# Introduction

*“They explode through the cracks in the system and when they are crushed - often forcibly - they leave pieces of themselves everywhere, in the hearts of the people who went there, in new behaviour, new alliances, new thoughts. They are a practical attempt to get free from the state, to be free from the compromises and creeping obedience of a legal space.”*

Text Nothing (2004), “All and Nothing: For Radical Suicide: Towards some Notes and Confusion on 'You Can't Rent Your Way Out Of A Social Relationship: A Critique of Rented Social Centres' ... and to continue the dialogue”

<<Photo 1.1 – Mural, Brighton ‘Temporary Autonomous Art’ 2008 – Here>>

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

These perceptible memories, specifically of a female squatter, are conjured from a visit to ‘The Library House’ social centre in Camberwell, London back in 2009. It had been a warm sunny day as I remember, and the passion and commitment of the half dozen or so inhabitants I met had inspired me. Their vitality summed up the energy and life force I personally felt towards not just my research, but the powerful movements between law and resistance these communities were symbolising, and in fact creating. It might sound a little over the top and somewhat clichéd to recall such motifs, as hopefully any academic invariantly should be connected with their work in such a way. However, remembering the squatter silhouette and the practical philosophy that those social centre members conveyed, redoubled to me the human fervour and zeal that connects us all; when we feel to the core of our souls, when we realise a way of life, whether collectively or singularly striving for something. It is this audacity that at the very least, connects life with law (as Agamben would concur).

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

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

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

What occurs in our crisis-ridden post-neo-liberal society is a co-dependent dance of law and resistance that the compulsion for accumulation cannot do without, where the division between justice and injustice ultimately rests as a result. It is this limiting line that property draws that creates a distinction between instantiated rapture for the legal form on the one hand, and the scornful bruise of a slighted norm on the other, with claims over soil and earth as arguably the core of all perturbations in between, to echo notorious jurist Carl Schmitt’s postulations in his ‘The *Nomos* of the Earth’ (1950). Perhaps it is this allodial quality of justice and injustice and its transpiration from the earth, that connects with this legal academic (as an increasingly born again hippy), admiring the authentic connection with the land the movements I will be discussing invariably have.

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

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

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

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

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

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

This preference for space in legal theory in recent years, to highlight the spatial context of law and thus protest, is not the sole concern in this work. Perhaps even more so this work speaks to the *timely* element of resistance and law, the way in which they interact and innovate within and without each other in a motion situated in time *and* space or ‘space-time’. If we are to see law and resistance each as one part of the other, then there are (without assuming the lexicon automatically correct here), what appear to be *processes* occurring, hinting to both spatial occurrences of law and resistance, and also those happening over a duration of time. These processes and their temporal enactions are, I argue, ‘performances’ of law and resistance where we can see that the law of the state and resistance intermingle with one another, and that protest will occur at a given juncture in time and space in response to the line of law that has been drawn divisively by the state. In Philippopoulos-Mihaloupoulos’ 2015 *magnus opus* ‘Spatial Justice: Body, Lawscape, Atmosphere’ he talks of there being nothing outside of law, the law being part of every ‘assemblage’ of everything else that makes up ourselves and our reality around us. This moveable feast of atomical structuring and re-structuring demonstrates law’s ‘becoming’, echoing Deleuze and Guattari (2004), Latour (2007), de Landa (2000) and Johnson (2001), *“…whereby the actions of multiple agents interacting dynamically and following local rules rather than top-down commands result in some kind of visible macro-behaviour or structure”* (Escobar, 2003a: 251). Similar and yet quite distinct from the argument in this text, Philippopoulos-Mihalopoulos states that at times the material evidence of law is more ‘brittle’ than at others, demonstrating the *visible* presence of state law as opposed to the *withdrawn* and *invisible* pervasiveness of law as a given. What this work seeks to highlight, through thoroughly agreeing with an ‘emergent’ understanding of law and resistance as contingent of one another, is that moment at which state law becomes brittle, to use Philippopoulos-Mihalopoulos’ terminology, and determine the spatio-temporal juncture of the archive in which this occurs.

