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# Squatters make history in New York:

## Property, history, and collective claims on the city

### ABSTRACT

As illegal squatters became cooperative homeowners on New York City's Lower East Side, they strategically used the logic and law of property to turn their homes into commodities. But they did so within limits: individuals can sell their apartments at fixed prices yet also collectively maintain the buildings as low-income housing, valuing their homes as both a source of individual sustenance and an inalienable resource that ties generations together. As in many indigenous land claims cases, changing property relations produced new forms of personhood and collective peoplehood. How people form collectives to make claims on space shapes who can participate in urban processes. Squatters used history making to constitute themselves as a legitimate group that could claim urban space and steward collectively owned inalienable property. [*homeownership, inalienable property, squatting, land claims, production of history, New York City*]

Mientras los okupas se convertían en propietarios cooperativos en el Lower East Side en la ciudad de Nueva York, utilizaban la lógica y la ley de propiedad estratégicamente para convertir sus hogares en mercancía. Pero lo hicieron dentro de ciertos límites: individuos se pudieran vender sus departamentos a precios fijos pero también mantuvieron colectivamente los edificios como viviendas de bajos ingresos, valorando sus hogares como una fuente de sustento individual y como un recurso inalienable que une a las generaciones. Como en muchos casos de reclamos de tierras por comunidades indígenas, el cambio de las relaciones de propiedad produjo nuevas formas de identidad y de identidad colectiva. La manera en que las personas forman colectivos para reclamar espacio afecta a quien puede participar en los procesos urbanos. Los okupas utilizaban la historia para constituirse como un grupo legítimo que podía reclamar el espacio urbano y administrar propiedad colectiva inalienable. [*propiedad de vivienda, propiedad inalienable, ocupación ilegal, okupación, reclamos de tierras, producción de historia, Nueva York*]

**I**n 2002, New York City officials and representatives of the nonprofit Urban Homesteading Assistance Board (UHAB) held a press conference that shocked New Yorkers and attracted global media attention. After more than a decade of street fighting, legal battles, and name-calling, followed by three years of secret negotiations, the city had made a deal with the squatters of the Lower East Side (LES): their occupations would now be legal. For many, it was quite surprising to hear that hundreds of illegal squatters were still living in tenements on the already gentrified LES, and even more so that they had collectively organized themselves and made a deal with the city, which gave up 11 valuable buildings for \$1 each.

According to the deal, UHAB would take out loans on the squatters' behalf to help them bring their homes into compliance with building codes. Once the buildings were legally inhabitable, they would be transferred to them, along with their new mortgage debts, and registered as limited-equity, low-income co-ops. It seemed like a neat trick: apparently ungovernable squatters would be transformed into collectively indebted homeowners, and unsellable buildings into exchangeable commodities. Everyone involved imagined that this might take a year or two. Seven years later, the process was completed for the first building. Fifteen years later, a few were still not fully legal. In the meantime, squatters and their allies had to settle heated arguments about how much the soon-to-be-legal apartments could be sold for and to whom (Starecheski 2016).

In a risky balancing act, they tried to use property law to partially decommodify their homes, deploying their past to create the conditions to carry their vision forward into the future. Could they strategically use the logic of private property to protect collective rights, as indigenous groups have struggled to do (Brown 2005; Carpenter, Katyal, and Riley 2009; Coombe 2011; Mitchell 2003; Nadasdy 2002; Reddy 2006)? Could their property relations as squatters, built on hard work, remain meaningful as they gained legal title? Could they use their history to steward and develop resources for future generations of low-income homeowners, or would their story of struggle be appropriated by real estate developers to further gentrify their neighborhood?

Groups of people make collective claims on urban places, and specifically on urban land, in part by producing a sense of collective peoplehood. In the context of indigenous land claims, claim making constitutes groups, and the legal and political frameworks within which claims are made shape (but do not determine) forms of collective subjectivity and political action (Di Giminiani 2015; Ernst 1999; Minnegal, Lefort, and Dwyer 2015; Weiner and Glaskin 2007b). While some forms of peoplehood, like American peoplehood, might be grounded in individual rights and duties, other forms of peoplehood, including indigenous peoplehood, are grounded in the control of and care for inalienable land (Carpenter 2008). These insights from indigenous contexts are also relevant to nonindigenous urban settings.<sup>1</sup> For groups of people making collective claims on urban space, their structural positions condition how they compete for power and influence, as do the legal, cultural, and political frameworks within which claims are adjudicated. These groups are not, however, always preexisting configurations; they may be brought into being through the claims-making process. The social processes through which groups of people come together to speak collectively and make these claims shape who can participate in urban processes (Collins 2015; Holston 2009; Ippolito-O'Donnell 2012).

