

TO USE OR NOT USE URBAN SPACE

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ABSTRACT: In this paper I argue the new urban question to be an old one for three reasons. First, urban development patterns may have changed over of time but the major question remains: how is urban space (best) used? In this line, I explore contrasting ideological agendas for the use of urban space: black and white vis á vis anti-squat and squatting. Second, the (new) urban question is explicitly an urban question, which conflicts with global capital and national state politics. Third, the proposed new bill to illegalize squatting serves as good example to demonstrate that Dutch future urbanism is likely to be an old, regressive restoration of the past.

KEYWORDS: neoliberal urbanism, affordable housing, urban movements, right to the city, squatting, institutionalization, radicalization

1 INTRODUCTION

After the great depression and the world wars, capitalist city development is in severe crisis, again. Although Mike Davis proclaimed a “Planet of Slums” – and one billion squatters – in 2006, the current global credit crisis is about to excel this stage. The crisis has reached the Western world affecting not only labor- but housing markets whilst leading to (re-)migration of cheap labor and forced evictions at big scale. Here, it is important to note that it was precisely the neoliberal working mode of the capitalist housing market to start the overall crisis. The real estate market has produced prices ordinary people can no longer meet dedicating their labor power only. According to US real estate agents that have specialized in foreclosure management (e.g. Housing Predictor or RealtyTrac) ten millions of US households are expected to be foreclosed until 2012 (2,3 million in 2008), facing eviction and tent city life. While these estimations are still subject to speculation and further analysis, the US Mortgage Bankers Association states in June 2009 that “5.4 million mortgages are presently delinquent or in the formal stages of foreclosure, which equates to 12% of all U.S. mortgages. An estimated 16-million borrowers are under-water or owe more on their homes than what they could fetch in today’s market” (<http://www.housingpredictor.com/foreclosureforecast.html>, August 23rd 2009). Due to the association’s own survey one out of three Americans says that “if home values continue to fall they’ll walk away from their mortgages, which could set up a worst case scenario for the U.S. economy, triggering an economic calamity” (ibid.).

In this line, the crisis may count as *homemade*. It has been actively produced by neoliberal urban politics and planning to promote privatization and transform people’s homes (formerly known as social goods) into commodities leaving the distribution to the free world market. “[T]he trigger of the crisis was the crumbling of the housing mortgage market as a result of the high risk lending practices, the so-called subprime loans ... [W]hen the real estate bubble burst and mortgage market started to default the crisis in housing finance spread to the entire financial system because of the over-exposure of lending institutions and their insurers. With the largest financial institutions in a state of technical bankruptcy that forced massive government intervention to bail them out, lending stopped for all practical purposes. And this is the root of the crisis because consumer demand has largely been fueled by easy credit, and consumer demand accounts, both in the U.S. and in Europe, for over two thirds of GDP growth” (Burkhalter, Castells 2009). This in mind, it was not a market failure or failure of regulation to trigger the urban crisis, the market has worked freely and properly. The failure, as Peter Marcuse put it, “is not the failure of regulation ... it is a failure of that which needs to be regulated” (Marcuse 2008).

While this is alarming and some democratic US senators encouraged residents to resist evictions (and partly promoted squatting) in the Netherlands the *Zeitgeist* is quite the contrary. In a recent public hearing in

May 2009 conservative members of the Dutch national parliament argued the right to squatting (when the house is vacant for more than one year) to be outdated, aiming to abolish the squatting policy (kraakverbod) by the end of 2009. Regardless of scientific research to prove the social reason and function of squatting, police statistics to demonstrate that violence is not the issue at evictions, and the major concern of the big four Dutch cities, how to deal with real estate speculation and the provision of affordable housing on the urban level, national policy makers push the anti-squat bill (kraakverbod) forward. Attempting to finally establish full state protection of private property rights, conservative parties rally against the injustice of “gratis” living to end “the romance of squatting”. This is remarkable. If squatting and/ or social housing is romantic, what does this reveal about capitalist urban reality and neoliberal market justice then?

