

FINDING SPACE FOR RESISTANCE THROUGH LEGAL PLURALISM: THE HIDDEN LEGALITY OF THE UK SOCIAL CENTRE MOVEMENT

Lucy Finchett-Maddock

This paper concerns the practices and tactics of the contemporary anti-authoritarian movements, specifically that of the social centre ilk, and their interactions with the law, and the determination of their own law. The social centre movement uses a mish-mash of both illegal and legal forms, labelled illegitimate by the law and yet incorporating and manifesting new forms of law at the same time. Social centres will be argued as embodying spaces of resistance that are created through the navigation of alternative normative fields, in parallel with the influence of the state order.

These innately anti-authoritarian forms of resistance actually operate in a law-making fashion, creating what will be described as '*hidden law*'. This is law that evades the spotlight of the system and is non-hierarchical, non-representative and non-coercive. It is the intention of this paper to highlight these legal/illegal processes and forms of *hidden law* as instances of resistance to social injustice through the aegis of legal pluralism, and to discuss its embodiment of either a 'strong' or 'weak' pluralistic nature.

Five unstructured interviews were undertaken as research for this paper, from members of the squatting and social centre community in Bristol and London, alongside members of the collectives of 'rampART', '56a Infoshop' and 'The Library House' social centres (all of which in London), plus those of 'Kebele' (Bristol) and 'Cowley Club' (Brighton). These interviews took place between 2007 and 2009.

© Copyright 2010 – Lucy Finchett-Maddock

Social Centres

The subject matter from which this paper takes its inspiration is perhaps not a widely known movement outside of those that are either a part of it, or take an interest in its developments. Social centres, both those within the UK and those of the Mediterranean nature will be introduced, covering their philosophical background, and how they are run. The differences between squatted, rented and owned social centres will be described, along with the tensions that the different levels of institutionalisation cause within the movement.

Definitions

As I sat talking to one of my interviewees, one of the members of the collective from 'Kebele', Bristol, we got on to the subject of naming and how he would describe the space that he was part of. There are a number of different names that are given to social centres, and each should be introduced here. My interviewee stated that he thought the choice of title gave away the type of space itself. With this he described 'autonomous spaces' as more likely to be squats, and the title 'social centre' to be more along the lines of a community-driven club (Cowley Club Interviewee 2008). The lines are very blurred here – social centres and squats call themselves either 'free spaces', 'autonomous zones', 'self-managed centres', 'TAZs' (Temporary Autonomous Zones), or social centres and squats alike. The nature of the ambiguity within the actual categorisation of social centres is something that is characteristic of their differing points on a continuum of formalism.

So to begin describing these centres can be a puzzle in itself. The language and signs used are varied. A member of the 'rampART'¹ collective in London drew a cartographic picture for me of the centres on a planetary scale. She said squats and social centres find themselves within the 'chinks of the world machine.'² These are the loopholes and interstices of liminal existence that we must exploit politically, she explained to me. Social centres are plateaus of autonomous zonality, They are symbolic in their stance, like the time when the 'rampART' held the degree ceremony for the London Metropolitan University art students after cuts at the university meant they could not accommodate them. Students and their parents

¹ This social centre has now been evicted, as of 15 October 2009. See <http://therampart.wordpress.com/> for further details.

² Here, she used a quote from science fiction writer, James Tiptree Jnr. Apparently Tiptree Jnr was actually a female writer with a pseudonym.

THE HIDDEN LEGALITY OF THE UK SOCIAL CENTRE MOVEMENT
Lucy Finchett-Maddock

turned up, and the reason why they did, down a small street in the middle of Whitechapel, was because here was a space available: one outside the system, one that lives for moments where it can help out and give, in such a manner. She said, in a figurative way, this is why social centres exist, moving in and out of their utopic moments; utilising their utopic normativity ('rampART' Collective Interviewee East London 2009).

Social centres, therefore, are communally-run buildings which are either occupied, rented or owned. Each of the spaces are run non-hierarchically by individuals on a completely voluntary basis (Finchett-Maddock 2008a: 21-32). They vary from huge warehouses, to tiny dilapidated dairies, to old libraries. There are varying concerns that shape the make-up and activities within the centres, but these can be described as all propelled by premises of community and politically-based activity, creativity, inclusion, and autonomy from the command of the dominant culture. Each centre operates according to its own agenda, and thus all have peculiar characteristics as moulded by their participants, the community surrounding them, and the philosophy and politics to which they prescribe. All can be said to be of a left-leaning radicalism, with alternate levels of intensity depending upon the project concerned. Depending upon whether there is rising gentrification to be highlighted, local immigration issues or the very fact that the spaces may be contested in themselves through squatting, this is reflected in the activities and general ethos of the centres. Social centres are occupied spaces, their conception based on a non-commercial use of abandoned urban apertures. They attract a mixture of folk, some unemployed, others married with families and full-time jobs, those who live in the centres, and those who visit. They are places in which, according to the 'Social Centre Network' (UK): "people can come together to create, conspire, communicate and offer a collective challenge against capitalism" (Social Centre Network 2007). The notion of autonomy, control and freedom over their own ideas and practices, set apart from the overarching market-infused culture, filters through. Centres are conceived without the constraints upon human interaction that are created by the outside world, resulting in the production of subjectivities, whether legal, illegal or alegal, that are suffocated elsewhere.

