

whatever means are necessary to block it."⁸⁴ However, while they did make the speeches and in their own minds declare the issue of Roma violence and Roma living conditions to be an existential threat to the French nation—thus authorizing a national policy to confront the issue, and the devotion of large numbers of resources (including police manpower) to the issue—the question is ultimately whether such a securitizing act succeeded or failed. Balzacq notes that successful speech acts are made by a person in authority under facilitating circumstances, and that they thus convince a significant audience.⁸⁵

Why then did Sarkozy fail? First, he underestimated the number of people, including the Roma representatives themselves, who would speak back to these attempts to portray them as a security threat. In the final analysis, those who came out in support of the Roma included French party representatives, the European media, and European and international actors. (He also underestimated the extent to which this would be seen as a domestic policy issue alone.)

Furthermore, his attempt to portray the Roma squats as an existential threat was not believable or credible and thus his motives in responding as he did were suspect. He may also not have had the authority that he thought he did (as he was embroiled in personal scandal at the time as a result of some tax dealings that his wife was engaged in). It also appears that he overestimated the number and names of those in Europe who would back him in this strategy. It appeared that he was not speaking on behalf of France or French citizens but only his own behalf—as he was seen as wanting to win votes and reelection.

Finally, he could not have predicted the emergence of evidence that the events were planned in advance of the securitization act. Furthermore, public evidence showed that Sarkozy did not arrive at this new policy nor at his views regarding the Roma as a result of the events of July 2010. Instead, media analysts point out that in 2005, when he was minister of the interior, Sarkozy first publicly used the term “racaille”—which translates as scum, thugs, rabble, scoundrels, lowlife and riffraff—to refer to youth violence.⁸⁶ Later that same year, Sarkozy again spoke publically of wishing to “flush out delinquent vermin with a power-hose.”⁸⁷ In this way, one can suggest that Sarkozy did not suddenly gravitate towards incendiary language to describe the rising crime problem in France, but was rather reaching back into a package of rhetorical devices that he had previously deployed with varying degrees of success.

The French example shows as well the consequences that may ensue as the result of framing something (a place, activity or group of people) as a security threat.⁸⁸ Here, national and international representatives rightly identified the ways in which security language had been used in the past to frame socially vulnerable people (including Jews and Gypsies) as threatening, and as a pretext for robbing them of their civil rights. Hitler's defeat in World War II helped to discredit this securitization strategy and made it less likely to succeed as a strategy in the future.

5 “The Last Bastion of Squatting in Europe” or the End of Dutch Tolerance

In her work on European immigration policies, Sophie Body-Gendrot suggests that such issues are “fractal,” in that the same issues with the same players and the same positions on an issue can be identified on many different levels of analysis.¹ That is, the factions that preach openness and welcoming and the factions that worry about loosening the grips on border control can be identified within neighborhoods, in city government, in regional government, on the state level and on up to the European level.

This same fractalization can be found in Europe when looking at squatting and antisquatting policies. The fractalization of squatting issues is best illustrated by comparing two newspaper articles that appeared in recent years in France and in the Netherlands. In an article that appeared in the French newspaper *Le Monde* on September 1, 2012, the policies of clearing Roma slums being carried out by various municipalities within France are described with reference to a card game analogy. The analyst Delphine Roucate suggests that local officials were playing “Mistigri,” a card game in which the loser is the one who ends up holding a certain card.² In the same way, she suggested, whichever municipality was last to crack down on Roma squatting within its vicinity would be left “holding the bag” or “holding the hot potato” in the American vernacular. That is, each municipality maneuvered to be the place in France with the harshest antisquatting policy, in order to avoid becoming the soft spot (or undefended place) that therefore drew additional squatters to its region.

Along the same lines, a series of articles appeared in the Dutch newspaper *Elsevier* between 2007 and 2008 that likewise described Holland itself as being in danger of becoming the soft place in Europe. For that reason, the *Elsevier* editor argued that it was imperative that Holland toughen up its policy on squatters or else it risked attracting additional squatters from all over Europe. In this way, van Rijckevorsel set up an analogy again of a race in which each country scrambles to defend its borders and its housing first, lest he be the one left holding the bag at the end of the game.³

This chapter examines the scramble that thus led to the adoption of anti-squatting legislation in the Netherlands in 2010. What is striking here is the ways in which Dutch squatting culture shares much common ground with the

Danish case, in the sense that squatting has come to represent something more than a mere set of housing practices. In the Netherlands, squatting is seen as a hallmark and exemplar of key Dutch political cultural values—including openness to experimentation, a tolerance for a wide variety of lifestyles and a quasi-libertarian ethos in which individuals can do what they like individually as long as it does not impinge upon the rights of the collective.

It is thus important to examine how a practice that was so meaningful in Dutch society was nonetheless ended. Again, the debate about squatting is about much larger issues—about the need for public safety in urban areas, about the politics of threat—including the practices of transnational squatting by non-Dutch nationals—and finally, about the place of the Netherlands within the European Union. In the debates that took place both in 2003 and again in 2009 as legislators pushed for a legal solution to the so-called squatting menace, several right-wing politicians noted that even if the Netherlands had wanted to continue to exercise tolerance towards the practices of squatting, this was not possible because squatting had already been criminalized elsewhere in Europe. Politicians like Jan Ten Hoopen made the argument that the Netherlands was uniquely vulnerable to the problem of transnational squatting since it remained the only nation where it was possible to engage in such practices legally. Thus, the fear was that foreign squatters (of both the survival squatter and the lifestyle squatter persuasions) who were unable to continue to live rent free in France, Belgium or elsewhere would suddenly all descend upon the Netherlands. In such a situation, criminalizing squatting in the Netherlands was presented in Parliament as a necessary defensive move, rather than an assault upon any particular group currently in the Netherlands. In this way, squatting was securitized in the Netherlands using different rhetoric, with a different set of objects and practices to be defended and a different set of threats described.