In this sense, the new urban question is an old one: how is urban space (best) used? How? Where? Why? By Whom? The consensual Dutch approach to urban politics and planning has served the right to housing for a long time now and can be viewed as internationally exceptional or socially progressive. Nowhere else in the world is vacancy a valid argument vs. the violation of property rights. The continuous neoliberalization, which is also framed as urban progress, however, is rather in line with what Bourdieu (1998) coined a “regressive restoration of the past”. Drawing on the Dutch housing market and squatting policy, I argue to rethink the crucial relationship between the use (value) of space and the (exchange) interest of the real estate market. Thus, the urban question is about the flexibility of neoliberal capitalism and the responsivity of its urban institutions to adapt to existing social needs – e.g. as Right to the City (Lefebvre 1996) – and search for attempts of (further) institutionalization, or to expect radicalization.

2 THE URBAN QUESTION

The urban question is a social question, it is a political, economic, juridical and beyond this an ideological question. Although Manuel Castells may reframe the urban question in a less structuralist Marxist language today, it describes past, present and (very likely) future urban developments very well. “Space, as a social product, is always specified by a definite relation between the different instances of a social structure, the economic, the political, the ideological, and the conjuncture of social relations that result from them. Space, therefore, is always a historical conjuncture and a social form that derives its meaning from the social processes that are expressed through it” (Castells 1977: 430). In times of increasing neoliberalization, privatization and the aspired commodification of all social relations this can be illustrated by examples of privatizing basic social goods (land, water, healthcare, education etc.). In this logic a house is not a house but a commodity. It may not simply be used by (local) people in need for housing but is a traded on the (global) housing market searching for customers who can afford the price. The use (value) of urban space therefore is once again contested.

This being said, it is quite interesting to focus on the Dutch urban question and to find conservative members of the Dutch national parliament arguing the world to stand upside down. It is true that Dutch urban policy is internationally exceptional but upside down? If people living in houses, instead of streets – while houses are vacant – is upside down, we may want to inquire into the foundational principles for the upper side and then focus on the consequences what this implies for local people on the ground. By international standards the Dutch legal structure – to use urban space – does not differ in kind but in degree. It grants rights to property owners and residents but has bound this to specific conditions. „In 1971, the Dutch Supreme Court decided that the ‚house right‘, which protects homes from being entered against the will of the occupants, applies to squatters. From that moment, it became illegal for landlords to evict squatters and squatting was no longer considered to be illegal, provided that the building was neither in use nor being worked on“ (Pruijt 2003: 146). This policy is embedded in an old tradition of Dutch regulation and relations to private property, which were never valued and persecuted as strict as in other nation states (ibid.). The sanctity of home (§ 138 criminal code) is no longer concerned, if the house is empty for more than one year (§ 429 criminal code). The use value therefore dominates the exchange value under certain conditions. In times of a strained housing market (when demand exceeds supply), up to ten year long waiting lists for social housing the legal system grants people the right for self help: to detect vacant housing and to appropriate it for housing purposes. Squatters are seen as users – equal to tenants – and are protected by the basic constitutional right to housing (§ 12 basic law). The ownership of the property is not contested as such. As soon as the owner has developed a more profitable solution, the state grants full persecution and protection of that property right.

Though the tense situation on the housing market and shortage of affordable housing has not changed significantly over time, conservative members e.g. Christian Democrat, Jan ten Hoopen (CDA) have repeatedly tried (2003, 2006) to amend the law for principle purposes and ban the instrument of squatting in favor of market and (local) state control. In August 2008 Ten Hoopen is accompanied by members of the Liberal Party, Brigitte van der Burg (VVD) and Christian Union's Arie Slob (CU) to join forces and push the anti-squat regulation (kraakverbod) forward. Together they proposed a bill to parliament, which aims to criminalize squatting and persecute squatters by criminal law. The major concern is a "matter of the principle" (van der Burg, NRC next 10.09.09) and therefore an ideological question: squatting violates property rights and therefore is theft. This is contrasted by the squatter's movement, who are likely to view property as theft and claim their right to the city. In the following, therefore the contrasting views are briefly portrayed and analyzed for what this urban question is all about: to use or not to use urban space.