The differences in social centre aims and objectives can be seen through comparing the activities and goals of a cross-section of London social centres, as examples. For instance, 'The Library House' in Camberwell, is more of a residential centre that operates as an open space and outreach project for the surrounding community. The concerns are thus of a more localised nature. '56a Infoshop' in Elephant and Castle has become a rented social centre and offers a vast archive of anarchist and autonomous literature as part of its library at the centre, alongside a bike-fixing workshop (see Figure 1 below). Here, the role is as an information service, and not of a residential nature (any longer, as it used to be

squatted). ‘rampART’ is different once again, as it is more of an activist space, where meetings for protest planning and workshops take place, as well as events and benefit gigs (see Figure 2 below). When it was still in operation, there were a number who lived there on a permanent basis, but this was just for security reasons and the space would be closed when meetings and events were not taking place.



Figure 1. The archive at 56a Infoshop



Figure 2. The former main room at rampART

In the UK

A 2007 survey found that there were up to fifteen spaces in the UK, the nature of their illegality, and their lifespan being unpredictable. This has no doubt altered since the time of the survey's publication. With a total of 250 events organised per month, the centres attract a crowd of 4,000 to 6,000 participants, with 350-400 additional individuals being involved in the running of the spaces (Alessio 2007).

Within London, there are a handful of current centres, (although they continuously morph from one centre to the next in a cycle of occupation and eviction, so giving an exact statistic could be misleading): '56a Infoshop', Elephant and Castle; 'The Library House' in Camberwell, in Walworth; '1000 Flowers Social Centre', Dalston; and 'Non-Commercial Centre', Whitechapel. The rampART (or just 'rampART' as it is better known) located in Whitechapel, has been recently evicted, but was an open space from May 21st 2004, having a lifespan of length

considering that the average of a social centre is three to six months. 56a Infoshop has been around since 1991, although its healthy duration has been facilitated by recently becoming a rented social space. Other evicted spaces include the ‘Ex-Vortex Social Centre’ (Stoke Newington), ‘The Square’ (Russell Square), ‘Use your Loaf Social Centre’ (Deptford), and the ‘Radical Dairy Social Centre’ (Stoke Newington). Further afield in the rest of the UK, spaces have been appearing in Brighton, Manchester, Bristol, Leeds, Oxford, Birmingham, Glasgow, Swansea and Bradford.

Beyond

Many people are convinced that the Forte is run by just a handful of people, a management committee that makes decisions in the name of and on behalf of everyone else. Such people simply can’t conceive – whether for reasons of ideology or cynicism – that a micro-society of equal persons can survive and prosper... (Wright 2006)

Despite the presence of centres in London since the 1980s, such as the ‘Wapping Autonomous Centre’, and ‘Centro Iberico’, the spread and popularity of these defiant hubs is much greater on the continent, particularly in Italy and Spain where the ‘OCSA Forte Prenastina’ in Rome holds much inspiration for the centres that we see in the UK today. In Italy they are called ‘Occupied Self-Managed Social Centres’ (CSOA). The Italian movement springs from a rich history embedded in the Autonomous Workers’ Movement of the 1970s. Centres mainly came into existence as a response to increased deprivation, and were the projects of the unemployed (Interviewee 2007). They were an anti-capitalist and anti-fascist response which resulted in “...an individual and atomised response which expresses itself in disengagement from collective action and disillusionment” (Mudu 2004: 918), focusing attention on land use issues and struggle for the reappropriation of social time (Mudu 2004: 918). In 2000, Milan alone catered for 26 centres, and throughout the whole country there were 130 of the autonomous zones (Dazza 2000). Aside from the Mediterranean countries, social centres have a considerable presence in the Netherlands and Scandinavia, amongst other European countries.

Political and Philosophical Principles

There are too a number of basic political and philosophical characteristics that underpin the movement. Despite the fact that each social centre is radically

THE HIDDEN LEGALITY OF THE UK SOCIAL CENTRE MOVEMENT
Lucy Finchett-Maddock

different to the next, it can be said that all are of a very left-leaning radical political nature, seeking autonomy from the dominance of the market culture through the form of differing plateaus of anti-authoritarianism.

As already relayed, the social centre format which can be seen in those that are dotted about in the UK, comes directly from the scene in Italy – and that, in turn, takes its roots, in autonomism. The notion of autonomy comes from the Greek ‘auto-nomos’, which means ‘self-legislation’ (Pickerill and Chatterton 2006: 732). As the global culture has taken grip in places previously never within the dreams, or nightmares, of their regimes, the notion of remaining outside, to some, becomes more salient. According to Pickering and Chatterton, autonomy is a principle that concerns movements that seek freedom and connection beyond nation states, international financial institutions, global corporations, and Neoliberalism (Pickerill and Chatterton 2006: 731). Pickerill and Chatterton describe being autonomous as an ‘interstitial’ ontology, as they fluctuate between autonomous and non-autonomous categories (Pickerill and Chatterton 2006: 732). They are placed on a liminal, or on either side of one, wherever they be in the world. So autonomy is a dimensional category of political persuasion that the social centre movement inhabits, the whole project based upon a movement, literally, a motion, either inside, out, on top, or underneath the planetary market. Autonomy allows for links with other movements, other geographies, and other cultures, it is a “temporal-spatial strategy: between and beyond globalisation/localisation” (Pickerill and Chatterton 2006: 735). Autonomy as a temporal form that incorporates the memory of tragedies before, and the spring of hope of the future, is central to the inner workings of the *hidden* law of the social centre brain.