In addition, the Dutch case study shares common ground with the Danish case in that the profile of the squatter changed significantly in the period since 2000. In the Dutch media as well as in parliamentary debates, the squatter was increasingly referred to as “hardened” (*verharden*). Here, the term invokes parallels with hardened criminals, those who are incapable of rehabilitation and who are seen as without remorse or pity for their victims. In addition, squatters were referred to as violent, particularly in the wake of a police attempt in 2008 to enter a squatter flat in Amsterdam that had been booby-trapped, resulting in serious injuries for Dutch policemen.⁴ Over time, a rhetorical opposition was created between the new police mobile units (or SWAT teams) and the squatters, and the situation was increasingly described as one of antagonism rather than cooperation. In this way, the practice of squatting, and the persona of the squatter, became less a mainstream practice in Holland and instead was labeled as a marginalized practice associated with marginal individuals, including those from abroad.

In considering the lowering of Dutch tolerance for marginal or deviant practices, we may also consider the squatting issue within the larger context

of Dutch attempts to end practices of multiculturalism in the Netherlands beginning in the 1990s. As Schinkel suggests, throughout the 1980s (the heyday of squatting), the Netherlands practiced a pluralist policy towards ethnic minorities. Minorities were expected to respect certain Dutch traditions and ideas if they sought citizenship, but they were not necessarily expected to adopt or embrace them. That is, members did not need to join the Dutch community but were expected not to go out of their way to destabilize it. However, as he notes, beginning in 1994, “minority policy became integration policy.” In the 1994 government document, “An Outline for the Integration of Ethnic Minorities,” the Dutch government put forth new understandings, including the fact that citizenship was a reciprocal process involving rights and duties, and that citizenship was a responsibility that the non-Dutch were meant to take seriously.⁵ That is, it was made clear that individuals (and groups) no longer had the right to reside either outside of society or on the margins of society. Instead, they were expected to enter wholeheartedly into Dutch society—including learning Dutch and adopting values such as tolerance to homosexuality, nudity and “living together”—even if such values contradicted preexisting religious or cultural values.

From a security studies perspective, one can argue that those on the margins are often perceived as disloyal and not fully integrated. They threaten the body politic. Thus, a society and body politic under increased threat—from globalization, open borders and increased immigration—might choose to require greater assimilation as the cost of entering the community. In such a situation, it is not surprising that there is less Dutch tolerance of either marginal cultural practices or marginal housing practices such as property squatting. As in France, new cabinet positions were created that emphasized the integration of minorities. While France created a new position of minister for immigration, integration and national identity, in the Netherlands the position of minister for housing, communities and integration was created during the 2007 government of Jan Peter Balkenende, from the Christian Democratic Alliance. Thus the ban on squatting can be read as simply one step among many being taken in Holland to move away from the stereotype of the Netherlands as a place characterized by tolerance as a key virtue. Analysts in this bent frequently note that “squatting . . . seems destined to be the latest of the country’s liberal institutions—such as legal prostitution and the cafes that openly sell marijuana—to be curtailed as the Dutch become more conservative.”⁶

As we see in the Dutch case, gradually throughout the 1990s, fewer Dutch government resources were devoted to supporting minority identity activities such as the establishment of minority religious centers and cultural centers.⁷ Multiculturalism was deemed in many ways to have failed, and Dutch society showed less tolerance for those who deviated from cultural norms—as evidenced by the increasing vote shares garnered by extreme right-wing and anti-immigrant parties. Thus, it is not surprising that the narrowing of cultural norms was accompanied by a similar narrowing of housing norms, with

a more rigidly defined set of criteria determining what constitutes normal housing and normal housing practices. In addition, attempts to erect barriers to the entrance of foreign squatters to the Netherlands are not surprising, as they parallel practices such as the 1998 Civic Integration of Newcomers Act and the 2000 Alien Act, both of which sought to make Dutch citizenship more difficult to attain. In addition, we can identify the increasing adoption of a moralizing tone in public discussions of citizenship practices, which is again echoed in the tone of housing discussions, including those about squatting. However, while the aim of the criminalization of squatting legislation may have been largely to guard the Netherlands against a perceived threat from abroad, including from other European nations, those who were affected by the legislation were predominantly young Dutch citizens who appeared not to buy into either the rationale for the legislation or the perception of the threat. For that reason, after the adoption of the 2010 legislation, several Dutch cities originally declined to carry out the provisions of the new law. Though the so-called G4 cities of the Hague, Utrecht, Rotterdam and Amsterdam did eventually agree to carry out the legislation and end squatting practices in their towns, legal challenges were then mounted by groups of squatters themselves. Though the legal issues were resolved by 2012, it took a full two years for the full force of the antisquatting law to be implemented in the Netherlands, and the issue might still not be fully resolved.

In this chapter, we consider the history of squatting in the Netherlands, the attempts that took place in the spring of 2009 to end squatting—including the moral, social and immigration context of these discussions, and the legal challenges that were then mounted by Dutch squatters until the final clearing of most Dutch squats in the fall of 2011.