The black book – claiming property rights

The black book starts as follows: Imagine you decide to use public transport for a while. As gas prices rise you think of the environment and are fed up with traffic jams. Furthermore, you then go on vacation for some time. All this time your car is unused. You come back and note that others have been using your car. When calling the police to remove the other user you are told that they cannot do so, since you have not been using it for a certain time, so the police cannot intervene by legal means" (van 't Wout 2008, translation tb). In other words: Imagine your house is a car. This is what the Black book is most concerned about: that houses are not treated like any other commodities (cars) and not fully protected by private property rights and state power. While such an argument sounds like business as usual from a Non-Dutch perspective, it is still worthwhile to follow the rationale to find out more about the very idea and working mode of Dutch state interventions in urban developments.

The description above suggests alternatives to only use one car vis á vis one house. If we now leave out the vacation option (and hotel use) alternatives to one house would always imply to own more than one house. Rephrased this way, we get a picture about the motivation and clientele the VVD is primarily advocating, the upside of society, who feel turned down by the Dutch state (legislative, executive and judicative). The black book is an attempt to draw a connection to middle class residents that own their home and a car but foremost seeks justice for people with more than one house and most likely also more than one car. It is a good example to illustrate the special character of a house (as a home) compared to other commodities such as cars. It reveals a crucial difference – and Dutch legal recognition – between basic human needs and political interventions to get there. While there are alternatives to satisfy the need for mobility (trams, bikes, walking) the alternative for housing would imply a sofa-, tent-, street-life, to leave town or stop breathing. On the following 36 pages Bas van 't Wout makes primarily 3 points – violence, foreigners, disruption – and offers 24 examples against squatters. It reads much like a personal agenda and is full of aesthetic dislike and moralist criticism e.g. "riffraff" (tuig) the middle and upper class needs to be protected from.

The proposed bill for re-regulation of "squatting and vacancy" (kraken en leegstand) by the Christian Democrats (CDA), Liberals (VVD and Christian Union (CU) aims for just that: the perceived injustice or self justice by squatters, which violates the protection of private property rights. According to the bill is "squatting in the 21st century no longer an activity that is related to a shortage of housing ... Even in urban agglomeration areas is housing available" (www.woonbond.nl, September 1st 2009). Though explicit research on the range of activism and scale of squatting is not available, the bill insists: "A small group of squatters does no longer eschew criminal practices, violence and intimidation" (ibid). According to the bill a future violation of property rights (squatting) results in a fine up to 7.500 Euro or/ and up to two years and eight months in jail.

The white book as Right to the City

The white book (Witboek Kraken), on the other hand, seeks to portray squatting activism in an urban context and emphasizes on the right to housing as basic right. On 132 pages the white book offers 80 examples from 20 cities highlighting the interrelations of urban movements and the neighborhood (Redactie Witboek 2009). Major subjects of the squatter movement are urban struggles with real estate speculation and the conflicting use of space, Uitermark has elsewhere framed as urban injustice: "saving the city" from (modernist) urban renewal, the "uncomprising housing shortage", squatting as "free place" and consequences

the breeding place policy for urban (sub-)culture (Uitermark 2004a). Besides many empirical examples to demonstrate the benefits of urban activism the last chapter seeks to “break open the discussion” and gathers squatter’s advocates and academics to argue for the right to use urban space (Redactie Witboek 2009). Among other aspects it predominantly challenges the top-down perspective of the proposed bill to fully protect universal property rights (and speculation) when rejecting local needs for affordable housing and social cohesion. When addressing social housing and the dis-empowerment of local residents and squatters the “speculation research collective” (SPOK) asks: Is the future search for housing solved by state paternalism and the philanthropy of real estate speculators (ibid.)?