The notion of autonomism is part and parcel of the same anti-authoritarian leanings of anarchism. The social centre movement bases itself upon some of the core principles of anarchism. The most recurrent conceptions used include those of a lack of central force of power, which delineates vertical hierarchies as unnecessary and makes redundant any position of leader and leadership. Central again is the notion of mutual aid. Mutual aid is based upon a trust in the goodwill of social organisation, thus rendering any laws or coercive power unnecessary. Pivotal to any movement of an anarchist nature, is a rejection of the imposition of force upon the action of free and mutually inclined individuals, i.e. in the eyes of anarchy, the inherent goodwill of humankind is a truth of many and exists without coercion. The anarchist influences infuse the very constructs of the social centres, and allow for them to be so divisive and fascinating from the perspective of their organisation. This is where the *hidden* law takes its form. As previously said, social centres and squats self-organise themselves, in that they believe in a collective who decide upon the initiatives and the rules of the centre, according to consensus. According to Chatterton and Hodkinson, self-management and the

characteristic organisational traits of social centres and squats are horizontal formations of open discussion, shared labour and consensus channelled through to create “ ... a ‘DIY politics’ where participants create a ‘social commons’ to rebuild service and welfare provision as the local state retreats” (Chatterton and Hodkinson 2007: 211).

Squatting bases itself upon the reclamation of social space, the reclamation of the forsaken land that has been gobbled up by capital. It harks back to an era when there were no fences, no borders, nothing enclosed. Autonomy is a reaction to this dispossession, and the memory that it ignites is that of the commons. Part of their descriptive references, is the social centres’ reminiscences of the commons. This is the era prior to enclosure, or the resistances to such an early form of privatisation through the likes of the ‘Diggers’ of the 17th century, led by preacher Gerard Winstanley who believed that the earth was a common treasury for all. They advocated a restructuring of society where the poor would inherit the common wealth (Chatterton and Hodkinson 2007: 211). And so this has been passed on through into the belief in autonomy, expressed through the four walls of an autonomous space. It is the continuation and memory work of the commons. This reclamation of social space thus is paramount to every centre, whether it be one that’s oriented towards community outreach or that of a more political gathering place. From the securing of a building, to the development of allotments on wasteground for the local people to cultivate, it is the taking back. There is the all-pervading property element here, and yet the commons, and so too the social centre movement, are not just about the global housing problem, but all of the rubrics that are attached to such a notion. Under the lexicon of housing come the issues of speculation, gentrification, commodification, all of which the social centre movement seeks to attack and subvert. Enclosure and dispossession are the methodological tools of colonialism – of the mind, of land, of law, of space. Social centres seek to maintain themselves as apertures of detachment and sanctity in the form of public and common sharing.

Activities

Organised within the centres are cultural and political activities, such as amateur theatre, poetry slams, art installations, alongside public meetings, training, and skill sharing such as dance classes, bike repair sessions and IT lessons. Kitchens are available for low-cost food and communal cooking, as well as resource-sharing such as free internet access, ‘Infoshops’, and libraries. The sense of organised disorganisation is pervading, the promotion of leaderless and non-hierarchical relations as paramount, the idea of the ‘DIY’ culture as practiced. As indicated earlier, each centre caters for the needs of the community within and outside its

THE HIDDEN LEGALITY OF THE UK SOCIAL CENTRE MOVEMENT
Lucy Finchett-Maddock

walls, and therefore the selection of practices and activities available will reflect this (Finchett-Maddock 2008a: 21-32).

Examples of alternative education are abundant within the social centre network. This is transformed through practical application, through radical reading groups (see the rampART webpage for listings of their reading events), the 'London FreeSchool',³ through discussion forums, blogs and debates that take place either at the centres or within the virtual social centre community. Through a myriad timetable of events and intellectual engagement, these act as alternative normative means of practical and philosophical engagement.

Disorganised Organisation

So there were agendas and itineraries posted on the walls of the hallway of the building, all very artily done. This is the kind of thing that obviously suggests that these movements and meetings are not disorganised, there is a sense of what is going to happen prior to the event, despite the appearance of spontaneity. (Finchett-Maddock 2008b)

The sense of organised disorganisation pervades the whole of the social centre and squatting scene. The predominant view of anarchism and anti-authoritarian politics is that there is chaos and no order. But this is something that is entirely incorrect, and trying to alter the normal law-abiding individuals' views on this is the fuel that inspired the choice of anthropological focus entirely. These movements are highly organised, so organised that one of the collective members of the rampART told me that the meetings at the centre were far more convoluted and minute-taken than her actually workplace. The *hidden* law is at work,

So how does disorganised organisation work then? The quote above was taken from my observations at the 'National Squatters' Meeting', a weekend event in anticipation of the 'days of decentralised action' in 2008. It was like a conference in its organisation, although there weren't the usual sponsorships and adverts on behalf of publishers. But there were agendas, and they were very clearly signposted, organised, and timed. How can you have horizontal organisation, you might ask? The hierarchies that *are* created are generally exploited for skills-

³ The London FreeSchool is a weekend event that educates on squatting, housing rights, and even offers alternative curriculums and syllabuses, with more of a communal and holistic nature of education in mind. See <http://londonfreeschool.wordpress.com/>.

sharing and learning, but there are instances when this goes wrong of course – these are only humans we are talking of. An example of horizontal organisation would be where at a meeting, there might be a convenor or person who will hold the mike, but this is purely as a go-between for the other speakers. Each person is allowed to speak as they wish, and no one is (supposed to) dominate the conversation. As for the non-representative side of things, there was an in-depth discussion as to the role that the media should play at the National Squatters Meeting and for some of the events that they were planning. This was because they didn't want to have a particular spokesperson to have to deal with the papers, and therefore be labelled as one of the organisers or leaders. This is where the dominant culture just does not compute what happens at these squats and centres.