A BRIEF HISTORY OF SQUATTING IN THE NETHERLANDS

A lack of adequate and affordable housing has been a perennial problem in the Netherlands, which is one of the most densely populated countries in Europe. For purposes of comparison, population density per square mile is thirty-one people in the United States, and 358 people in the Netherlands.⁸ As a small nation with a limited amount of land, the Netherlands for many years had a forgiving policy in regards to property squatting, in essence agreeing to look the other way in regards to marginal housing practices, which have included the presence of large numbers of people living on boats moored in Amsterdam's canals, people living in warehouses and other non-standard residential dwellings and people living as squatters in abandoned or empty real estate throughout the nation. In addition, as a small country with a limited amount of housing options, the Netherlands, like the UK, has enforced zoning and home ownership laws quite strenuously, placing pressure on landlords to put housing back into circulation as quickly as possible when renovations or negotiations are taking place.

Hugo Priemus, professor of housing in Delft, Netherlands, traces squatting as a practice back to 1964 in Amsterdam and describes the 1980s as the heyday of squatting, with perhaps twenty thousand total squatters at that point.⁹ In contrast, van der Zee traces it back further to the 1930s, claiming that squatting first occurred as a consequence of the worldwide depression that also affected Europe.¹⁰

As has been the case in both Britain and Denmark, squatting was originally a student-led movement aimed at freeing up more housing in the expensive city centers for those studying at universities around the Netherlands. The first formal squatting action took place in 1964 when students occupied properties in the Kattenburg section of Amsterdam, which had been condemned but not torn down. With the occupation of a vacant place on Dam Square in Amsterdam in 1966, squatters began the practice of painting doors white to indicate that a house was available to be squatted. In 1968, squatters again organized to protest against the construction of public transport lines in Amsterdam, which would disrupt squats.

In the late 1960s, squatting again became the subject of public interest when the media reported on a family from Suriname who occupied a house in Amsterdam's Oudezides Achterburgwal. Here we can see the ways in which the nationality of the squatters may have affected media coverage of the story. It was at this time that the Dutch media coined the term "cracking" to refer to those who squatted. The verb is related to the notion of safecracking, and its use in describing squatters conveys the notion that squatters have committed a criminal act through breaking into something and taking possession. However, the media also reported on the ways in which the social safety net had failed to provide sufficient housing for the Netherlands' most vulnerable residents, including those coming to Holland from former colonies abroad. Thus, the same year saw the establishment of squatter support organizations. Here one can see that squatting has always been highly politicized, with squatter organizations speaking out against what they see as speculative real estate practices, as well as working to pressure government offices to build more social housing more quickly in response to citizen needs.

In 1971, a Dutch court upheld the rights of squatters by finding that entering an unused building was not trespassing under article 138 of the Dutch criminal code. However, it is incumbent on squatters to provide evidence that their intent is to provide a home rather than to disturb the peace. Squatters can provide evidence of this intent through arranging possessions like a table, chair and bed in the home.¹¹ In this way, so-called squatter's rights were conferred upon Dutch squatters. The legal decision thus led to an increase in the numbers of squatters throughout the Netherlands since it was no longer a marginal or illegal practice. In 1975, squatters became better organized, coming together for the first time to cooperate and fight against evacuation orders. As van der Zee describes the situation, there were several attempts in the Dutch Parliament beginning in the 1970s to overturn the court's finding and to criminalize squatting. However, none of the attempts were adopted in

Parliament, as many felt that criminalizing squatting would simply exacerbate the Netherlands's dire housing shortage through removing any pressure on landlords to quickly get unoccupied dwellings back into circulation.¹²

While the Dutch legislation thus created a category of so-called legal squatters, it is important to note that not all squatting activities are legal. Beginning in 2009 city officials in Amsterdam in particular began enforcing this distinction between legal and illegal squats¹³ and using quasi-military force (SWT teams, tear gas and police dogs) to shut down those that were still illegal and to evict their residents. Violent confrontations often ensued.

However, 1980 is the date often cited when describing how squat politics became violent. In that year, police used tanks to get through ranks of protestors due to occupation of a building on Vondelstraat. It is also the year in which police cracked down on squats in advance of the coronation of Queen Beatrix. Here, squatters throughout the Netherlands organized under the slogan "Geen Woning, Geen Kroning" or "no housing, no coronation."¹⁴ Activists spoke out about the government's decision to spend large sums of money on carrying out a coronation when there were homeless citizens whose needs were going unmet. By 1980, there were established squatter communities in a number of Dutch cities, including Utrecht, Amsterdam, Haarlem, Maastricht, Rotterdam, Eindhoven, Groningen, Wageningen, Zwolle Arnhem, Katwijk and the Hague. However, Priemus notes that the squatters in the 1980s were almost exclusively Dutch and student-aged.¹⁵

In 1981, the *Leegstandwet* (vacant property act) was adopted in Parliament. This legislation described squatting as a criminal offense only if the property had been vacant for less than six months.¹⁶ In 1993, article 429 of the criminal code was adopted. This legislation extended the period of vacancy required before squatters could move in to one year. This law was in force until 2008, when legislative attempts were again made to change the situation of squatters in the Netherlands.¹⁷

MOVES TO OUTLAW SQUATTING

The most recent debate can be traced back to October 2003, when the first motion to limit squatting was introduced in Holland's Second Chamber (similar to the House of Representatives). The motion was introduced by Member of Parliament Jan ten Hoopen, of the Christian Democratic Alliance, with support from three other MPs. The 2003 legislation can be seen not as an attempt to enact a ban on squatting but rather as an attempt to establish a better legal framework that would protect the rights of the owner (by, for example, assuring that he would not be held legally liable for utility bills that squatters run up). Squatter organizations banded together to protest the proposed legislation, concerned that while the legislation sought only to limit squatting in certain circumstances, it might be part of a long-run attempt to outlaw squatting altogether. The public relations campaign put together by

squatter organizations focused on squatting as a public good that provided benefits to many parts of society beyond simply those who squat.¹⁸