The right to housing and squatting comprises close connections to the Lefebvrian concept of the right to the city, as it was only recently discussed by in Amsterdam in April 2009. “Right to the City – What could this mean?”, a squatter collective (Kraakgroep Oost) asked. The right to the city is like a cry and a demand (...) a transformed and renewed right to urban life (Lefebvre 1996: 158). The right to the city contains two basic rights: 1) the right to appropriate urban space and 2) the right to participate centrally in the production of urban space. In contrast to capitalist city development that is built upon private property rights Lefebvre proposes a right to “full and complete usage” (Lefebvre 1996: 179) of urban space on the ground of mere inhabitation. Instead of the exchange value of commodities – such as social goods and space, which in expectation of the valorization of the commodities (profits) often leave buildings empty – it is the use value of urban space that is central here.

Fully realized, the right to the city would necessitate a profound reorganization of current social relations. The loose usage in the literature, however, underestimates the fundamental implications of Lefebvre’s idea. The right to the city becomes diluted as it is attached to a variety of movements, while only few are claiming a right to the city as Lefebvre presented it (Purcell 2008). Demanding radical changes in city development squatter movements appropriate urban space by the means of mere inhabitation and the use value of space and thus can be viewed as close to the Lefebvrian approach: contesting the exchange value, the right to real estate speculation, the right to vacancy and non-movement in capitalist city development. Squatter movements – as urban social movements – may be seen as stimulus and driving force from the inside of civil society demanding alternatives and movement in city development. For users, the city is a creative and collective human project, one that thrives on social interaction, cooperation and affective relations. For capital, the city is a strategic site for accumulation (Castells 1977). It is this challenge that needs to be challenged by urban movements and is in line with Castell’s “City and the Grassroots”: „Without social movements, no challenge will emerge from civil society able to shake the institutions of the state through which norms are enforced, values preached and property preserved“ (Castells 1983).

3 BREAK OPEN THE URBAN (DISCUSSION)

While these two poles represent highly antithetical positions, black and white, upside and downside, a possible understatement is very likely to look like the present Dutch urban regulatory framework. Therefore, it will be worthwhile to analyze existing data and experiences with respect to conceived ideological frictions (capital, state, civil society) and discuss the different perceptions of the conflict. This, however, I will do with predominant respect to the urban scale and lived experiences of the local users as well as the urban institutions involved.

Why has the interventionist Dutch model failed? Has it failed? It has not failed, says Staf Depla from the governing PvdA: “Violence, disruption and destruction are well covered by the existing legislation”. The recent initiative for a new bill he views as “good example of superfluous Den Haag regulations” (Het Parool, 11.09.09). There is “no necessity” and “no urgency” to amend existing regulations now, researcher Piet Renooy (Regioplan) adds in a recent documentary movie on the issue. In the same documentary Amsterdam chief police commissioner, Leen Schaap, even speaks of a “win-win” situation: “There is no hardening in the squatter’s movement and this may stay so. We are satisfied, no victims on both sides, and we are happy about that” (quoted in van Dijk et al. 2009). Though the police commissioner triggered the debate of increasing squatter’s resistance and violence in 2007 (use of booby-traps), which serves the conservative bill as major argument, today he experiences the situation much eased and would rather want to concentrate on “catching real criminals” instead of squatters (see also Het Parool, 10.09.09). Due to research estimations the eviction of squatters is being dealt with 50 : 50 by criminal vis á vis civil code. The legislative advisory board estimates 300 – 450 civil court cases per year to evict squatters (Regioplan 2008, www.woonbond.nl).

September 1st 2009). Meanwhile, it appears to be common sense and practice that squatters are long gone when special police forces arrive to clear the space.

While the critique of the proposed bill and black book primarily derives from urban institutions that deal with the issue on local ground harsh criticism was also articulated by the Dutch state advisory board (Raad van State), which serves as an expert consultancy body for national policy making – appointed by the Queen. The State advisory board asserts that the proposed bill is “not based on valid facts”. Therefore the range and “scale of the problem are not clear”. The state advisory board has “no evidence of an increase or hardening of the squatting movement and related problems”. Furthermore, the board lacks substantial information that existing regulations and instruments are insufficient. The board expresses serious doubts on the efficiency and feasibility of proposed alternatives for the municipalities to tackle vacancy (www.woonbond.nl, September 1st 2009, translation tb).

