand Plateaus: Capitalism and Schizophrenia*, London: Continuum.

de Lucia, V., 2013. *Law as Insurgent Critique: The Perspective of the Commons in Italy*, Critical Legal Thinking, 5 August 2013. Available at: http://criticallegalthinking.com/2013/08/05/law-as-insurgent-critique-the-perspective-of-the-commons-in-italy/ (accessed 15 February 2015).

Derrida, J., 1987. The Laws of Reflection: Nelson Mandela, in Admiration. In: *For Nelson Mandela*, J. Derrida and M. Tlili (eds), New York: Seaver Books.

Derrida, J., 1990. Force of Law: The Mystical Foundation of Authority, *Cardozo Law Review: Deconstruction and the Possibility of Justice*, 11(5–6):920–1045.

Derrida, J., 1992. *The Gift of Death*. Chicago, IL: University of Chicago Press.

Derrida, J., 1996. *Archive Fever: A Freudian Impression*. London: University of Chicago Press.

Derrida, J., 2002. Declarations of Independence. In: M. Bal and H. de Fries, *Negotiations: Interventions and Interviews*, 1971–2001, Stanford, CA: Stanford University Press.

Derrida, J., 2003. *Rogues: Two Essays on Reason*. Stanford, CA: Stanford University Press.

De Saussure, F., 2006. *Writings in General Linguistics*, Oxford: Oxford University Press.

Dicey, A. V., 1889, *The Law of the Constitution*. London: Macmillan.

Dobbs, H., 2012. *Nine-tenths of the Law: Property and Resistance in the United States*, Edinburgh: AK Press.

Dolan, J., 2001. Performance, Utopia, and the 'Utopian Performative', *Theatre Journal*, 53(3):455–479.

Douzinas, C., 2005. Violence, Justice, Deconstruction, *German Law Journal*, 6:171–178.

Douzinas, C., 2014a. From Greece to Ukraine: welcome to the new age of resistance, *The Guardian*. Available at: www.theguardian.com/commentisfree/2014/mar/04/greece-ukraine-welcome-new-age-resistance (accessed 1 November 2015).

Douzinas, C., 2014b. The 'Right to the Event': The Legality and Morality of Revolution and Resistance, *International Studies in Phenomenology and Philosophy*, 2(1):2281–9177.

Duncombe, S., (ed.), 2002. *Cultural Resistance Reader*. London: Verso.

Dunn, R., 1997. Self-Identity, and Difference: Mead and the Poststructuralists, *The Sociological Quarterly*, 38(4):687–706.

Dworkin, G., 1988. *The Theory and Practice of Autonomy*. Cambridge: Cambridge University Press.

Einstein A., 1916. *Relativity: The Special and General Theory* (Translation 1920), New York: H. Holt and Company.

Elden, S., 2009. Reassessing Kant's Geography. *Journal of Historical Geography*, 35:3–25.

Engle Merry, S., 1988. Legal Pluralism, *Law and Society Review*, 22(5):869–896.

Enright, M., 2013. *The Law of University Protest: Notes from the UK*. Available at: http://criticallegalthinking.com/2013/12/12/law-university-protest-notes-uk/ (accessed 1 November 2015).

Escobar, A., 2003a. Other Worlds are (Already Possible): Self-Organisation, Complexity, and Post-Capitalist Cultures. In: J. Sen, A. Anand, A. Escobar and P Waterman (eds)., 2005. *The World Social Forum: Challenging Empires*. Delhi: Viveka.

Escobar, A., 2003b. Actors, Networks, and New Knowledge Producers: Social Movements and the Paradigmatic Transition in the Sciences. In: de Sousa Santos, Bouventura (ed.), *Conhecimento Prudente para una Vida decente: 'Um Discurso sobre as Ciências' Revisitad*. [Prudent Knowledge for a Decent Life: 'Discourse on the Sciences' Revisited], Porto, Afrontamento.

Escobar, I., 2011. La generacio'n estafada. In: *Reacciona!* Madrid: Santillana.

Falk Moore, S., 1973. Law and Social Change: The Semi-Autonomous Social Field as an Appropriate Subject of Study, *Law & Society Review*, 7(4):719–746.

Falk Moore, S., 1978. *Law as Process: An Anthropological Approach*. Oxford: James Currey Publishers.

Fernandes, E., 2007. Constructing the Right to the City in Brazil, *Social Legal Studies*, 16(2):201–219.

Finchett-Maddock, L., 2002. *(Il)legal Action and the Reclamation of Social Space: A Case Study of the Reclaim the Streets Movement*. Unpublished paper from University of Warwick.

Finchett-Maddock, L., 2012. Seeing Red: Entropy, Property and Resistance in the Summer Riots 2011. *Law and Critique*, 23;3:199–217.