Conflict Management

In terms of action, there is also the potential for conflict to emerge between 'users' of the space, those whose priority is the centre, and those who take action, which may place the centre at risk. This is often a fraught relationship. This was even the case with a squatted social centre in Manchester when those running the social centre tore down another collective's flyposters because they were publicising an action in the city which they thought might bring down repression on the squat. (Rogue Element 2004)

Considering the presence of conflict, the social centre movement, of course, is not immune. The types of conflicts that arise within the centres can be many and there are generally dialogical rules which are followed in order to maintain the notions of the individuals involved behaving decently and peacefully towards one another in a reciprocal relationship of mutual exchange, agreement and constructive disagreement. There are weekly meetings held within the spaces in which anyone who feels disgruntled or the need to voice their concerns can do so, in a discursive and non-aggressive environment.

One of my interviewees gave me an interesting insight into some of the issues of conflict that arise as part of a collective within a social centre. He was saying that when conflicts of interest arise, or just plain arguments and people leaving, then they are very much inhibited by their beliefs, as they can't really engage with the legal system and therefore have to come up with other means. There was one scenario where an individual had stolen £1,700.00 from the bike repair shop money, claiming that it was rightfully his as he had given his time without having been paid (although the whole ethos there is around voluntarism and mutual aid). They were in a quandary as whether to punish him through their own collective

THE HIDDEN LEGALITY OF THE UK SOCIAL CENTRE MOVEMENT
Lucy Finchett-Maddock

parameters, or have the State law involved – which would mean the taking of a crime reference number in order to get the money back somehow. Thus, there was the moral and the legal dilemma of (a) trying to right the situation within their means; and (b) needing the money to be reported in some way as they obviously needed it. The reason of course is that an anarchist view sees no role for prisons or the police and therefore they were arbitrary and yet necessary. The eye for an eye feeling that he encountered he portrayed as more masculine revenge, and the collective are pretty balanced, and therefore all that was done was that they named and shamed him in an article on Indymedia

Notably here is a form of jurisdiction and the policing of it, but through alternative dispute resolution forums. In order to understand the relation between the *hidden* law of these centres, and that of the State, this paper offers an introduction to the ‘legitimate’ law and the role of institutionalisation along this continuum of formalism that is from *hidden* to public (in general) law.

The Law

Whether these are centres or general communal living spaces, squats are buildings or land, that are lived in and are neither owned nor rented, the occupants residing there without the owners’ express permission. In the UK, this is not a criminal but civil offence. Section 12 of the Criminal Law Act 1977, as inserted by the Criminal Justice and Public Order Act 1994, lays out the distinction that underlies a trespasser and a squatter through whether the adverse possessor had knowledge of there being a resident living in a given property. As long as there are no clear signs of the owner of the property living there, then Section 6 of the Criminal Law Act 1977 can be kick-started, acting as the legal document through which ‘squatters’ rights’ are upheld. The avoidance of any damage to the property will maintain the entrance into the property as a civil offence, and not as that of a criminal nature. Eviction can only legally take place after a Possession Order has been obtained by the owner, to remove the unwanted residents from the property. The squatters then have the right to remain until this Order has been agreed by the local or High Court. An extended version of this law of adverse possession is that according to the Limitation Act 1980, if the squatter applies for the possession of the property after a period of 12 years, the property can rightly become their own, unless the owner has objected prior to the 12th year.

Within the social centre movement is a stark intervention of the law. As in any movement, there is conflict, and there are alternative opinions on the relevance, even importance, of the legality of the buildings and used spaces. What is of interest is the manner in which cooptation, repression, and the creation of new

norms, underlies the identity and activities of the social centres. This movement up and down a continuum of formalism is expressed through whether the centre is squatted, or rented, and the State law's reaction to their presence. Following the history and contemporary forms of anti-authoritarian behaviour through both theoretical and practical applications of anarchism, these modes of action are depicted as that very other of law, and yet remain within a plain of creative legality. In both the UK and Italy, there has been a clear manoeuvre on the part of the authorities to fully legalise the squatting and social centre movement. This could be seen as a progressive stance from some angles, although most likely, it has also been a move of least resistance and least cost from the perspective of the law. In the UK, organised squatting declined more as a result of concessions than repression and the reason for such legalization was the cost involved in police and state repression. The process of legalisation in Italy began in 1993 whereby some social centres were assigned their premises legally. Similarly, others were refused (Mudu 2004: 923). By 1999, approximately half had entered into agreements with public or private owners of the properties that were being used as centres. In previous years, the same tactic had been used during the unrest in Italy in the 1970s⁴:

In 1981, the government's inability to defeat the squatters in the streets led to a tactical innovation: legalise the squatted houses in the large cities, thereby depriving the movement of a focus for action and, more importantly, of a sense of fighting against the existing system. Legalisation meant that those who were previously living an everyday existence of resistance to a repressive order were suddenly transformed into guests of a tolerant big brother who provided them not only with low-rent houses but also with money to repair them. (Katsiaficas 2006: 96)

Similarly, in the UK, organised squatting declined more as a result of concessions than repression and the reason for such legalization was the cost involved in police and state repression. During 1977, 5,000 squats in London were legalised (Pruijt 2003: 135). These are 'licensed squatters' (Pruijt 2003: 136), whose organised

⁴ An interesting response to some of the repressive conditions in Italy during the '70s in particular, was what was termed as *autoriduzione*, or *self-reduction*: when the housing conditions forced the workers of the era to take the law into their own hands and reduce their rents, electricity and phone charges (*see* Katsiaficas). This may be seen as co-opting from the opposite side, and yet the creation of new laws raises its head, once again, from the resistant outsiders, and yet determined by the confines of its structure. It is the determination of a new politics and a curtailed culture that re-shapes that of its own law, and the law of the state.