The bill does recognize vacancy as the other problem and acknowledges recent research by Regioplan (2008) to list contemporary vacancy rates of office buildings 4,5 million square meters (3,1 million square meters vacant for more than 3 years), approximately 350.000 vacant apartments etc. (Regioplan 2008). The conclusion, however, is not to let people in need use that space but to delegate the management of increasing vacancy to a higher body of the municipality. Major proponent Ten Hoopen (CDA) does not get tired to discredit “the instrument of squatting” and to demand bureaucratic state solutions for managing vacant space (quoted in van Dijk et al. 2009). It is the (local) state that is responsible for this important public task and may not be left to residents, which the bill neglects as arbitrary. In a technocrat manner he therefore revives the regressive top-down structures, where experts know best when the common good is concerned and what people really need.

This delegation of the public task – away from direct public access – to city administrations is heavily rejected by the respective local city councils. The big cities Amsterdam, Utrecht, Rotterdam and Den Haag (G4) as well as Nijmegen and Groningen have argued the existing squatting regulation to be sufficient in urban practice. The same may count for a greater coalition of municipalities G 30, the Association of Dutch Municipalities (VNG) and the tenants association (woonbond). These institutions are rooted on the urban level and are foremost concerned with vacancy and real estate speculation. Squatters, in this respect, are often recognized to contribute the social mix, cultural diversity and liveability of a neighborhood. They may not always be welcomed but tolerated. Deputy mayor, Maarten van Poelgeest, argues pro existing squatting regulation and is deeply skeptical about the offered conservative alternative to tackle vacancy. If squatting is criminalized the municipalities have to build up an own bureaucratic structure to research and manage vacancy, while this is recently done voluntarily and gratis, he says (Het Parool, 09.09.09).

Anti-Squat

One question that has been left out so far and which is by far underestimated by all parties is the market answer to squatting: anti-squat (anti-kraak). Anti-squat is an interesting and very popular phenomenon to demonstrate the use of space. Anti-squat makes sure that space is used, so squatters do not appropriate it. Anti-squat offers temporary use contracts but at the same time offers no (tenant) protection or legal rights to stay put. Recent estimations suggest that there is a number of 20 anti-squat agencies that manage 20.000 – 50.000 anti-squatters and a multiple number more people on waiting lists (Heijkamp 2009a, 2009b, woonbond.nl). Anti-squat agencies primarily serve the owner of the building and require from users to keep the property in representative shape at all times (for potential customers). Therefore inspectors check on the personality of potential users and control how the use is carried out on a regular basis (e.g. every three days and without prior notice for the user). Anti-squat regulations comprise: no parties, no children, no pets, no smoking, no guests overnight, no vacation (permission required to leave the house for more than three days), maintenance of house and garden, no contact to the press. After two warnings the contract can be cancelled within two weeks. Users do not pay rent but a users allowance, which can be up to 300,- Euro. Compared to market rates this amount is fairly low but is good business for the agency, which basically has no expenses at all (Priemus 2009, Heijkamp 2009b).

The user allowance is highly problematic, since basic rights, such as the sanctity of home and personal rights, are violated. Director, Ronald Paping, of the tenant’s association “woonbond” states: “Though without an explicit solution for the problem, we need to state that we cannot continue the contemporary practice. Nothing against anti-squat as such but the recent practice is no such thing. If continued, I recommend so-called anti-squatters to make use of their tenants rights” (www.woonbond.nl, 26.08.09).

While anti-squat has started to temporarily provide cheap working space for artists in the early 1990ies, it has developed into a major alternative for regular housing that is affordable. In this sense, anti-squat is demanded by users as alternative to rental contracts but without any tenants rights and legal protection. Anti-squat advocates speak of a free choice to sign a contract. Users are offered a cheap bargain and are free to accept the conditions they are provided with. According to documentary filmmaker Abel Heijkamp (2009a), who has done intensive research on the issue, this is utter mockery: “The private housing market serves people with a high and stable income. Waiting lists for social housing are even in smaller cities several years long and increase up to 10 years in cities like Amsterdam or Utrecht. Waiting lists do not decrease but increase, since the provision of social housing declines. Anti-squat agencies capitalize these circumstances and the weak position of individual residents” (Heijkamp 2009b, translation tb).