Finchett-Maddock, L., 2014. Law in Numbers: The Poiesis of the Crowd, *Lo Squaderno* (Crowded Spaces), 13–18.

Finchett-Maddock, L., 2015. *Their Law: The New Energies of UK Squats, Social Centres and Eviction Resistances in the Fight Against Expropriation* (2 parts). Available at: www.criticallegalthinking.com (accessed 1 November 2015).

Foucault, M., 1978. Governmentality. In: G. Burchell, C. Gordon and P. Miller. *The Foucault Effect: Studies in Governmentality*, Chicago, IL: The University of Chicago Press.

Foucault, M., 1995. *Discipline and Punish: the Birth of Prison*. London: Vintage Books.

Foucault, M., 1989. *The End of the Monarchy of Sex*. Foucault live. New York: Semiotext(e).

Fitzpatrick, P., 1984. Law and Societies, *Osgoode Hall Law Journal*, 22, 115–138.

Fitzpatrick, P. and Golder, B., 2008. *Law as Resistance*. London: Ashgate.

Freeman, J., 1972. *The Tyranny of Structurelessness*, 2, The Second Wave, 1.

Gargarella, R., 2003. The Last Resort: The Right of Resistance in Situations of Legal Alienation. *SELA (Seminario en Latinoamérica de Teoría Constitucional y Política) Papers*. Paper 23. Available at: http://digitalcommons.law.yale.edu/yls_sela/23 (accessed 1 November 2015).

Gledhill, J., 2012. Collecting Occupy London: Public Collecting Institutions and Social Protest Movements in the 21st Century, *Social Movement Studies: Journal of Social, Cultural and Political Protest*, 342–348.

Glück, Z., 2012. Between Wall Street and Zuccotti: Occupy and the Scale of Politics, Occupy, Anthropology, and the 2011 Global Uprisings. In: *Fieldsights – Hot Spots, Cultural Anthropology Online*, 14 February 2013. Available at: www.culanth.org/fieldsights/67-between-wall-street-and-zuccotti-occupy-and-the-scale-of-politics (accessed 6 November 2015).

Goodrich, P., 2004. Satirical Legal Studies: From the Legists to The Lizard. *Michigan Law Review*, 103:397–517.

Gordon, A., 2008. *Ghostly Matters: Haunting and the Sociological Imagination*. Minneapolis, MN: University of Minnesota Press.

Gordon, C., 1980. *Power/Knowledge Selected Interviews and Other Writings*. London: Harvester.

Gordon, U., 2012. Israel's 'Tent Protests': The Chilling Effect of Nationalism, *Social Movement Studies: Journal of Social, Cultural and Political Protest*, 349–355.

Goyens, T., 2009. Social space and the practice of anarchist history, *Rethinking History*, 13(4):439–457.

Graeber, D., 2012. Occupy Wall Street Rediscovers the Radical Imagination, In: *Fieldsights – Hot Spots, Cultural Anthropology Online*, 14 February 2013. Available at: www.culanth.org/fieldsights/67-between-wall-street-and-zuccotti-occupy-and-the-scale-of-politics.

Grauerholz, J. and Silverberg, I. (eds), 1998. *Word Virus: The William Burroughs Reader*. London: Fourth Estate.

Gray, K., 1991. Property in Thin Air, *The Cambridge Law Journal*, 50:252–307.

Gray, K. and Gray, S., 2011. *Elements of Land Law*. Oxford: OUP.

Griffiths, J., 1986. What is Legal Pluralism? *Journal of Legal Pluralism* (24):1–55.

Guattari, F., 2007. *To Have Done With the Massacre of the Body*. New York: Semiotext(e).

Guardian, The. 2012. Timeline of the Arab Spring. Available at: www.theguardian.com/world/interactive/2011/mar/22/middle-east-protest-interactive-timeline (accessed 16 February 2015).

Guardiola-Rivera, O., 2009. *Being Against the World: Rebellion and Constitution*. Abingdon: Birkbeck Law Press.

Guardiola-Rivera, O., 2012. A Jurisprudence of Indignation. *Law and Critique*, 23:253–270.

Guzman-Concha, C., 2012. The Students' Rebellion in Chile: Occupy Protest or Classic Social Movement?, *Social Movement Studies: Journal of Social, Cultural and Political Protest*, 408–415.

Hägglund, M., 2011. Radical Atheist Materialism: A Critique of Meillassoux. In: L. Bryant, N. Srnicek and G. Harman. (eds), *The Speculative Turn: Continental Materialism and Realism*. Melbourne: Re-Press.

Hall, S., 1976. *Resistance through rituals. Youth subcultures in post-war Britain*. London: Hutchinson.