With further explanation later on, we will seek to understand how this spatio-temporal element can be understood through philosophical considerations of time, the two diverse strands of ‘temporal realism’ and ‘temporal idealism’ that seek to explain the existence of time as a separate entity on the one hand, and time as measurement and duration which cannot be decoupled as anything more than human-made referent, on the other. By considering these traditions, the study of law and resistance will be exposed to not only the spatial, the temporal, but also the *spatio-temporal*, a broad spectrum of scientific and philosophical persuasion that sees time and space enmeshed as one[[1]](#footnote-1). Interestingly, in the last few months of drafting this book, I have become familiar with the work of recent radical shift in philosophical thought ‘speculative realism’ and how this may skew the perceptions of real and ideal space and time[[2]](#footnote-2). Speculative realism moves towards a ‘new materialism’ that understands, in Žižekian terms, the reality we see is never ‘whole’ which he argues is not because there are parts that elude us but because there is a space we cannot see, a zone which is ourselves (2006). This is a move away from the mind-body ‘correlation’ and towards accepting the existence of multiple realities outside of the bounds of our own perception, and similarly within it. This new understanding of realism can give an interesting twist to the way in which we understand the contingency and necessity of law and resistance and the congenital role of time and space within this. In considering variant understandings of time and temporality and how these effect and *affect* conceptions of law, I hope to contribute to an understanding of the importance of both space and time within traditions of property, whether real, ideal, individual, collective or otherwise.

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

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

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

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

Social centres are described as re-enacting the memory of the commons, whereas state law is more concerned with remembering the force of enclosure within its archive. One of the central questions in this work is, if both law and resistance are to take effect in a process and product of a performative archive, then what is, if any, the difference between the two? The way this work determines the digression between law and resistance, and even the ‘law of resistance’, is the form in which the archive of law takes place, thus what is being archived. These two examples of archiving, the archive of state law and the archive of resistance, are not as distinct nor as black and white as we would like them to be. The movement from resistance to law and back again always denotes some process of institutionalisation - some form of innovation and transformative velocity oscillating from one to the other. Here, a compelling understanding of the role of law and resistance in each one and another is that it occurs, crossing a liminal zone, at an either fictional or actual point of ‘bifurcation’ to use the language of Prigogine (1980) where resistance turns into law and the same vice versa. Boaventura de Sousa Santos (1977) describes a ‘continuum of formalism’ of law that appeals to a legal pluralist preclusion of laws that may exist outside of the formality of the state. *Continuum* suggests the move from the pre-institutional to the institutional, and must have at some moment, an institution of the non-institutional, whereby there is a shift from resistance, to a law of resistance, to law. This might answer the question as to how social centres, as our example, can be sites of legal innovation, and I argue, using Santos’ continuum, that there are *laws of resistance* plotted along this continuum that are at once outside of state law institutionalisation, but also informal laws characterised by their ‘informal nonlinearity’. If it is possible to define an exact point at which resistances become laws, then we may understand the becoming contingency of law and the role that each one of us plays in its orchestration from informal to formal and back around once more. The social centre example is compelling, as the state law that deals with these spaces is specifically adverse possession and squatting, defining a legal loophole in which these forms of resistance actually take legal form, although becoming less and less so as the laws governing squatting are being neo-liberalised over time. Thinking in terms of an Agambean state of exception whereby the rule is governed by the very thing omitted, one can see that squatters’ rights possibly offer an example of state sanctioned resistance. The loophole of squatters’ rights will be of great import to our understanding of the movement between law and resistance as well as where we might be able to locate a law of resistance, the threshold between informal and formal laws.