THE HIDDEN LEGALITY OF THE UK SOCIAL CENTRE MOVEMENT

Lucy Finchett-Maddock

resistance was co-opted through a legal manoeuvre of containment. This is what Pjuit has described as a ‘repressive-integration-cooptation’ model of relations between states and urban social movements. Instead of forms of illegalisation, the repression comes in the form of total integration into the system, so as to stifle the energy of the movement: “The squatting movement seems to conform to this pattern. Repression is evident in the actions of legislators who try to close the legal loopholes that facilitate squatting” (Pruijt 2003: 134). Evidently, this is also an interesting interjector on behalf of the law, as a response to the furtherance of *hidden* law. It highlights the importance and effectiveness of the movements, and the law’s determination to hide their significance.

Primarily, those spaces that are squatted pride themselves on being ‘outside of the system’, and therefore outside of the law. This, paradoxically, however, is a form that is created by the law, as social centres still exist through the aegis of the legal loophole of squatting rights. Nevertheless, the differentiation between those centres that are considered illegitimate, through their categorisation as squats, and those that are rented or owned, as legitimate, is very clear.

Next the nature and characteristics of *hidden* law will be proposed.

The Hidden Legality of the UK Social Centre Movement

The anthropological source from which the idea of a *hidden* law springs, is J. C. Scott’s ‘Domination and Arts of Resistance: Hidden Transcripts’ (Scott 1990: ix). Quite simply, he seemed to notice that there were differing mechanisms of resistance expressed in response to domination, and so too, the dominant classes seemed to manifest contradictory manners of dealing with those they were subjugating. These contradictions were expressed in moments when the two differing ends of the class spectrum were in each other’s presence, and so too when they were not – both groups behaving differently in both settings (Scott 1990: ix). The resonances with the tasks of a *hidden* law are distinct, and are in fact, somewhat formalised by Scott’s theory.

A fitting description, and one indicative of Scott’s illustrious style, would be if you were to imagine the ‘secret notes or conversations of the philosopher’ (Scott 1990: 64), prior to the scribing of her or his thoughts, then this would be the hidden transcript. What is of significance for a theory of *hidden* law, is Scott’s interest in the future inscribed in the present. Santos describes this as an aim “...to identify and enlarge the signs of possible future experiences” (Santos 2003: 241).

Looking at the points regarding the relevance of Scott to *hidden* law, his similar account of the practices and tactics of the groups utters a vernacular account, a deviant account, and relations of force, representation and hierarchy are expressly considered as part of the domination and subordination dialectic. Force and accountability are very clearly portrayed through the public transcript, and in a more hushed articulation as that of the hidden transcript – one that is present in whispers within the public domain. The ongoing resistant acts, rituals and practices have come together in one moment of interruption and break – revolution. Yet it is not necessarily revolution that *hidden* law seeks, or at least it is not its primal force. *Hidden* law is on a gamut of law and resistance, of course, but rupture is perhaps not the aim. This is quite simply key to the structural considerations of *hidden* law in relation to that of its contrary. When the public transcript of the dominated meets the public transcript of the dominating, there is something of a ‘mirror’ action, whereby resistance acts in response to the other – it is these fluctuations that some legal pluralists would argue formalise state law, and *hidden* law.⁵

Hidden law is a secret law, and one that offers an insight in to the potentiality of law, a chink of hope in the often abusive mechanisms of state law. So why and how is it hidden, why is it silent? And why does the very covert nature of it offer something which the overt law does not? Is it therefore one that can be located, if it is so hidden? And does it wish to be found at all? Perhaps the key here is that it does not want to be sourced, it evades the spotlight at all times. But this is the attractive nature of this law, because it does not seek formalisation in any manner, it is propelled by its determination to remain outside and underground.

So how does this *hidden* law actually manifest itself as a resistant, yet legal formation, through the practices and tactics of the social centre movement? First and foremost, its nature as a *hidden* formulation should be explained. As these centres are usually tucked away in discrete spaces, in dismembered warehouses and forgotten-about areas of the city-scape, this gives them their clandestine and undercover nature. The hidden transcript rumbles on defiantly in the face of the culture that moulds the nature of its resistance. The law that is created, thus, is underneath, in the underworld, inhabiting the underbelly of the overarching culture.

⁵ The ‘Mirror’ thesis is problematic as with regard to state law, the notion that the law reflects society is unsure, as those who create the law are not representative of the population as a whole, and therefore the theory can be critiqued as exclusionary. In the case of *hidden* law, perhaps the mirror thesis might reflect those excluded by state law, however, it is not entirely representative and this is why its combination with state law could be benevolent.

THE HIDDEN LEGALITY OF THE UK SOCIAL CENTRE MOVEMENT
Lucy Finchett-Maddock

The very law itself, is manifested through the alternative organisational constructs that the participants use within their weekly meetings, the manner in which each of the spaces is run, their dispute resolution mechanisms, and the philosophical backdrop that feeds each decision made. This is not a juridical form of law, but one that operates as a *modus operandi* of rule-making and abiding, and never with a coercive impetus.