If the proposed bill passes parliament the significance of anti-squat will increase (Priemus 2009). As a solution to the urban question – how to use urban space – anti-squat may not be confused with temporary rental contracts, since it centrally aims to undermine tenant’s rights. Designed as an explicit response to the squatting option, as a squat-guard (*kraakwacht*), far more social tension on the future housing market can be expected, if the central motivation for anti-squat (squatting) does no longer apply. According to Hugo Priemus, the anti-squat controversy has not been dealt with adequately by the proponents of the new bill. Substantial research is needed to evaluate the housing options for up to 50.000 anti-squatters. “If one considers to legalize squatting, alternative options to deal with vacancy must be developed” (Priemus 2009). The question at stake therefore is: institutionalization or radicalization of anti-squatters vis á vis squatters. On national scale the potential for greater homelessness and social unrest is by far underestimated. On the movement side the politicization of anti-squatters is welcome and well on the agenda. However, there are certainly voices amongst the movement that are tired to substitute the urban question, while the message – the struggle for decent housing – does not reach a wider group of residents, anti-squatters and tenants. For Amsterdam, squatting agency “KSU Oost” meanwhile states that 50.000 people are on waiting lists for social housing and estimates a potential number of 100.000 people in need for decent housing.

Is the institutionalization inevitable? For squatters the question of institutionalization – posed by Hans Pruijt (2003) – may soon be asked anew, if the conservative bill is passed and squatting is illegal. If passed, squatters will leave the institutional framework for good, regardless to what extent they have been co-opted by neoliberal politics and planning before (Uitermark 2004b). While the core group of squatters is expected to continue squatting the attention, however, will shift towards anti-squatters, the many artists, students and precarious residents, to deal with the new situation and eventually raise their voice. The substitution of the urban question by squatters – to demonstrate the use value of urban space and appropriate it by direct action – reveals vital insight into the condition of the urban movement. The current re-politicization of housing (squatting and anti-squat) has led to a recovery of a decreasing urban movement and stimulated widespread public attention. This recovery, however, is much of a stabilization to stop the process of insignificance. According to Eric Duivenvoorden the Dutch squatter movement has decreased from 40.000 squatters in 1980ies to 5.000 squatters in 2009 (NRC next, 10.09.09).

4 (REVANCHIST) CONCLUSIONS

Dutch urban politics and planning have gained international recognition to be socially progressive, most prominently pointed out by Harvard’s Susan Fainstein (2001, 2008). With regard to social justice in capitalist city development primarily Amsterdam has served as reference point for the just city. At the same time, however, urban developments in Amsterdam do not take place protected from global urban restructuring. Consequently, much of what happens in Amsterdam and in the Netherlands today is conform to neoliberal market procedures, which gained significance in the course of the 1990s to dismantle the Dutch welfare state. Social housing has been increasingly restructured and converted to market-rate housing, welfare measures relating to education and social services have decreased, programs and projects geared at attracting high-income households and business investments, such as the *Zuidas*, have come to dominate the public policy agenda (BAVO 2008, Oudenampsen 2008) – along with the gentrification of inner-city neighborhoods. “The story of gentrification in Amsterdam is the story of state involvement in the land and housing markets, the relaxation of state controls which precipitated a rush of private investment, and broad, sometimes violent, political opposition to state and private designs over housing” (Smith 1996: 172).

In the course of neoliberalization Amsterdam has not surrendered all of the qualities for which it has been praised. Mayer and Novy therefore are skeptical about too much “just city” enthusiasm and conclude that: “(a) the Amsterdam of yesteryear never was an embodiment of utopia in the first place, since present conflicts and problems did not emerge overnight; and (b) that Amsterdam is subject to the same political-economic and social restructuring processes as other cities in the advanced capitalist world and deals with them in much the same way. Differences between Amsterdam and other cities are thus of degree and not of kind” (Mayer and Novy 2009). With respect to the daily lives of local residents, these differences surely matter as the city’s development continues to be mediated through its social-democratic tradition and the still evident achievements of the social movements of the 1970s and 1980s, as well as by what remains of the Dutch welfare state, and by the ongoing struggles of local activists who claim a “right to the city”.