In 2004, MP Ten Hoopen again attempted to introduce legislation, making reference to a fire that occurred that year during a "squat party" being held in a warehouse. This call to limit squatting to only residential properties was described as being necessary for reasons of both protecting businesses and public safety. (Here we can again see a parallel with the events of the *Ungdomshuset* in Denmark.)¹⁹ The legislation also sought to end illegal house parties that occur in warehouses or other industrial buildings that have been squatted. In introducing the motion Ten Hoopen placed the squatting issue within a larger context. First he noted that in many of Holland's major cities "rares" were being held in squats, bringing with them the problems of vandalism and drug abuse. Ten Hoopen also spoke out against the problem of foreign squatters.²⁰ Here he noted that "squatting activities . . . have been infiltrated by a criminal element from abroad," which is highly professionalized and which is making money off of these activities.²¹ Since then, the Christian Democratic Alliance (CDA) has frequently paired the issue of squatting with the larger issue of criminality.²² Beginning in 2003, Ten Hoopen and other members of the Christian Democratic Alliance, a right-wing party in the Netherlands, have spoken of a "hardening" of the squatting movement in the Netherlands. In doing so, they seek to draw a line between the relatively innocent students and young working people who squatted in cities throughout Holland in the 1980s for largely economic reasons, and the individuals who they believe are involved in squatting today. The "hardened" squatters may be more ideologically motivated, more antistate and less well integrated into society as a whole.

At the time there was still not a consensus among policymakers regarding the seriousness of the squatting threat, or the necessity of adopting rigid measures to combat it. Within Parliament, officials from the two left parties, the Social Party and the Green Party, spoke out against the Ten Hoopen initiative, stating that the real problem to be addressed was that of real estate speculation and the housing shortage. At the same time, Marnix Norder, alderman for building and housing in the Hague, voiced his opposition to the bill. He also called the attention of legislators to the underlying social issues, which he noted could not be addressed merely by banning squatting. Here he noted that squatters can make a difference in addressing the housing balance issue—in essence acting as a pressure group to force commercial establishments to move forward quickly with renovations and to get real estate back into circulation as soon as possible. Despite a lack of consensus, the legislation passed in both houses of the legislature.²³ However, it was struck down by State Secretary for Economic Matters Karien Van Gennip. She stated that modifying the existing legislation was unnecessary and undesirable.²⁴

The next attempt at introducing legislation to address the problem of squatting began in 2006 when Minister for Housing Sybille Deker and Justice Minister Piet Hein Donner proposed that squatting should be banned altogether.

Legislation to do just that was formally introduced by MPs Herman and Veenendaal. However, the cabinet fell in June 2006 before the legislation had gone forward.²⁵

Legislation was again introduced in August 2008 by members of Parliament Jan Ten Hoopen of the CDA, Arie Slob of the Christian Union and Brigitte van der Burg of the conservative VVD party.²⁶ At the time, Holland was ruled by a coalition government, consisting of representatives of both the VVD and CDA parties. The new housing minister, Eberhard van der Laan, stated that he would not oppose the bill. This legislation proposed to amend article 138a of the Dutch criminal code and to remove article 429. The new legislation thus defined squatting as a crime, even if the premises had been vacant for one year.²⁷

The discussions that led to the 2010 ban on squatting went on for approximately two years as both sides marshaled evidence regarding the necessity of the ban and the circumstances in which squatting was occurring. As was the case with the other nations studied here, the initial debates about squatting in the Netherlands took place from a relatively low knowledge base. As was the case in the UK, there were no official statistics regarding either the numbers or the ethnic and national makeup of squatters in the Netherlands, on either a local or a national level. However, during the two-year period leading up to the adoption of the Dutch squatting ban, three policy documents were assembled that became the basis of the squatting debate. The documents included a research report put together by the Department of Criminology at Amsterdam's Free University, a document that came to be known as the black book and a third document whose official title was "Everything You Wanted to Know about Squatting but Were Afraid to Ask," which came to be known as the white book. The white book was assembled by squatter organizations as a response to the issuing of the black book.

The three documents when considered side by side provide evidence of the large scope of agreement and disagreement in the Netherlands regarding the problem of squatting. First, the three documents indicate a high level of disagreement regarding the number and makeup of the Dutch and non-Dutch squatting population in the Netherlands. Next they show a lack of consensus regarding the violence and aggressiveness of squatters today, with both sides using examples to prove their own points of view. Thirdly, the documents show a disagreement about whether there is an overlap between squatting and other types of violent and nonviolent crime. Finally the documents show a lack of consensus regarding the ways in which squatting does and does not enhance Dutch society.

THE UNIVERSITY OF AMSTERDAM REPORT

The first document considered by the public and by legislators in making a decision about the necessity for new antisquatting legislation was a report entitled "Squatting Scene in the Year 2009."²⁸ This research project was

carried out by the Department of Criminology at the law faculty of the University of Amsterdam. Similar in scope to the research report commissioned by the British Parliament, the report includes interviews with squatters as well as an attempt to compile what aggregate data about the problem existed. Surprisingly, the report did not find any evidence of the "hardening" of squatters, nor was there any evidence that squatters were becoming increasingly violent. The report does note, however, that there were more foreign squatters. However, the report clearly indicates that the two groups were almost entirely separate. Foreign squatters tended to be political individuals, such as manual laborers from Poland, who availed themselves of cheap housing while working to earn money to remunerate back home for their families, while Dutch squatters were more likely to be politicized and mobilized as part of a squatting movement.²⁹ The research report, however, provides no actual numbers of foreign squatters or a breakdown of where they were from. The report suggests that squatting was largely carried out quietly and privately, while evacuations or clearings tended to be public, since this is the point at which squatters tended to seek publicity. For this reason, media coverage of the issue may be reporting largely on unrepresentative cases as well as overemphasizing the violence that accompanies squatting.