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

*“… social experience in the world is much wider and varied than what the Western scientific or philosophical tradition knows and considers important […];*

*… this social wealth is being wasted. On this waste feed the ideas that proclaim that there is no alternative, that history has come to an end […];*

*[t]hat this waste of experience must be fought against through the rendering visible of alternative movements and initiatives, and give them credibility”.*

Santos’ motivations are much the same as those that fuel this book. Within this writing is a wish to purvey the credibility of alternative organisation, the way in which ‘other’ understandings of social cohesion are considered as forms of resistance if they are not accepted into the legitimacy of state regulation, and the possibility that these resistances may instigate or be contingent of different recipes for laws themselves. There is also an intrinsic trust in legal processes here that is quite clearly demonstrated within the actions and practices of the social centre movement, whereby the ‘rights’ assumed within laws surrounding squatting are respected enough for squatters to use them and understand them professionally. Therefore, there might be the creation of bottom up laws that are radically altered in structure and appearance, compared to those of the state. There may also be those laws used by the social centre movement, that look very similar to those used by formal law, reflecting the state’s integral impact on the shape of resistance. We will speak of this as reflecting social centre participants’ ‘admiration for the law’ in the coming pages, following from the work of Derrida (1987).

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

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

The central arguments seek to interrogate:

1. ***Law and resistance are contingent of one another, which means there are informal laws of resistance* *as well as formalised state legality*:** This is an impure understanding of law that requires resistance in order to define itself and the role of law in resistance, to ultimately explicate the role of resistance in law. The movement from resistance to law requires a liminal juncture where resistance turns to law (‘a-legal vacuum’), a process that produces a *law of resistance*. The *continuum of formalism* and *nonlinear informality*, the move from the pre-institutional to the institutional and beyond, must have at some moment, an *institution of the non-institutional*, whereby there is a shift from resistance to law, to a law of resistance, to law. Social centre law is an example of a pre-institutionalised law of resistance supporting legal pluralist arguments that not only laws of the state can exist. The integral presence of resistance in state law and the other way around is exemplified in squatters’ rights that I argue are law’s ‘proprietorial right of resistance’ where pre-institutionalised and collective understandings of social organisation and property, remain at the heart of institutionalised individual property rights. The role of institutionalisation is central to the creation of state law, its formality creating legitimacy through force, representation and vertical hierarchy. In contrast, social centre law’s informality means there is no force, pure presence, and there is horizontal hierarchy;
2. ***The spatio-temporal nature of law and resistance is an indication of the founding placement of land in both, the connection between time, space and practice being performance and archiving*:** This is an argument that both law and resistance are enmeshed in not simply the spatial or the temporal, but the *spatio-temporal*. The dimensional nature of landed property lends itself well to the spatial and temporal placement of protest and law, through social centre examples and occupation protests, and the materiality of what I term as *re-occupation* and *re-enactment*. It is through the spatial and the temporal that the integral materiality of law becomes revealed, the congenital nature of land in law being this material reality whereby abstracting the law from the land befits a dangerous nihilistic exercise on the part of state law (through the gradual eradication of possessory title to land in squatting and adverse possession). Using conceptions of performativity, we can see how practices of social organisation that exist in the now refer to both *memories* of previous times and material and immaterialities in the *future*. With this, *archiving* and the archive are argued as *performative* process and product that at once explains the material gathering of time and space of both law and resistance, and a *law of resistance*. State law archives the *memory of enclosure* (individual property) and social centre law archives the *memory of the commons* (collective property). State law relies on the monopoly of violence in order to legitimate its version of the archive, a predisposition for *force* that resistance is never able to hold on to, which is ultimately the interjection of individual property over that of the collective;
3. ***Social centre law offers a critique of state law and an assertion that acknowledging the existence of informal conceptions of law, time and space, brings us closer to the call of justice***: In this I seek to convey the import of uncovering other forms of social organisation (other laws of resistance) in order to assist us in the task of understanding justice (if there is such a thing), finding alternatives to abusive mechanisms of institutionalised law. It is also through acknowledging the alternate spatio-temporalities of other laws that the eventual ignorance of state law is revealed, further asserting the import of time and space in all law and the same vice versa. Social centre law is considered in closer proximity to a notion of justice than that of state law. Its archive concerns itself with commons; its conception of time is nonlinear; and the *praxes* of ‘self-management’ and self-legislation (*autonomy*) mean that it remains *present* and not *re-present*, and prefers informal over formal, an example of collective power-sharing over individual power-hoarding.