Hani, R., 2015. Meeting the Locals of the Elephant and Castle Pub That's Being Turned Into a Foxtons, *Vice*, 5 June 2015. Available at: www.vice.com/en_uk/read/elephant-and-castle-pub-foxtons-299 (accessed 26 June 2015).

Haraway, D., 1985. *A Cyborg Manifesto: Science, Technology, and Socialist-Feminism in the Late Twentieth Century*. Stanford, CA: Stanford University Press.

Haugerud, A., 2012. *Humor and Occupy Wall Street*, In: *Fieldsights – Hot Spots, Cultural Anthropology Online*, 14 February 2013. Available at: www.culanth.org/fieldsights/67-between-wall-street-and-zuccotti-occupy-and-the-scale-of-politics (accessed 6 November 2015).

Holder, J. and Harrison, C. (eds), 2002. *Law and Geography*. Oxford: Oxford University Press.

Halvorsen, S., 2012. Beyond the Network? Occupy London and the Global Movement, *Social Movement Studies: Journal of Social, Cultural and Political Protest*, 427–433.

Hardin, G., 1968. The Tragedy of the Commons. *Science*, 162(3859):1243–1248.

Hardt, M. and Negri, A., 2009. *Commonwealth*. Cambridge, MA: The Belknap Press of Harvard University Press.

Hart, H. L. A., 1961. *The Concept of Law*. New York: Oxford University Press.

Harrison, A., 2013. Violence at Tory HQ overshadows student fees protest. BBC News, 10 November 2010. Available at: www.bbc.co.uk/news/education-11726822 (accessed 7 December 2013).

Harvey, D., 1973. *Social Justice and the City*. London: Edward Arnold.

Harvey, D., 1985. *Consciousness and the Urban Experience: Studies in the History and Theory of Capitalist Urbanisation 1*. Oxford: Blackwell.

Harvey, D., 1999. *The Limits to Capital*. London: Verso.

Harvey, D., 2008. The Right to the City. *New Left Review*, 53:23–40.

Harvey, D., 2012. *Rebel Cities: From the Right to the City to the Urban Revolution*. London: Verso.

Hawking, S., 1988. *A Brief History of Time*. London: Bantum.

Heller, K., 1996. Power, Subjectification and Resistance in Foucault, *SubStance*, 25 (1), 78–110.

Heller, M., 1998. The Tragedy of the Anticommons: Property in the Transition from Marx to Markets. Available at: www.wdi.umich.edu/files/Publications/WorkingPapers/wp40.pdf (accessed 14 February 2015).

Hess, R., 1988. Interview with Henri Lefebvre, February 1988. In: *Henri Lefebvre et l'aventure du sie`cle*, Paris: Me'tailie.

Hill, C., 1972. Levellers and True Levellers from The World Turned Upside Down. In: S. Duncombe (ed.) 2002, *Cultural Resistance Reader*. London: Verso.

Hodkinson, S. and Chatterton, P., 2006. *Autonomy in the City? Reflections on the social centres movement in the UK*, City, 10(3):305–315, 309.

Holloway, J., 2002. *Change the World without taking Power*. Available at: http://libcom.org/library/change-world-without-taking-power-john-holloway (accessed 1 November 2015).

Horvath, A., 1997. *The Political Psychology of Trickster-Clown: An Analytical Experiment around Communism as a Myth*, EUI Working Paper SPS No. 97/5.

Hutcheon, L., 1998. *Memory, Irony and the Postmodern*. Available at: www.library.utoronto.ca/utel/criticism/hutchinp.html (accessed 14 February 2015).

Irigaray, L., 1985. *This Sex Which is not One*. Ithaca, NY: Cornell University Press.

Johnson, S., 2001. *Emergence*. New York, Scribner.

Jordan, J., 1998. The Art of Necessity: The Subversive Imagination of Anti-Road Protest and Reclaim the Street from DiY Culture: Party and Protest in Nineties Britain. In: Duncombe, S. (ed.), 2002. *Cultural Resistance Reader*. London: Verso.

Juris, J., 2012. Reflections on #Occupy Everywhere: Social media, public space, and emerging logics of aggregation, *American Ethnologist*, 39(2):259–279.

Kant, I., [1797]. The Metaphysics of Morals. In: Kant: *Political Writings*. 2nd enl. ed. H Reiss (ed.). Translated by H. B. Nisbet. Cambridge: Cambridge University Press.

Katsiaficas, G., 2006. *The Subversion of Politics: European Autonomous Social Movements and the Decolonisation of Everyday Life*. Oakland, CA: A K Press.

Kelsen, H., 1967. *Pure Theory of Law*. Berkeley, CA: University of California Press.

Kelsen, H., 2000. *Peace Through Law*. New Jersey: The Law Book Exchange.