THE BLACK BOOK

The black book on squatting was put together by Bas van't Wout, a member of the VVD Party for Amsterdam. While public copies of the document are not available, reports indicate that it is composed largely of a list of "excesses" that are attributed to squatting in the Netherlands, with a particular emphasis on major cities, including Amsterdam.³⁰ In the words of Simone Pekelsma, "Squatting is an ideologically laden term which raises political questions with moral overtones." She notes that the black book presents a picture of squatters as "anti-social types who destroy property, terrorize families and who are harassed by the police." In contrast, those who present their views in the white book emphasize the ways in which squatting can contribute to society.³¹

THE WHITE BOOK

In response to the issuing of the black book, a white book was issued in 2009 by pro-squatting activists. The white book aimed to provide legislators with details that would inform their parliamentary discussions on the squatting issue through providing details on the types of individuals living in squats, and the types of projects taking place in those dwellings—including programs that looked after society's most vulnerable members, such as the elderly and the mentally ill. The white book thus responded to media coverage that its authors felt was unrepresentative, showing only "squat

parties" and drug dens, when, in reality, its authors argue, many types of people live in squats for many reasons. White book representatives accused the government of opportunism, in making use of certain well-known examples to pass legislation outlawing all squatting.³²

The white book, assembled by squatting activists and organizations, provides an estimate of 1,500–2,000 squatters in Amsterdam occupying 200–300 squatting sites. At the same time the activists note that in the Netherlands there are approximately 5 million square meters of unoccupied housing space.³³ These analysts suggest that half of squatters are doing so for political reasons—namely an attempt to protest against housing practices that they see as unfair and unjust—while another percentage of squatters are simply homeless, and others are unable to afford the studio space they might require to carry out art activities. Thus, squatting is presented again as a form of active citizenship in which squatters seek to contribute to their communities where they live as well as to change society through making it more democratic, rather than a form of anti-social activity.³⁴

We can contrast the "othering" that legislators engaged in through describing squatters as a single entity (in short, a collection of violent individuals with drug and criminal problems) with the more nuanced view put forth by the report's editors, which presents squatters as making up several different constituencies. Othering is again a hallmark of securitization. Furthermore, the authors of the pamphlet "What You Need to Know about Squatting" refute the notion that the squatters of the 2000s are "hardened." (Here again, the description of squatters as "hardened" represents a form of othering, since it implicitly creates a social distance between the "normal homeowner" and the "hardened" squatter. The hardening trope can thus be seen as a way of utilizing the discourse of barbarism, through suggesting that the squatter is not quite human and totally different from oneself.) Instead, the authors argue that it is incorrect to draw a line between the squatting hippies of the 1970s and the squatters today. Today's squatters are thus not free-riders or drug addicts. However, the authors suggest that the growing number of squatters is best explained by economic conditions today. In the brochure, they also note that those who take up residence work hard to "make the squat a home" through, for example, working to hook up water and power and cleaning. Thus, activists resist being labeled as either vandals or criminals.

The activists also accused Ten Hoopen of fabricating his claims regarding the existence of a connection between transnational criminals, terrorism and squatting. In their work, they trace the information that he is using back to the government-led Van Traa Commission on organized crime, which examined the increases in both drug trafficking and human trafficking that occurred in the Netherlands as a result of the breakup of the Soviet Union. In doing so, they questioned the accuracy and timeliness of his information.

As in the UK, squatter organizations accused those introducing legislation of being misinformed about how squatting actually works, and in many

cases made the argument that new legislative initiatives were unnecessary since the scenarios envisioned by MPs were already handled with existing legislation. (For example, in the White Book, they noted that the scenario posed in which a squatter would run up the utilities on a building is already covered by existing legislation.)³⁵ Squatter organizations also took issue with Ten Hoopen's description of the use of squats for illegal house parties, noting that those who organize raves and other large-scale events are aware of rules regarding number of individuals allowed in a property, as well as noise ordinances, and all proper permits are secured.³⁶ That is, while they do not legally own the space, the events they organize are still legal, in that they are carried out in accordance with proper procedures. Finally, they noted that only a very small percentage of squats have ever been used for house parties,³⁷ and they also took issue with the fact that he zeroes in on the drug use of party-goers. They noted that just as many illegal drugs, like Ecstasy, are used at parties at people's homes, and they did not buy the connection between squatting and illegal drug use. In addition, they noted that just as many illegal drugs are *manufactured* in legal housing as in illegal housing.

THE ROLE OF THE MEDIA

In addition to the information about squatting furnished by the white and black books, several Dutch media outlets also became engaged in building a consensus regarding the dangers of squatters. Here we can draw a parallel between the role of the *Evening Standard* in London and the Elsevier media outlet in the Netherlands. However, while the *Evening Standard* and the *Daily Mail* appealed to lower-class, less educated British citizens, Elsevier appealed to Holland's educated business community, engaging them in thinking about and lobbying for antisquatting measures.³⁸

Elsevier editor Rene van Rijckevorsel was particularly involved in lobbying for antisquatting legislation, and he wrote a series of editorials on the subject. In a November 2007 editorial he asks, "when will the Chamber decide to do something about this idiotic relic from the 1970's and 1980's?"³⁹ In a later editorial he asks why it was taking so long to pass legislation outlawing squatting, noting that the conversation had been going on since 2004. In his analysis, he faults left-leaning legislators (such as those from the Green Party) for holding up the passage of this legislation, suggesting that some of them may have been former squatters themselves. In this way, he suggests they are nostalgic for the "good old days" of squatting, and are unable to see the genuine danger it now presents. Van Rijckevorsel suggests that legislation should have been implemented in 2006, but notes that the two major parties, the Christian Democratic Alliance and the Dutch Liberal People's Party for Freedom and Democracy (VVD), were not in agreement. He credits the November 2007 events—in which Dutch policemen were injured by a booby trap installed by squatters on

a wall in Amsterdam—with waking up legislators. He also points to the increased presence of anarchist squatters who travel to the Netherlands for political reasons.⁴⁰