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

This work further aims to:

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

## Methodological Notes

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

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

*“Our Five Aims:*

*To****map****what autonomous ways of living, producing, learning, communicating, subsisting and socialising are being created in resistance to capitalism;*

*To engage in action-oriented research that****adds new value****to these autonomous projects and struggles in UK;*

*To****promote and disseminate empowering knowledges****about the ongoing experiences of building autonomy, and bring ideas and practices of autonomy to new audiences;*

*To co-produce a variety of****educational, media and political resources****that will be of direct use for people resisting and creating autonomous alternatives to capitalism;*

*To develop and explore****engaged forms of research****which can help to confront and provide alternatives to neo-liberal globalisation”.*

It became clear that the work of this collective of scholars was the most pronounced and accomplished within the comparatively new area of research on social centres at the time, and was useful as a practical and theoretical methodological underpinning. Chatterton’s premise was concerned with the activist-academic divide that is very clear when entering into research connected with a protest element. This is something that transpired through his 2009 work ‘Beyond Scholar Activism: Making Strategic Interventions Inside and Outside the Neo-liberal University’, with Chatterton relaying how hard he found it at times to see where academia starts and activism ends. Of concern when writing about or researching a group that one is not directly involved with is the fact that of an increased probability of misrepresentation than there might otherwise be. I felt, that for the viability and authenticity of my accounts of social centres to stand up to scrutiny from the people who were part of, and who knew the social centre crowd, that the participatory model had to be used in tandem with theory in order to ensure vital links were established and upheld. This concern to be as authentic and representative as possible has been documented by Chatterton, him making a concerted effort not to be one of the “… many geographers [who] simply comment on debates without actually being part of them” (2009). It was also a key aim of this book not to objectify those represented, and thus in combining a nuanced theoretical approach with that of an archival project, inspiration was taken from the accounts of Chatterton and his colleagues.

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

Using Adorno and his ‘corrective’ empiricism as an example, the data gathering for this exploration of social centres was used to place the theory within the artefacts themselves (Adorno, 1976: 225)[[4]](#footnote-4). Accordingly he states: “If the theory of society has the job of critically relativising the cognitive value of appearance, then empirical research has conversely to protect the idea of essential laws from being mythologised”. Given the activist and researcher contention, Adorno’s thoughts on the combination of observation with critical theory, is a fitting methodological description for this type of work. Adorno’s criticism of positive observation stems from the Frankfurt School’s critique of positivism as a whole, and links it with a one-sided view of the world that used to promote totalitarianism in the past[[5]](#footnote-5). He does not deny the relevance of observation entirely, however, and thus sees it as a corrective mechanism to the theory relayed. Given the ongoing and contemporary fluidity of the social centre movement, Adorno acts as a clear example of how this archive is a critical theoretical endeavour, but one that incorporates empirical accounts as examples upon which to draw. This is the same effect as combining a critical legal approach with that of a legal pluralist, whereby the more dense critical theory is backed up by relevant examples and ethnographies. Using this ‘corrective archive’ also allows for the activist and researcher divide, in that it does not seek to repetitively observe ‘objects’, but ensures that theory is backed up with instances of *praxis*. The corrective archive is the means and the ends in this work; the productive force, that which is produced, prescribes and describes. This book is an archive in itself, replicating social centre law and state law as archives, and it would be remiss not to have a methodological approach to this book as an archival venture in itself.