The first characteristic of *hidden* law would be the notion of *consensus*. When I visited The Library House in Camberwell over the summer of 2009, I discussed with some of the ladies that lived there, whether they thought the organisation of the space could be described as transmitting some kind of non-state law. They thought deeply about this, and gave me instances of when there are situations at the space, some that involve individuals continually turning up off the street and being disruptive, that they operated with a general rule in mind. This rule, would be constitutional as such, in its make up, the rule that any decision has to be made with the entire collective at the ready and present. The idea that any decisions could be made without this hanging backdrop of consensus would, in effect, ruin the entire project. So the law here is a principle and a practice in motion through a form of normativity.

Once again, if there were any instances of conflict, as one was described earlier in the text, with regard to stolen money, the same applies. There has to be a general will achieved in order for the spaces to stay afloat, and this is enacted through their own alternative judicial techniques. In the case of the stolen money, the understanding was that if such an instance occurs, if there is a theft or the space is being taken advantage of, then the collective as a whole suffers, and it is up to the collective as to how they will remedy each instance.

The second characteristic is the result of these organisational techniques and tactics. Through the enactment of this alternative method of social experimentation, a body of law evolves. This law evolves from somewhere. The space in which the law resides and is formed is a liminal one, on the threshold of legality and illegality. It is determined by the very body of statutes and cases that determine squatters' rights, and yet it is a remainder philosophy, one that exists as a remnant of the past, in continuation with the individual rights-based determinations of capitalist culture. *Hidden* law, is an alternative form of semi-autonomous law, one that is horizontal and not vertical in its nature, and offers a glimpse into an ulterior means of social organisation.

Having described the theoretical and characteristic nature of *hidden* law, now to a legal pluralistic understanding of how this law functions in relation to that of the state.

Finding Space for Resistance through Legal Pluralism

And so why the choice of legal pluralism as the backdrop against which to place *hidden* law? The easiest way to set about understanding the importance of legal pluralism and its role in understanding not just law, but also the social relations attached to law (or law itself), is to start from the negative, which would be the body of so-called ‘legal centralism’ or positivism that has dominated accounts of law. Another means would be to consider its historical birth pangs, and the role of the colonial imposition of Western law upon already-functioning legal apparatuses during the 18th and 19th centuries.

For the purposes of this enquiry into legal pluralism, there will be a delineation between strong and weak legal pluralism which draws some interesting polemics on both sides, with regard to the legal pluralist literature, and that of the nature of *hidden* law as a plural law. The reasons for placing this piece’s focal concern, *hidden* law, under the banner of legal pluralism, is really not by choice. It is by its very nature, not something that is recognised by the state, it is something that can be seen by the state, it is within its gaze, and yet the state chooses not to look. Therefore it is not a part of a hierarchy of legal systems, but is outside of the dominant legal system and lives on the fringes. Interestingly, it delves into the state system through its use and appropriation of state law. It is also worth considering in what category the state would see *hidden* law, if it were to fully recognise its existence. The state would see it as a weak form of law, a phenomenon that serves a certain demographic, yet still feeds off the state’s axis of legitimacy. From the perspective of the *hidden* law makers and subjects, a belief in an independence from the state is part of the very make-up and reasoning of the law, and autonomy is a central precept of the social centre movement, the squatting movement, or indeed any form of retreatist and alternative society.

The Strong and the Weak

In the quest to distinguish state law from non-state law, legal pluralism has further truncated itself along the lines of the ‘classic’ and ‘new’ legal pluralism as suggested by Merry. As there is a pluralist critique of state centric models of law, there is the backdrop of the dual processes of law that are accentuated through the onset of colonialism. These dual systems are (but not exclusively) characterised by

THE HIDDEN LEGALITY OF THE UK SOCIAL CENTRE MOVEMENT
Lucy Finchett-Maddock

the establishment of European countries' colonies whereby the Occidental model of legal organisation was superimposed upon the pre-existing legal systems of the territories that were expropriated. In order to siphon off these two differing classic and new approaches, Griffiths claimed a distinction between legal pluralism as studied by lawyers, and that as the focal research of social scientists. Accordingly, Griffiths states that law as studied in a more juristic manner is 'weak legal pluralism', and that which is studied by social scientists is 'strong legal pluralism' (Griffiths 1986: 5). One way of understanding the difference between the two would be the role of unity. Weak plural legal systems would therefore be considered as pluralistic in the juristic sense when the sovereign determines different bodies of law for different groups of a population, categorised along the lines of ethnicity, religion, nationality or geography (Merry 1988: 871). These legal systems are ultimately dependent upon the central state for their existence and are therefore in some respects, one legal order. According to Griffiths, weak legal pluralism is under the sign of unification in order to become good, suggesting a relation to post-colonial poly-legal systems (Griffiths 1986: 8). It could thus be argued that weak legal pluralism only maintains the constructs of legal centralism further, as all other systems are hierarchically set below that of the central organ (Tamanaha 1993: 202).

On the other end of the spectrum is the notion of strong legal pluralism, the product of the social sciences. Strong legal pluralism has greater links with legal anthropology, coming out of the studies of the colonies and being remoulded for and in other settings. This is why the strong version of legal plurality is more associated with complex societies' legal phenomena, describing systems that are living in parallel with one another and are not set to be unified. It is, "... the scientific observation of the fact of a plurality of legal orders which exists in all societies" (Tamanaha 1993: 203). In the words of Merry, it is the "... view of an empirical state of affairs in society (the coexistence within a social group of legal orders that do not belong to a single 'system')..." (Merry 1988: 871).