Kellner, D., 2012. The Dark Side of the Spectacle: Terror in Norway and the UK riots. *Cultural Politics*, 8(1):1–43.

Kelly, D., 2004. Carl Schmitt's Political Theory of Representation, *Journal of the History of Ideas*. 65(1):118.

Kerton, S., 2012. Tahrir, Here? The Influence of the Arab Uprisings on the Emergence of Occupy, *Social Movement Studies: Journal of Social, Cultural and Political Protest*, 302–308.

Keenan, S., 2014. *Subversive Property: Law and the Production of Spaces of Belonging*. London, Routledge.

Klein, N., 2001. *No Logo*. Flamingo: London

Koselleck, R., 1985. *Futures Past: On the Semantics of Historical Time*. Cambridge, MA: MIT Press.

Kristeva, J., 1983. *Nations without Nationalism*. New Haven, CT: Yale University Press.

Kropotkin, P., [1955] 2006. *Mutual Aid: A Factor of Evolution*, Mineola, New York: Dover Publications.

Laerhoven, F. and Ostrom, E., 2007. Traditions and Trends in the Study of the Commons. *International Journal for the Study of the Commons*, 1:3–28

Lambert, L., 2013. *Weaponised Architecture: The Impossibility of Innocence*. Barcelona: DPR.

Lasn, K., 2000. *Culture Jamming: How to Reverse America's Suicidal Consumer Binge – And why we must*. New York: William Morrow Paperbacks.

Latour, B., 2007. *Reassembling the Social: An Introduction to Actor-Network Theory*. Oxford: Oxford University Press.

Lefebvre, H., 1991a. [1958], *Critique of Everyday Life*: Volume I: Introduction. London: Verso.

Lefebvre, H., 1991b. *The Production of Space*. Cambridge, MA: Blackwell.

Lefebvre, H., 1980. *Presence and Absence*. Paris: Gallimard.

Levinas, E., 1969. *Totality and Infinity: An Essay on Exteriority*. Pittsburgh, PA: Duquesne University Press.

Liboiron, M., 2012. Tactics of Waste, Dirt and Discard in the Occupy Movement, *Social Movement Studies: Journal of Social, Cultural and Political Protest*, 393–401.

Lindahl, H., 2007. Constituent Power and Reflexive Identity: Towards an Ontology of Collective Selfhood. In: Martin Loughlin and Neil Walker (eds), *The Paradox of Constitutionalism*, Oxford: Oxford University Press, 9–24.

Lindahl, H., 2008. *Border Crossings by Immigrants: Legality, Illegality and A-legality*, Res Publica, 14:117–135.

Linebaugh, P. and Rediker, M., 2008. *The Many Headed Hydra: The Hidden Story of the Revolutionary Atlantic*. London: Verso.

Linebaugh, P., 2009. *The Magna Carta Manifesto: Liberties and Commons for All*. Berkeley, CA: University of California Press.

Ling, A., 2015. *How Vulnerable? Re-Assessing Homelessness*. Keep Calm And Talk Law. Available at: www.keepcalmtalklaw.co.uk/how-vulnerable-re-assessing-homelessness/ (accessed 26 June 2015).

Lloyd, M., 1999. Performativity, Parody, Politics, *Theory, Culture, Society*, 16:195–213.

Locke, J., 2010 [1689]. *Two Treatises on Government*. London: The Lawbook Exchange.

Loizidou, E., 2013. *Disobedience: Concept and Practice*. London: Routledge.

Lunghi, A., 2007. *The Spring of Social Centres*. Available at: www.occupiedlondon.org/social-centres (accessed 20 May 2007).

MacDonald, A. and Sandomierski, D., 2006. Against Nomopolies. *Northern Ireland Legal Quarterly*, 57(4):610–633.

MacIntyre, A., 1998. *Politics, Philosophy and the Common Good*. In: K. Knight, *The MacIntyre Reader*. London: Duckworth.

Malpas J., 2012. Putting Space in Place: Philosophical Topography and Relational Geography. *Environment and Planning D: Society and Space*, 30(2):226–242.

Matthews, D., 2012. The Question of Political Responsibility and the Foundation of the National Transitional Council for Libya, *Law and Critique*, 23:237–252.

Manjikian, M., 2013. *Securitisation of Property Squatting in Europe*. London: Routledge.

Marx, K., 2011 [1844]. *Economic and Philosophical Manuscripts of 1844*. London: Wilder Publications.

Marx, U., Schwarz, G., Schwarz, M. and Wizili, E., 2007. *Walter Benjamin's Archive: Images, Texts, Signs*. London: Verso.