It is in the *Elsevier* editorials that the argument about the Netherlands as the last bastion of squatting first appears. Here Van Rijckevorsel points to the fact that Holland is now “unique in Europe” in that there is no legislation against squatting. He suggests that this fact will make squatting in Holland even more attractive to individuals from Eastern and Southern Europe and goes on to suggest that foreign squatters might even establish a “stronghold” in Amsterdam⁴¹ as they have in Berlin and Calais. Member of Parliament Ten Hoopen repeated these predictions in Parliament, noting that the Netherlands is attracting squatters from other countries because of the leniency of its laws, and arguing for the necessity of bringing Dutch squatting policy thus in line with European policies as a whole. In response, squatter organizations conceded that squatting was still easier in Holland than elsewhere in Europe, but argued that people have many reasons for choosing where to live, and the relative ease of squatting in the Netherlands is not enough to attract people there.⁴² In addition, they accused Ten Hoopen of not having any evidence to back up his accusations that most foreign squatters who come to the Netherlands either are criminals or do so for criminal reasons.⁴³

Antisquatting rhetoric also relied on the free-rider frame throughout the 2000s. The Dutch Christian Democratic member of Parliament Diederik Boomsma wrote about Dutch squatting in the US right-wing publication the *National Review*, noting that “passing the law was a necessary first step towards bringing some order to the Netherlands’ urban areas. . . . Just as Spartan citizen-hoplites and medieval nobles were legally exempt from paying taxes, modern squatters are exempt from paying rent—a kind of bohemian aristocracy.”⁴⁴ Meanwhile, *Elsevier* referred to squatters as “land thieves” in an article that described the nuisance that squatters can cause to their neighbors. In an article, an *Elsevier* journalist notes that “from left to right, citizens have had enough of the often drunk and drugged squatters who take over houses and cause a nuisance.”⁴⁵

THE “HARDENING” OF SQUATTING IN THE NETHERLANDS

The successful passage of a broad and wide-ranging antisquatting law that came into effect in 2010 can be attributed to two factors—the success of the narrative of the “hardened squatter” in manufacturing both public and elite support for antisquatting legislation, and the increasing turn towards the right and towards policies of anti-immigration in the Netherlands. As we saw in the British case, media coverage in the Netherlands often drew upon an unrepresentative set of squatting events to paint a picture of the squatting problem. In the Dutch case, a new narrative emerged,

which set out to describe the ways in which squatters had become more violent towards the police and society, and more antistate. This narrative of the “hardened squatter” drew new strength in 2007 when actions by a police mobile unit (similar to a SWAT team) aimed at entering squats in Amsterdam in order to search for evidence of organized crime were met with violence. In March 2007, police attempted to enter a squat that had been booby-trapped and several policemen were injured. In May 2008, the media reported widely on violence that occurred in Amsterdam when protestors broke windows and vandalized the official residence of Mayor Job Cohen, after he issued orders for the evacuation of some squats in the city center.

As a result of these events, newspaper articles began referring to the phenomenon of so-called aggressive squatting and aggressive squatters, noting that squatters were now using extreme violence and becoming more dangerous.⁴⁶ Coverage also focused on the public costs that violent squatters could inflict on the whole community, noting that “stores were closed, public transport was shut down and there was a great deal of damage.”⁴⁷ In an interview in the documentary *Kraaken: Waarom Niet?* (or “Why not squat?”), made in 2009, Amsterdam’s police commander Leen Schapp pointed to “a progressive hardening of the squat movement,” including increasing use of arson and ties to European anarchist movements.⁴⁸ The party platform for the Christian Democratic Party in Amsterdam also contains a policy on squatting. The party’s political representatives draw a clear distinction between the idealistic squatting of the 1980s and the “hardened” squatters who squat today. The platform refers to squatters as dangerous and notes that squat sites in the capital are often used by non-Dutch squatters, who often bring criminal activity with them. The platform notes that “we see as well that criminal activities are often associated with the squatting sites.”⁴⁹

THE ROLE OF POPULAR OPINION

In addition, Dutch squatters reacted to attempts at criminalizing the practice through appealing for popular opposition to the ban both in the Netherlands and abroad. In appealing to foreign citizens to protest at Dutch embassies across the world, Dutch squatters presented squatting as a sort of collective good—calling on anyone who had ever enjoyed a party at a squat or stayed at one cheaply while traveling to now join in saving the squats. A notice on indymedia.nl on November 22, 2009, a “call out from the Netherlands,” speaks “to all the people who are against squatting prohibition, to all the squatters, to all the ex-squatters, to all the young people who would like to become squatters in the future, to all the friends of the squatters, to all political activists, to all antifascist activists, to all artists, band members, people who enjoy parties in the squats, etc.”⁵⁰

However, as noted, the 2008 attempts at criminalizing squatting were different than previous attempts because of the ways in which the political and economic environment had changed in the Netherlands. By 2008 critics were beginning to rethink the welfare state as a set of practices the result of economic slowdowns affecting all of Europe. In this climate talk about squatters as “freeloaders” again had resonance in political circles and among voters.⁵¹ In addition, squatting activists point to cooperation that legislators received from two right-wing politicians often associated with extreme Dutch nationalism—Rita Verdonk and Geert Wilders. Squatting was presented as an issue of “integration,” and citizens appeared to conflate fears about ethnic integration with their fears about social integration.