Santos and Moore

Santos sees legal pluralism as a very positive move within legal scholarship, claiming that the new forms of legal pluralism resonate with what it is to actually experience law. He is not speaking of the more post-colonial forms of legal pluralist work, but

... rather the conception of different legal spaces superimposed, interpenetrated, and mixed in our minds as much as in our actions, in occasions of qualitative leaps or sweeping crises in our

life trajectories as well as in the full routine of eventless everyday life (Santos 1987: 297).

Particular inspiration is taken from his ethnographic accounts of ‘Pasargada Law’ whereby he describes a form of internal legality in the form of popular justice in conflict and in parallel with that of the state (Santos 1977: 5). Santos focuses on the dispute prevention and settlement mechanisms that take place within a fictitiously named suburb of Rio de Janeiro, Pasargada. As more of a ‘symbolic cartography of law’ (Santos 1987: 287), these dispute prevention formulations took the form of practices and organisational techniques that are resonant of those of the social centre movement. These include organisational principles of action, or rules of thumb, such as non-linguistic arguments like gestures, postures, flags and bibles. The relation between language and silence is of great importance, Santos denoting silence as a part of language equally as important as language itself (Santos 1977: 32). Ultimately, the alterior legality is transformed into a weapon of resistance, “...the strategy of legality tends to transform itself in the legality of the strategy” (Santos 1977: 104). For the purposes of this paper, the notion of utilising home-made law for means and ends of resistance, is something that resonates greatly with the *hidden* law of the social centre movement. By organising themselves in a collective manner, and committing their lives to the daily tasks of the running of the spaces, is a symbolic and actual method of resistance. And this resistance is enacted through their normativity, through the participants’ adherence to the underlying glue that solders the spaces together.

Given the nature of the *hidden* law that the author wishes to describe, Moore’s theory of the ‘semi-autonomous social field’ is a theory that resounds very strongly with the context and applicability of the social centres. Moore claims that law and social relations can only be properly understood if actually studied in the context of social life (Moore 1978: 79). In order to understand the notion of semi-autonomous fields, therefore, there is a recognition of the presence of the state system in the autonomous field, in that it influences and shapes the legal system (field) on a continuum of autonomy. It therefore, “By definition [...] requires attention to the problem of connection with the larger society” (Moore 1978: 57). This therefore suggests a clear intervention on behalf of the state in to the fields of legality, and so too those forces of the field effecting state law in a reciprocal manner (Moore 1978: 57). Conforming with network theory, these are complex forms of socio-legal organisation, an understanding of which is the best means of defining areas of social activity and organisation that are within complex societies (Moore 1978: 57). Issues of autonomy and self-regulation are central here (Moore 1978: 58), and determine the level of autonomy along internal and external links that can be legal, non-legal, and illegal norms, all of which are part of the meshwork (Moore 1978: 59). Clearly, when considering *hidden* law, this is a

THE HIDDEN LEGALITY OF THE UK SOCIAL CENTRE MOVEMENT
Lucy Finchett-Maddock

helpful framework to work with, highlighting the roles of forces that are within and outside the social field (Moore 178: 64). The application of Moore's semi-autonomous fields to the theory and characteristics of *hidden* law ring more true for the spaces than they would perhaps wish to admit. They rely on the state for their existence, for this conundrum of legitimacy and illegitimacy, and semi-legitimacy through the means of cooptation and squatter's rights. these laws exist at the same time and in conjunction with the law of the state. The normative frameworks that come out of these centres are characteristic of complex societal structures, and those of the Western world.

So the importance of a legal pluralist influence upon the making of a *hidden* law theory is clear in its relevance to the role of the state, its place within a system of other laws, and the use of its legality as a form of resistance and protest. Both Santos and Moore, as strong legal pluralists, show the lucid role of *hidden* law (and thus, legal pluralism) as resistance, and the interjecting and divisive liminality of state law, and the semi-autonomy that this infuses into the framework of *hidden* law.

Conclusion

The importance of this to the study of *hidden* law is the clear impetus that *hidden* law can have on state law, and the same back again. As this is an emancipatory project, it therefore would be positive to think that the very different nature of *hidden* law compared to that of state, can indeed have an impact upon its massive legal cousin. As the squatting and social centre movements move up and down along the lines of legitimacy, legality and illegality, it is clear that there is a role for the state within *hidden* law. It is just a matter of quite how state law shapes this law, and whether it is entirely outside of the system of influence. Social centres have been argued as embodying spaces of resistance that are created through the navigation of alternative normative fields, in parallel with the influence of the state order. This is where a legal pluralist resistance can be felt, echoing through space and actual forms of self-legislation.

Instead of attempting to assert a link between the more recent body of legal pluralism, that of 'strong' legal pluralism, and the notion of '*hidden* law', perhaps we could also find a relevant link between the colonial heritage of 'weak' legal pluralism and *hidden* law. The very concept of *hidden* law denotes a form of legality that is underneath the webs of official law, and this connotes its existence *prior* to the conception of the Western tradition of law as we know it. As the focus of this paper is upon the United Kingdom, we may notice that there are rich

undertones that constitute the common law system, a law that can be argued to be infiltrated with the history of *hidden* law itself.

Hidden law, can be seen as set back very clearly upon the historical platform of the ‘commons’. The notion of the commons is, according to Linebaugh, the theory that vests all property to the community and organises labour for the benefit of all (Linebaugh 2008: 6). The two differing types of law, state law and *hidden* law, can be seen as the symbolic and actual constructs of the two polemic systems of politics, that of individual rights, and that of common rights – in other words, the systems of capitalism and communism, in turn.