Massey, D. B., 1992. Politics and Space/Time. 1, *New Left Review*, 196. Available at: http://newleftreview.org/I/196/doreen-massey-politics-and-space-time (accessed 1 November 2015).

Massey, D. B., 1994. *Space, place, and gender*. Minneapolis, MN: University of Minnesota Press.

Massey, D. B., 2005. *For Space*. London: Sage.

Massumi, B., 1992. *A User's Guide to Capitalism and Schizophrenia: Deviations from Deleuze and Guattari*. MIT: MIT Press.

McCann, A., 2005. Enclosure without and Within the Information Commons. *Information and Technology Law*, 14(3):217–240.

McCormick, L., 2012. Invoking article 8 for squatters in commercial properties. *Solicitors Journal*, 156(47) Supp. (Property Focus), 23–24.

McDonald, H., 2003. The Performative Basis of Modern Literary Theory, *Comparative Literature*, 55(1):57–77.

McGath, G., 2013. *Songs of Freedom*, Available at: www.mcgath.com/freesongs.html (accessed 13 February 2014).

McKay, B. and Acheson, J., 1987. *The Question of the Commons: The Culture and Ecology of Communal Resources*. Tucson AZ: University of Arizona Press.

McKay, G., 1996. *Senseless Acts of Beauty: Cultures of Resistance since the 60's*. London: Verso.

McKay, G., 1998. *DiY Culture: Party & Protest in Nineties Britain*. London: Verso.

Mead, D., 2010. *The New Law of Peaceful Protest; Rights and Regulation in the Human Rights Act Era*. Oxford: Hart Publishing.

Meillassoux, Q., 2008. *After Finitude: An Essay on the Necessity of Contingency*. London: Continuum.

Meillassoux, Q., 2012. The contingency of the laws of nature, *Environment and Planning D: Society and Space*, 30(2):322–334.

Melissaris, E., 2004. The More the Merrier? A New Approach to Legal Pluralism. *Social & Legal Studies*, 13(1):73–77.

Melucci, A., 1988. Getting Involved: Identity and Mobilization in Social Movements, *International Social Movement Research* 1:329–348.

Melucci, A., 1989. *Nomads of the Present: Social Movements and the Needs of Contemporary Society*. Philadelphia, PA: Temple University Press.

Melucci, A., 1996. *Challenging Codes: Collective Action in the Communication Age*. Cambridge: Cambridge University Press.

Membretti, A., 2003. *The Social Construction of Social Space Proximity*. Available at: www.republicart.net/disc/realpublicspaces/membretti01_en.htm (accessed 14 February 2015).

Miron, L. F., 1996. *The Social Construction of Urban Schooling: Situating the Crisis*. Creskill: Hampton Press.

Morgan, B., 2007. Undoing Legal Violence: Walter Benjamin's and Giorgio Agamben's Aesthetics of Pure Means, *Journal of Law and Society*, 34(1):46

Morell, M., 2012. The Free Culture and 15M Movements in Spain: Composition, Social Networks and Synergies, *Social Movement Studies: Journal of Social, Cultural and Political Protest*, 386–392.

Mosès, S., 2009. *The Angel of History: Rosenzweig, Benjamin, Scholem*. Stanford, CA: Stanford University Press.

Mudu, P., 2004. Resisting and Challenging Neoliberalism: The Development of Italian Social Centres, *Antipode*, 36(5):917–941.

Mulqueen, T. and Tataryn, A., 2012. Don't Occupy This Movement: Thinking Law in Social Movements. *Law Critique*, 23:283–298.

Munsan, C., 2006. Beyond Squat or Rot: Anarchist Approaches to Housing, *Practical Anarchy*, 4. Available at: www.archive.org/stream/GreenAnarchy8/GA08_djvu.txt (accessed 14 February 2015).

Neeson, J. M., 1993. *Commoners: Common Right, Enclosure and Social Change in England, 1700–1820*. New York: Cambridge University Press.

Negri, A., 1999. *Insurgencies: Constituent Power and the Modern State*. Minneapolis, MN: University of Minnesota Press.

Negri, A., (with A. Dufourmantelle), 2004. *Negri on Negri*. New York: Routledge.

Negri, A., 2005. *The Politics of Subversion* (2nd Edition). Cambridge: Polity.

Nietzsche, W. F., 1968. *Will to Power*. London: Vintage Books.

Nora, P., 2002. *The Reasons for the Current Upsurge in Memory*. Available at: www.eurozine.com/articles/2002-04-19-nora-en.html; on memory and nationalism (accessed 14 February 2015).

Occupy Democracy. 2015. Runnymede eco-village get stay of execution in eviction proceedings so High Court can consider whether they were given an adequate hearing in 'exceptional case', *Occupy Democracy*, 24 June 2015. Available at: http://occupy-

democracy.org.uk/2015/06/24/runnymede-eco-village-get-stay-of-execution-in-eviction-proceedings-so-high-court-can-consider-whether-they-were-given-an-adequate-hearing-in-exceptional-case/ (accessed 26 June 2015).