The right to the city, as Lefebvre (1996) presented it, sure is the counter-part to the full implementation of capital accumulation in the Netherlands. It fundamentally challenges capitalist urban reality and, one might argue, would turn the world upside down. This, however, is linked to a continuous struggle for democratic rights and urban life and does not take the given hegemony of neoliberalism for granted. In this sense property rights are simply “claims, not trumps. They must be continually re-claimed and re-won through political struggle. Neoliberalization can be seen thus as a capitalist-class social movement that has had great success claiming and codifying property rights” (Purcell 2008: 88). This perspective describes the contemporary Dutch situation to ban squatting well. Though the institutional framework has been proven to work well in urban practice – and violence and disruption are no serious issues – a conservative alliance in national parliament seeks to ban the self-determined appropriation of space for ideological purposes. Demanding the full protection of private property rights by all means this can be seen as a revenge for the development of worker’s rights, tenant’s rights etc. after the social democratic era. “[R]evanchist antiurbanism represents a reaction against the supposed ‘theft’ of the city, a desperate defense of a challenged phalanx of privileges, cloaked in the populist language of civic morality, family values and neighborhood security. More than anything the revanchist city expresses a race/ class/ gender terror felt by middle- and ruling-class whites who are suddenly stuck in place by a ravaged property market, the threat and reality of unemployment, the decimation of social services, and the emergence of minority and immigrant groups, as well as women, as powerful urban actors” (Smith 1996: 211).

The tension between the ideological stipulations, masked as rational moral consensus building (protection of private property rights), and real life challenges (right to housing for all) is connected to what Chantal Mouffe (2000) has identified as “democratic paradox”. Mouffe convincingly argues that the fusion of political liberalism and plural democracy – merging into liberal democracy – is much of a paradox, since both concepts are highly antithetical to one another and result in quite contrary effects than having proposed before. In contrast to neoliberal advocates Mouffe raises substantial doubt on the capability and desirability of modern democracy to reach a long lasting moral consensus, especially when it neglects power relations, the ideal liberal search for a consensual rational resolution is misguided. “Such a search should be recognized for what it really is, another attempt at insulating politics from the effects of pluralism of value, this time by trying to fix once and for all the meaning and hierarchy of the central liberal-democratic values” (Mouffe 2000: 93). Arguing against rational consensus building (and for radical democracy) leads Mouffe to openly acknowledge the conflicts in a plural society that can be conceptualized as “conflictual consensus” or “agonistic pluralism” (Mouffe 2000: 103), which in other words is her proposal to meet the needs of a plural, real civil society.

The democratic paradox reflects the Dutch situation well. From an outer perspective it is impressive what an empowered civil society effort can look like and what plural urban democracy can be all about. Hereby, I think of the manifold discussions, dozens of events, a book (white book squatting), 2 documentaries, a very interactive media coverage and a petition with close to 17.000 signatures provide a good range of what an activist civil society can achieve. The only thing that’s missing is a powerful demonstration out in the streets. If the movement had succeeded to only mobilize a quarter of the people who signed the petition this could have given the protest street credibility, make clear the very commitment of the claim and again reach a wider public. The parliamentary response, on the other hand, is distressing and proves to be reluctant to criticism – repeating primarily one argument: squatting is a violation of property rights. In this respect, the current debate is much of an ideological issue to be dominated by capital interests and state power. It supports Neil Smith’s (1996) revanchist city thesis vis á vis Bourdieu (1998) that the neoliberal revolution is a neo-conservative restoration of the past. This new political culture may soon

challenge/ change the consensual Dutch approach to urban politics and lead to more attention of an increasing division of state affairs and urban reality. What has become clear though is: the urban question is an explicitly urban one, it has always been urban and will be in the future – as the global competition of cities increases and urbanization continuous. Thus, squatters, as Uitermark (2004a) puts it, have to be either legitimate or strong.