When it comes to legal pluralism, as a study or body of legal scholarship, itself – jurists and legal anthropologists travelled to countries with dual or plural legal systems, because there they could study those that had another form of legality superimposed upon their own. The destructive past of not just colonial law, but the very inception of legal pluralism itself, points to a legal exploitation on two levels. Without the imposition of Western law upon other countries, there would be no such thing as the study of a plurality of law structures – at least in the weak sense.

To determine the relevance of this to the theory of *hidden* law is to understand how in the very quest to ascertain its characteristics, the research itself is embedded within the very constructs of the law itself. Legal pluralism is steeped within systems of domination. Thus, the significance of this is the relation of *hidden* law to legal pluralism (weak), and the symbolic link this illustrates between communal law and *hidden* law; and colonial state law and individual rights. Thus whether considering Scott or Santos, the *hidden* law of social centres has more implication than just its existence as a form of unofficial law within a Western country, and offers us a glimpse into the making of legal pluralism, and the links this has with societal domination, and previous forms of social organisation.

References

- ALESSIO, L.
2007 ‘The Spring of Social Centres.’
<http://www.occupiedlondon.org/socialcentres>
- BEY, Hakim
1991 ‘TAZ: The Temporary Autonomous Zone, Ontological Anarchy, Poetic Terrorism.’ Brooklyn, New York: Autonomedia.

THE HIDDEN LEGALITY OF THE UK SOCIAL CENTRE MOVEMENT
Lucy Finchett-Maddock

- CHATTERTON, P. and S. HODKINSON
2007 'Why we need autonomous spaces in the fight against capitalism.' In The Trapeze Collective (eds.), *Do it Yourself: A Handbook for Changing our World*. London: Pluto Press.
- DAZZA
2000 'In Italy Another World is Growing.'
www.edgehill.ac.uk/Research/smg/ArticlesDazza.htm.
- FINCHETT-MADDOCK, Lucy
2008a 'An Anarchist's Wetherspoons or Virtuous Resistance? Social Centres as MacIntyre's Vision of Practice-based Communities.' *Philosophy of Management* 7(1): 21-32.
2008b 'National Squatters Meeting Notes.' Unpublished.
- FITZPATRICK, Peter
1984 'Law and Societies.' *Osgoode Hall Law Journal* 22: 115-138.
- GRIFFITHS, John
1986 'What is Legal Pluralism?' *Journal of Legal Pluralism* 24: 1-55.
- KATSIAFICAS, G.
2006 *The Subversion of Politics: European Autonomous Social Movements and the Decolonization of Everyday Life*. Oakland: AK Press.
- LINEBAUGH, Peter
2008 *The Magna Carta Manifesto: Liberties and Commons for All*. Berkeley: University of California Press.
- MEHRORTRA, K.
2001 'Law and the "Other": Karl Llewellyn, Cultural Anthropology and the Legacy of "The Cheyenne Way"'. *Law and Social Inquiry* 26(3): 741-746.
- MERRY, Sally E.
1988 'Legal Pluralism.' *Law & Society Review* 22(5): 869-896.
- MOORE, Sally Falk
1978 *Law as Process: An Anthropological Approach*. Oxford: James Currey Publishers.
- MUDU, Pierpaolo
2004 'Resisting and Challenging Neoliberalism: The Development of Italian Social Centers.' *Antipode* 36(5): 917-941.
- PICKERILL, J. and P. CHATTERTON, P.
2006 'Notes Towards Autonomous Geographies: Creation, Resistance and Self-management as Survival Tactics.' *Progress in Human Geography* 30: 730-746.
- PRUIJT, H.
2003 'Is the Institutionalisation of Urban Movements Inevitable? A Comparison of Opportunities for Sustained Squatting in New York City and Amsterdam.' *International Journal of Urban and Regional Studies* 1: 133-157.

ROGUE ELEMENT

2004 ‘You can’t rent your way out of a social relationship (Work in Progress).’
<http://www.indymedia.org.uk/en/regions/manchester/2004/08/296049.html>.

SANTOS, Boaventura de Sousa

1977 ‘The Law of the Oppressed: The Construction and Reproduction of Legality in Pasargada.’ *Law & Society Review* 12: 5-125.

1987 ‘Law: A Map of Misreading. Toward a Postmodern Conception of Law.’ *Journal of Law & Society* 14(3): 279-302.

2003 ‘The World Social Forum: Toward a Counter-Hegemonic Globalisation.’ in Sen, Jai, Anand, Anita, Escobar, Arturo, and Waterman, Pete (eds.), *World Social Forum: Challenging Empires*. New Delhi: The Viveka Foundation.

SCOTT, James C.

1990 *Domination and the Arts of Resistance: Hidden Transcripts*. New Haven: Yale University Press.

TAMANAH, Brian

1993 ‘The Folly of the “Social Scientific” Concept of Legal Pluralism.’ *Journal of Law and Society* 20(2): 192-217.

WRIGHT, Steve

2006 ‘In the Shell of the Old - Italy's Social Centres.’
<http://libcom.org/library/in-shell-old-italy-social-centres-wright>.

Participating Social Centres and Interviewees

Cowley Club, Brighton

Kebele, Bristol

rampart, Whitechapel, London

56a Infoshop, Elephant and Castle, London

The Library House, Camberwell, London

Websites

Social Centre Network - www.socialcentresnetwork.org.uk.

rampart - <http://therampart.wordpress.com/>.

London Freeschool - <http://londonfreeschool.wordpress.com>.