Olson, M., 1977. *The Logic of Collective Action: Public Goods and the Theory of Groups*. Harvard, MA: Harvard University Press.

Ostrom, E., Dietz, T., Dolšak, N., Stern, P. C., Stonich, S. and Weber, E. U., (eds). 2002. *The Drama of the Commons*. Washington DC: National Academy Press.

Oxford English Dictionary. 2004. (11th Edition) Oxford: Oxford University Press.

Pahuja, S., 2010. *Lawfulness and the Global Commons*, 'Laws of Empire Workshop', Birkbeck School of Law, Birkbeck College.

Philippopoulos-Mihalopoulos, A., 2010. Spatial Justice: Law and the Geography of Withdrawal, *International Journal of Law in Context*, 6(3):201–216.

Philippopoulos-Mihalopoulos, A., 2011. Law's Spatial Turn: Geography, Justice and a Certain Fear of Space, *Law, Culture and the Humanities*, 20(5):1–6.

Philippopoulos-Mihalopoulos, A., 2011. Law, Space, Bodies: The Emergence Of Spatial Justice. In: L. De Sutter (ed.), *Deleuze And Law*, Edinburgh: Edinburgh University Press.

Philippopoulos-Mihalopoulos, A. 2015. *Spatial Justice: Body, Lawscape, Atmosphere*, Space Materiality and the Normative Series. London: Routledge.

Pickerill, J. and Chatterton, P., 2006 Notes Towards Autonomous Geographies: Creation, Resistance and Self-management as Survival Tactics. *Progress in Human Geography* (30):730–746.

Pickerill, J. and Krinsky, J., 2012. Why Does Occupy Matter? *Social Movement Studies: Journal of Social, Cultural and Political Protest*, 11(3–4):279–287.

Pickering, A., 1995. *Mangle of Practice*. Chicago, IL: Chicago University Press.

Pile, S., 1997. Introduction: opposition, identities and spaces of resistance. In: S. Pile and M. Keith, (eds). *Geographies of Resistance*. London and New York: Routledge, 1–32.

Pottage, A., 1998. *The Inscription of Life in Law: Genes, Patents and Biopolitics*. Modern Law Review, 61;5:740–765.

Prichard, M., 1981. *Modern Legal Studies: Squatting*. London: Sweet and Maxwell.

Prigogine, I., 1980. *From Being to Becoming*. San Francisco, CA: Freeman.

Prigogine, I. and Stengers, I., 1979. *La Nouvelle Alliance: Metamorphose de la Science*. Paris: Gallimard.

Proudhon, P. J., 2008. *What is Property? An Inquiry into the Principle and Right of Government*. London: Forgotten Books.

Putterman, E., 2005. Rousseau on the People as Legislative Gatekeepers, Not Framers, *American Political Science Review*, 99(1):145–151.

Quarta, A. and Ferrando. T., 2015. *Italian Property Outlaws: From the Theory of the Commons to the Praxis of Occupation*. Global Jurist. The City as a Commons, 15(3):261–290.

Raby, R. 2005. What is Resistance?, *Journal of Youth Studies*, 8(2):151–171.

Radstone, S. and Hodgkin, K. (eds), 1997. *Memory Cultures: Memory, Subjectivity and Recognition*. New York: Routledge.

Raffield, P., 2014. Time, Equity, and the Artifice of English Law: Reflections on The King's Two Bodies, *Law, Culture and the Humanities*, 1–10.

LSE. 2012. Reading the Riots: Investigating England's Summer of Disorder, 2012, *The Guardian*, http://eprints.lse.ac.uk/46297/1/Reading%20the%20riots(published).pdf (accessed April 2012).

Reeve, K., 2011. Squatting: A Homelessness Issue. Crisis. Available at: www.crisis.org.uk/data/files/publications/Crisis_SquattingReport_SEPT2011.pdf (accessed 6 November 2015).

Richards, P., 1974. *Kant's Geography and Mental Maps*, Transactions of the Institute of British Geographers, 16:1–16.

Ricoeur, P., 1965. *History and Truth*. Evanston, IL: Northwestern University Press.

Rose, C., 1986. The Comedy of the Commons: Commerce, Custom and Inherently Public Property. *University of Chicago Law Review*, 53:711–781.

Rose, C., 1988. T*he Several Futures of Property: Of Cyberspace and Folk Tales, Emission Trades and Ecosystems*. *Minnesota Law Review*. Available at: http://cyber.law.harvard.edu/eldredvreno/cyber/rose.html (accessed 1 November 2015).