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

## Outline of Book

The structure of the book flows through eight chapters.

The first chapter looks at the presence of resistance in law and the same the other way around and the extent to which one constitutes the other. With this in mind, we will question what resistance actually is and means, as well as our understanding of what law is too. What becomes clear is that there a number of different conceptions of law, and indeed, resistance. The role of democracy and the social contract will be looked to in order to explicate how state law ultimately emanates from the ‘we the people’ or the collective, the process and product of institutionalisation that gives force to the law of the state, away from those who ‘resist’. This institutionalisation process is described as moving in a linear movement, whereas resistance is seen as always informal and moving in a nonlinear motion; on the basis of the nonlinearity of resistance, there remains no institutionalisation of force. What this chapter also discusses is how resistance becomes law, and the same vice versa, reinforcing that law and resistance are contingent of one another, the point at which resistance becomes law or a law of resistance becomes state law, referring to a specific juncture in both linear and nonlinear movements of law and resistance. This juncture marks the entrance of individual property through the formalisation of state law and the hoarding of power to give force to its law. Most importantly in this chapter is the contention that informal law does not have to look like state law in order for it to be a type of law, allowing us to consider other conceptions of legality that may have been blind to positive law thus far.

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

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

In the fourth chapter we go on to look at *social centre law* described in the binary formation of *re-occupation* and *re-enactment* whereby the process and product of their informal law are enacted. Re-occupation is the symbolic taking of space and the requiting of the sense of loss, a re-justification of property through its occupation that we learn to be ‘spatial justice’. Re-enactment is the re-telling of a story where alternate conceptions of law are re-animated through the practices and actions (performances) of the social centre participants. This is achieved through the social centre participants’ knowledge of state law, the daily practical maintenance of the space, the specific self-management practices of social centre participants and how they record themselves as a social centre, in the process and product of an *archive*. It is through each of these elements that social centres archive their law through their relation to other subsequent and preceding movements, where they archive the *memory of the commons* and state law archives the *memory of enclosure*.

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

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

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

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

1. The most famous of these, and after a great tradition dating back to ancient Greece at the very least with Aristotle supporting an idealist understanding of temporality, followed by Leibniz and Kant, is the Einsteinian explication of space as ‘space-time’ (Einstein, 1916), space and time enmeshed as one. [↑](#footnote-ref-1)
2. Thank you so much to philosopher Aetzel Griffioen for introducing me to speculative realism just in the latter stages of writing this book, the relevance this unravelling area of philosophy has to conceptions of necessity and contingency such a gift to discover through Aetzel and partner Agnes, whilst staying with them in Rotterdam as part of Adelita-Husni-Bey’s ‘White Paper: The Law’ art and law provocation. [↑](#footnote-ref-2)
3. On one level, the research should not be seen as objectifying social centres, but it can be difficult for it not to seem (from the standpoint of the participants) that they are the guinea-pigs within the work. Then on another level, the research cannot just be a purely theoretical endeavour either, that never has any true experience of the research subject matter. That is why this archive of ethnography and qualitative interviewing, synergised with theory, I chose to be the most fitting methodology. The most important thing for me was to ensure my findings fed back in to the movement, as this was something mentioned by the interviewees as important to them, in order to ensure social centres are being represented as accurately as possible. [↑](#footnote-ref-3)
4. Thank you to Lee Salter for guiding me to Adorno for this particular methodological approach in critical archiving. [↑](#footnote-ref-4)
5. Thus, Adorno suggests that in order to avoid a reductive use of research, one must use theory in order to (1976: 238), “transform the concepts that it brings in from outside into those which the object by itself has, into which the object itself would like to be, and confront it with what it is. It must dissolve the rigidity of an object frozen in the here-and-now into a field of tensions between the possible and the actual; for each of these two – the possible and the actual – depends on the other for its very existence”. [↑](#footnote-ref-5)