REFERENCES

- BAVO, "Democracy & the Neoliberal City: The Dutch Case" in "Urban Politics now: Re-Imagining Democracy in the Neoliberal City" edited by BAVO, Rotterdam, Nai Publishers, 2008.
- Bourdieu, P., "Acts of Resistance," Cambridge, Policy Press, 1998.
- Burkhalter, L and Castells, M., "Beyond the crisis – towards a new urban paradigm," published online http://www.architect.com/features/article.php?id=90159_0_23_0_M, accessed August 11th 2009.
- Castells, M "The Urban Question". London, Edward Arnold 1977.
- Castells, M., "The City and the Grassroots," London, Edward Arnold, 1983.
- Castells, M., "From the Urban Question to the City and the Grassroots," Working Paper University of Sussex, 1985.
- Fainstein, S., "Competitiveness, Cohesion, and Governance: Their Implications for Social Justice," International Journal of Urban and Regional Research, 25/ 4 (2001), pp. 884-888.
- Fainstein, S., "Mega Projects in New York, London and Amsterdam" International Journal of Urban and Regional Research 32/ 4 (2008), pp. 768-785.
- Hartmann, M. and Honneth, A., "Paradoxes of Capitalism," *Constellations* 13/ 1(2006), pp. 41–58.
- Heijkamp, A., "Leegstand zonder zorgen (vacancy without worries)," documentary published online <http://leegstandzonderzorgen.nl/web/node/1>, August 25th 2009a.
- Heijkamp, A., "Antikraker is rechteloze huurder (anti-squatters are tenants without any rights)," *Volkskrant* 22.08.2009b.
- Lefebvre, H., "Writings on Cities," Oxford, Blackwell, 1996.
- Marcuse, P., "The Right to the City," Opening speech at TU Berlin, 6 November 2008.
- Mayer, M. and Novy, J., "As Just as it Gets? The European City in the Just City Discourse," in "Searching for the Just City," edited by Connolly, J., Marcuse, P., Novy, J., Olivo, I., Potter, C. and Justin, S., London, Routledge, 2009.
- Mouffe, C., "The Democratic Paradox," London, Verso, 2000.
- Oudenampsen, M., "Amsterdam, the City as a Business," in "Urban Politics now: Re-Imagining Democracy in the Neoliberal City," edited by BAVO, Rotterdam, Nai Publishers, 2008.
- Priemus, H., "Kraakverbod? Regel eerst eens goed het anti-kraken (Ban squatting? Regulate anti-squat first)," *NRC next* 08.09.2009.
- Pruijt, H., "Is the institutionalization of urban movements inevitable? International Journal of Urban and Regional Research 27/ 1 (2003), pp. 133-157 .
- Purcell, M., "Recapturing Democracy – Neoliberalization and the Struggle for Alternative Urban Futures," London, Routledge, 2008.
- Redactie Witboek, "Witboek Kraken (white book squatting)," Amsterdam, Tiger Publishers, 2009.
- Regioplan Report, published online http://www.regioplan.nl/publicaties/rapporten/leegstand_en_kraken, Amsterdam, 2008.
- Smith, N., "The New Urban Frontier. Gentrification and the Revanchist City," London, Routledge, 1996.
- Uitermark, J., "Framing urban injustice: The case of the Amsterdam squatter movement," *Space and Polity* Vol. 8/2 (2004a), pp. 227-244.
- Uitermark, J., "The Co-optation of Squatters in Amsterdam and the Emergence of a Movement Meritocracy: A Critical Reply to Pruijt" International Journal of Urban and Regional Research 28/ 3 (2004b), pp. 687-698.
- Van Dijk, M., Rosinga, B., Treffer, J., Westra, T., "Kraken, waroom niet? (Squatting, why not?)," documentary published online http://www.stoorzender.tv/Kraakverbod/Kraken_waarom_niet.html, September 9th 2009.
- Van 't Wout, B. Black book squatting (zwartboek kraken) published online <http://www.vvdamsterdam.nl/artikel/3997.htm>, accessed August 15th 2009.
- Woonbond (Dutch tenants association) http://www.woonbond.nl/pagina.php?file=d_antikraak_index.pgn, accessed last September 1st 2009.