PASSING THE LEGISLATION

However, while the ban was ultimately adopted in the Netherlands, there were still many who spoke out against the legislation at all levels of government. Writing in the spring of 2009, Simone Pekelsma quoted a lawyer who noted that article 1 of the European Convention on Human Rights refers to a right to property, noting that people could not forcibly be made homeless.⁵² Before the legislation had even been passed, there were individuals and groups querying the legality of the proposed legislation. This same problem would later become a sticking point when local and national authorities sought to enforce the legislation by carrying out evictions.

In addition, the lack of an overwhelming consensus in support of the legislation would pose problems when the legislation passed and it then needed to be implemented, often by those who had not initially backed the legislation. In particular, despite the violent events that had occurred in squats in Amsterdam, Amsterdam’s own mayor, Job Cohen, spoke against the legislation, pointing out (as many British politicians did in the British case) the enormous costs that would be required in order to implement the legislation. Cohen argued that at present Amsterdam simply did not have the policing capacity to crack down on squatting in the ways that the CDA Party was envisioning.⁵³ In interviews granted in 2009 and 2010, he expressed his satisfaction with the way in which police had tackled squatting in the past and did not feel the new initiative was necessary.⁵⁴

On May 19, 2010, the bill on squatting was passed in Holland’s First Chamber (similar to the Senate) after only one day of discussion, passing with a majority. An article in *De Volkskrant* notes that the law “sailed through” the Senate in 2010 with little or no discussion, thus suggesting that “the squatters’ movement no longer wields much influence on society.”⁵⁵ The legislation was introduced by senators from the Christian Union (Christen Unie) who answered questions about the measure. Debate in the Second Chamber (similar to the House of Representatives) was a bit more

animated, with members of the PvDA speaking out against the measures, calling the legislation “unnecessary, illogical and incomprehensible.”⁵⁶

IMPLEMENTING THE LEGISLATION

The 2010 Law on Squatting and Empty Property (*Wet Kraken en Leegstand*) amends both the Dutch criminal code and the existing Vacant Property Act (*Leegstandwet*). The new law allows landlords to ask police to clear their properties of squatters.⁵⁷ Squatters can now earn a one-year jail sentence, which can be lengthened to two or more years if intimidation and violence are used by squatters. Liberal MP Brigitte van der Berg, one of the MPs behind the ban, provided further guidance, suggesting that cities should tackle the newest squats first, with the backlog of old ones tackled according to a roster.⁵⁸

The new legislation thus treats squatting as a federal problem. However, the legislation does cede some powers to the municipality. In particular, the municipal or city council may introduce bylaws on vacancy, but is not required to do so. City groups may also compile lists of vacant properties and compel owners to notify the city if a property is going to be vacant.

However, the lack of consensus regarding the need for the legislation, the appropriateness of the legislation and the effects that it might achieve are perhaps indicative of a deeper problem. In particular, a hallmark of securitization is the raising of a problem that may have previously been a local or a regional problem to a national level instead. In cases in which there is a consensus regarding the danger and risk of a particular issue to citizens and the nation, there will also be a social and governmental consensus on the need for a national solution. In this way, securitization issues can also become issues of states’ rights. In the Dutch case, there was a marked unwillingness by many local and regional organizations to go along with the national solution—in part because they did not buy into the securitization script and did not ultimately believe that the problem was serious enough to warrant a national solution (which obviously involves ceding some local power and authority). Thus, it is not surprising that the National Association of Netherlands Municipalities (VNG) went on record that it was not supportive of the new act.

One can also consider the ways in which European cities like Amsterdam, Paris or London might be understood both as the capitals of their nations and as world capitals. For those who regard Amsterdam as a world city, it might be easy to then see squatting as a security threat requiring a federal solution. However, for those who regard it merely as the capital of the Netherlands, there is a tendency to see squatting as largely a municipal (not an international) problem, which is properly handled by Amsterdam’s mayor. Here it is perhaps useful to compare the personas of Boris Johnson, London’s mayor, and also something of an international figure,

who gained international exposure and notoriety during the 2012 London Olympics, with the persona of Job Cohen, Amsterdam's mayor. While Johnson appears to relish his international role, Cohen appeals more to the Dutch population as a national figure, and while Johnson might regard the involvement of federal law enforcement in London's governance as enhancing the prestige of London as a world city, Cohen clearly does not feel the same way about Amsterdam. That is, the CDA's attempt to "securitize" the squatting issue failed to some extent, because the mayor of the major city in the Netherlands did not concur on the necessity for securitization or on Amsterdam's role as a world city.

In reacting to the new legislation, several Dutch cities indicated that they would not implement it in their districts or that they would move only very slowly and halfheartedly in implementing new legislation. (In this way, they could be seen as exhibiting a form of prosecutorial discretion, as occurs in an American court when a judge declines to enforce a law that is on the books. Prosecutorial discretion has been used in recent years, for example, when federal authorities have made only limited attempts to deport undocumented immigrants in the United States, often acting out of a principled stand that states that undocumented individuals brought to the United States as children should not be held responsible for their parents' misdeeds. Judges may not have the authority to throw out legislation, but they do have the ability to act only slowly or halfheartedly in implementing it.) In the city of Utrecht, where most of the legislators belong to the Green Party, the city council noted that they regarded the squatting ban as legislation designed to solve a problem that did not exist.⁵⁹ Thus, they agreed to give carrying out the legislation a low priority. Meanwhile, squatters predicted an "awakening" would take place after the legislation was passed—in which squatters and society would realize the harmfulness of the law and protest against it. In the spring of 2010 a large group of PvdA, Green Links and VVD legislators thus pledged not to enforce or carry out the law.⁶⁰