Rousseau, J., 1979 [1762]. *Emile or On Education*. New York: Basic Books.

Rousseau, J., 1998 [1762]. *The Social Contract or Principles of Political Right*. London: Wordsworth Editions.

Said, E., 1979. *Orientalism*. London: Vintage Books.

Santos, de Sousa, B., 1974. *Law Against Law: Legal Reasoning in Pasargada Law*. Cuernavaca: CIDOC.

Santos, de Sousa, B., 1977. The Law of the Oppressed: The Construction and Reproduction of Legality in Pasargada, 12 (1), *Law and Society Review*, 1:5–126.

Santos, de Sousa, B., 1987. Law, A Map of Misreading: Toward a Postmodern Conception of Law. 14, *Journal of Law and Society*, 3:279–302.

Santos, de Sousa, B., 1998. Oppositional Postmodernism and Globalisations, *Law and Social Inquiry*, 23(1):121–139.

Santos, de Sousa, B., 1999. *The Fall of Angelus Novus: Beyond the Modern Game of Roots and Options*. Available at: www.eurozine.com (accessed April 2008).

Santos, de Sousa, B., 2004. A Critique of Lazy Reason: Against the Waste of Experience. In: I. Wallerstein (ed.), *The Modern World-System in the Long Durée*. London: Paradigm.

Santos, de Sousa, B. and Rodríguez-Garavito, C., 2005. Law, Politics and the Subaltern in Counter-Hegemonic Globalization. In: Santos, de Sousa, B. and Rodríguez-Garavito, C. (eds), 2005. *Law and Globalization from Below: Towards a Cosmopolitan Legality*. Cambridge: Cambridge Studies in Law and Society.

Schein, R., 2012. Whose Occupation? Homelessness and the Politics of Park Encampments, *Social Movement Studies: Journal of Social, Cultural and Political Protest*, 335–341.

Schmitt, C., 1950. *The Nomos of the Earth*. New York: Telos Press.

Schmitt, C., 2006. *Political Theology: Four Chapters on the Concept of Sovereignty*. Chicago, IL: University of Chicago Press.

Schmitt, C., 2008. *Constitutional Theory*. Durham, NC: Duke University Press.

Schneider, N., 2012. *Paint the Other Cheek*, The Nation, March 14 2012. Available at: www.europe-solidaire.org/spip.php?article24711 (accessed September 2012).

Schradie, J., 2011. In Defence of Tents: Place Matters for the Occupy Movement. Available at: http://open.salon.com/blog/jen_schradie/2011/11/17/in_defense_of_tents_-_place_matters_for_the_occupy_movement (accessed 15 February 2015).

Scott, J., 1985. *Weapons of the Weak: Everyday Forms of Peasant Resistance*. New Haven, CT: Yale University Press.

Scott, J., 1990. *Domination and the Arts of Resistance: Hidden Transcripts*. New Haven, CT: Yale University Press.

Segalov, M., 2015. I watched Anti-Austerity Activists Start a Squat in a London Pub. *Vice*, 18 June 2015. Available at: www.vice.com/en_uk/read/segalov-squat-opening-elephant-and-castle-734 (accessed 26 June 2015).

Serpis, A., 2015. Anti-austerity movement revives radical urban squatting. *The Ecologist*, 24 June 2015. Available at: www.theecologist.org/green_green_living/2921348/antiausterity_movement_revives_radical_urban_squatting.html (accessed 26 June 2015).

Serres M. and Adkins T., 2012. Differences: chaos in the history of the sciences, *Environment and Planning D: Society and Space*, 30(2):369–380.

Sheldon, A. (James Tiptree Jnr), 1972. The Women Men Don't See. In: J. Smith (ed.). 2004. *Her Smoke Rose Up Forever*. San Francisco, CA: Tachyon Publications.

Singer, J., 1988. The Reliance Interest in Property, *Stanford Law Review*, 40:611–751.

Smith, A., (2009) [1759] *The Theory of Moral Sentiments*. Available at: www.econlib.org/library/Smith/smMS.html.Smith (accessed April 2014).

Smith, C., Castañeda, E. and Heyman, J., 2012. The Homeless and Occupy El Paso: Creating Community among the 99%, *Social Movement Studies: Journal of Social, Cultural and Political Protest*, 356–366.

Soja, E., 1996. *Third Space: Journeys to Los Angeles and Other Real-and-Imagined Places*. Cambridge: Blackwell.

Soja, E., 2010. *Seeking Spatial Justice*. Minneapolis, MN: University of Minnesota Press.

Space Invaders. 2003. *Rants About Radical Space*, Do or Die, 10:185–188.