Utrecht did not act alone in carrying out this strategy. Rather, it participated in drafting a letter to Parliament that was signed by the mayors of the so-called G4 (the Netherlands's four largest cities)—Amsterdam, Rotterdam, the Hague and Utrecht. In the letter, the mayors called the legislation "counterproductive." They also noted that the penalties on homeowners who left their properties empty for more than one year were too high (up to €7,500) and suggested that the fine should be tied to the value of the property and thus should be more flexible. Finally, they noted that much of the squatting problem occurred in empty businesses and not empty homes, which were not addressed in the legislation.⁶¹

However, despite going on record as being opposed to the legislation, by October 2010 (the point at which the legislation was slated to go into effect), the mayors of Groningen, Amsterdam and Utrecht had also changed their stances, noting that they would be enforcing the legislation as it was

written.⁶² In addition, the municipality of Amsterdam did decide to issue a vacancy bylaw that would go into effect on June 1, 2011. Utrecht and the Hague, however, decided not to introduce a bylaw.⁶³

STRIKING DOWN THE LAW

The ban on squatting took effect on October 1, 2010. Prior to that date, however, squatters launched violent protests against it, clashing with police, setting fires and erecting barricades in Amsterdam's city center.⁶⁴

However, the legislative fight was far from over. On October 28, 2010, rulings by appeals courts in Amsterdam and the Hague suggested that the law could not be enforced since it conflicted with the European Treaty on Human Rights, which states that a person cannot be forced from a home unless a judge has affirmed the eviction is legal.⁶⁵ A statement by city officials in Amsterdam issued on November 9 noted that "Given the general character of this ruling, the mayor, chief prosecutor and police commissioner have decided for now not to clear any buildings on criminal grounds."⁶⁶ The legal challenge was resolved in 2011, when the Supreme Court affirmed that squatters can be evicted only after a criminal procedure has been carried out. This did not mean that police could not force out squatters. Rather, it affirmed that squat clearings had to be carried out according to legal means. The procedure established by the courts is as follows: a city's public prosecution department must announce the evictions that are scheduled (i.e., tenants cannot be surprised in the middle of the night) and wait for the outcome of an injunction hearing.⁶⁷ Only then can clearings begin.

ENFORCING THE LAW

As we have seen in other cases, including the French case, once the legal precedents for an activity have been established, the usual procedure is for the state to act quickly to shut down and clear squats. By June 2012, a follow-up report on the ban pointed to the changing character of the Netherlands itself as a result of the implementation of the squatting ban. In a newspaper article titled "Amsterdam No Longer a City of Squatters," a reporter from *De Volkskrant* noted that Amsterdam now has just 23 squats left, while 350 have been cleared.⁶⁸ Additional reports note that Amsterdam has cleaned up three hundred squat sites since the legislation went into effect, working in a series of five very public raids. Reporters note that a norm has developed that squatters are to be given a warning and an opportunity to find alternate housing. The police thus provide advance warnings of their plans to visit certain addresses.⁶⁹

At the same time, squatters continue to file complaints against local police for unnecessary use of force. Approximately fifty people have filed

complaints in Amsterdam in the past year. In addition, immigration issues continue to be present. Minister of Immigration, Integration and Asylum Gerd Leers has spoken publically of the problems presented when people who are rounded up in the clearing of squats refuse to provide identification, often because they are in the Netherlands illegally.⁷⁰

Finally, at least some percentage of Dutch squatters has been incorporated into the legal system of the Netherlands, often by hiring themselves out as “property guardians.” Landlords may hire “legal squatters” to legally occupy their properties so that they are not subject to either the threat of squatters or the fines they might incur for having their property stand empty. The idea has been around since the early 1990s, and was also practiced in East Germany. A number of businesses currently exist to “place” squatters as guardians in buildings—in both the Netherlands and the UK.⁷¹

6 Conclusion

Is Desecuritization of Housing Policy Possible or Desirable?

Throughout this manuscript, I have demonstrated the ways in which housing policy in general and policy towards property squatting in particular has become securitized. At the same time, I have shown that there is not unanimous support either by the political establishment or by the general public for the securitizing moves undertaken by politicians in the Netherlands, Great Britain, France and Denmark. Rather, in each nation the process of securitization has been contested, and a counternarrative has emerged that still attempts to place property squatting not in the context of security but rather in the context of an ethic of care for society’s most vulnerable members, as well as a more general context of human rights for both citizens and migrants in each nation. In an essay published in 2008, Iver Neumann, a Norwegian analyst, argues that discourses are frequently contested and always dynamic. He notes that “if there is only one representation, the discourse is closed,” while at the same time reminding us that “Not all representations are equally lasting. They differ in historical depth, in variation and in degree of dominance/marginalization in the discourse.”¹

However, at the same time, Roe warns that language and discourse has a tendency to become institutionalized over time, so that people may automatically attribute a certain context to certain language—for example, automatically hearing echoes of security language when encountering a term like terrorism. At that point, securitization becomes something of a self-fulfilling prophecy. It is no longer necessary for those in authority to provide the securitizing context, since there may either be no alternative discourse, or the hearers may be unable to conceptualize an alternative discourse at all.²

Thus, the task for the analyst is to determine what the life cycle of a particular discourse is and to predict the conditions under which a discourse might change—if, indeed, one believes that it can change at all. For this reason, in recent years, a number of analysts concerned with securitization have evinced an equal and compelling interest in the process of so-called desecuritization, asking whether and under what conditions an issue might move from the arena of a security—in which the issue is described as an existential threat requiring the commitment of major resources—back to the arena of politics as usual. Thus, desecuritization may involve a dialing