Spatial Agency. 2010. *Centri Sociali*. Available at: www.spatialagency.net/database/where/social%20structures/centri.sociali (accessed 14 February 2014).

SQEK, 2009. The SQEK: Squatting Europe Research Agenda v. 0.9. Available at: www.miguelangelmartinez.net/IMG/pdf/2009_SQEK__7_Dec_.pdf (accessed 4 November 2015).

SQEK, 2010. The SQEK: Squatting Europe Research Agenda v. 1.0, documents for the SQEK Conference on Squatting as a Social-Urban Movement, LARC, London.

Steinberg, M. (ed.), 1996. *Walter Benjamin and the Demands of History*. London: Cornell University Press.

Stone, M., 2011. Law, Ethics and Levinas' Concept of Anarchy, *The Australian Feminists Law Journal*, 35:89–105.

Szondi, P. and Mendelsohn, H., 1978. Hope in the Past: On Walter Benjamin, 4, *Critical Inquiry*, 3:491–506.

Tamanaha, B., 2000. A Non-Essentialist Version of Legal Pluralism, *Journal of Law and Society*, 27(2):296–321.

Tamanaha, B., 2001. *A General Jurisprudence of Law and Society*. Oxford: Oxford University Press.

Teubner G., 1992. The Two Faces of Janus: Rethinking Legal Pluralism, *Cardozo Law Review*, 13:1443–1462.

Teubner, G., Global Bukowina: Legal Pluralism in the World Society. In: G. Teubner (ed.), 1997, *Global Law Without a State*. Brookfield: Dartmouth, 3–28.

Text Nothing. 2004. *All and Nothing: For Radical Suicide: Towards some Notes and Confusion on 'You Can't Rent Your Way Out Of A Social Relationship: A Critique of Rented Social Centres' … and to continue the dialogue*. Available at: www.56a.org.uk/rent.html (accessed September 2009).

Tilly, C., 2008. *Contentious Performances*, Cambridge: Cambridge University Press.

The Invisible Committee, 2009. *The Coming Insurrection*. Paris, Semiotexte.

The Trapeze Collective (eds)., 2007. *Do it Yourself: A Handbook for Changing our World*. London: Pluto Press.

Thoreau, H. D., 1948. *Or Life in the Woods: On the Duty of Civil Disobedience*. Norman Holmes: Pearson.

Touraine, A., 1977. *The self-production of society*. Chicago, IL: The University of Chicago Press.

Twining, W., 2009. *General Jurisprudence: Understanding Law from a Global Perspective*. Cambridge: Cambridge University Press.

Tzanakopoulos, D., 2012. From Choice to Necessity: Putting Politics in Command, *Law and Critique*, 23:271–281.

Valverde, M., 1999. Derrida's Justice and Foucault's Freedom: Ethics, History, and Social Movements, *Law and Social Inquiry*, 24(3):655–676.

Wainwright, O., 2015. The Truth about Property Developers and How they are Exploiting Planning Authorities and Wrecking our Cities. *The Guardian*, 17 September 2014. Available at: www.theguardian.com/cities/2014/sep/17/truth-property-developers-builders-exploit-planning-citiesm (accessed 29 June 2015).

Wall, I. R., 2012. Tunisia and the Critical Legal Theory of Dissensus, *Law Critique*, 23:219–236.

Ward, C., 2004. *Anarchism: A Very Short Introduction*. Oxford: Oxford University Press.

Watkinson, D., 1994. New Laws for Squatters. *Adviser*, 44:9–11.

Wellbrook, C., 2008. Social Centre – a working class history. In: *What's this Place? Stories from Radical Social Centres in the UK and Ireland*. Part of the ESRC-funded project 'Autonomous Geographies'. Available at*:* www.autonomousgeographies.org (accessed December 2009).

Williams, P., 1992. *The Alchemy of Race and Rights*. Cambridge, MA: Harvard University Press.

Wilson, G. (ed.), (1777), *The Reports of Sir Edward Coke*, London, Rivington.

Wittgenstein, L., 1953. *Philosophical Investigations*. Malden: Blackwell.

Wolff, R., 2000. *In Defence of Anarchism*. Berkeley, CA: University of California Press.

Woods, M., Anderson, J., Guilbert, S. and Watkin S., 2013. Rhizomic radicalism and arborescent advocacy: a Deleuzo-Guattarian reading of rural protest. *Environment and Planning D: Society and Space* 31(3):434–450.

Worthen, W. B., 1998. Drama, Performativity, and Performance, *PMLA*, 113(5):1093–1107.

Zartaloudis, T., 2012. *The trust: the invention of the uses and the Franciscan influence in England*, Divus Thomas, 115(2):167–228.

Žižek, S., 2006. *The Parallax View*. Cambridge, MA: MIT Press.

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