The articulation of history, culture, and heritage can be central to land claims, from rural indigenous contexts to heterogeneous urban environments (Blomley 2004; Cruikshank 1998; Miller 2011; Povinelli 2002). Claims can play an important role in helping a group of people achieve public recognition and an internal sense of their peoplehood. At the same time, tensions can ensue when group membership is tied to property rights, as the boundaries of a group suddenly come into sharp focus. This is what happened when New York squatters became homeowners.

Like squatters elsewhere (Chatterjee 2004), LES squatters used kinship language and ideology to legitimize themselves as a group, describing themselves as “like a family,” referring to their buildings as “houses,” and publicly highlighting that the squats included families with children. But because the squatters did not share a class, racial, or ethnic identity, they asserted peoplehood by showcasing a shared history, making themselves legible as a collective that could steward collective resources, not just as a loose group of individual homeowners. Once they became members of limited-equity, low-income co-ops, squatters’ new property relations combined alienable and inalienable forms of property: apartments that could be sold, and affordable limited-equity co-ops that would endure. Inalienable collective property requires a group that persists to care for it, but squatters faced obstacles in both functioning as a property-owning group and being publicly legitimized as one.

History making allowed squatters to become such a group and to induct new members, both through the shared social labor of producing and disseminating historical narratives and through the sense of peoplehood created when these authoritative historical narratives appeared in public. In English, *history* has two meanings—what happened in the past and the kind of public narrative I describe above—but here I am focusing mainly on the latter (Trouillot 1995, 2–3). In this context, history is a privileged and powerful public mode of narrating the past, one that draws on two sources of authority: that of the historical profession and its institutional apparatuses and that of the people who lived through the experiences being narrated.

Although the ideology of private property can make it seem as though ownership is a straightforward relationship between individual or corporate persons and freestanding things, fully encompassed by legal title, people decide who gets to use, buy, sell, inherit, and change urban space based on more than who has legal title to it. In fact, the kinds of history-making processes that so clearly undergird indigenous claims to land, processes that bind together people and places, are present in this New York context and in a far broader array of property relations than one might imagine. Using history, as we will see, groups of people and individuals make collective claims on the city that both produce and exceed individual private property rights.

### The squatters and the squats, homeowners and co-ops, persons and things

The LES is a neighborhood in the heart of Manhattan, just north of City Hall and Wall Street. It was a swampy land stewarded until European colonization by the Leni Lenape people, and it is now densely filled with four-to-six-story tenements, midcentury high-rise public housing, and a new growth of turn-of-the-21st-century glass-and-steel luxury apartment towers.

The LES has been a first stop for newcomers to the city—Jews, Germans, Irish, Italians, Puerto Ricans, college students—since the 1840s and has a long history as an incubator of creative production and radical resistance. The far east part of the neighborhood (part of the area sometimes called the East Village), between Houston Street and 14th Street, Avenue A and Avenue D, has its own unique identity. Composing a third of a square mile, this neighborhood where the squatters made their homes was dubbed Alphabet City (encompassing Avenues A, B, C, and D) or *Loisaida* (from the Puerto Rican pronunciation of *Lower East Side*, coined in a 1974 poem by Bimbo Rivas). No subways run through Alphabet City, and hence it is both hard to get to and close to everything downtown Manhattan has to offer.

By the 1980s it was a neighborhood famously devastated by disinvestment, redlining (racist federal policies that discouraged mortgage lending in mixed-race and

majority people-of-color neighborhoods), abandonment, and arson. As New York turned toward finance and real estate as core industries, the city's working and middle classes were squeezed by austerity policies imposed after the city's near bankruptcy in 1975 and the loss of industrial jobs. After a hundred years of hard use, the tenements were in poor condition, and landlords could no longer make a profit renting them to low-income tenants. Trying to milk the buildings for every last dollar, landlords stopped making repairs, then stopped providing heat and hot water, stopped paying property taxes, and often ended by abandoning their property entirely or burning it down for the insurance money.

By 1980, half the people who had lived there in 1970 were gone, and Loisaída was 68 percent Latino (Mele 2000, 182, 196). Some blocks were mostly vacant lots, and there were around 500 city-owned abandoned buildings (Abu-Lughod 1994, 322). Trying to slow the destruction of its housing stock, the city government had sped up and intensified the processes through which it claimed property on which taxes were not being paid, and by 1981 it became the landlord of last resort for over 35,000 people (Goodwin 1981). At the same time, homelessness was exploding and becoming highly visible.

Some people saw in this combination of city-owned vacant property and citizens in need of homes a tidy solution to multiple problems. Why couldn't the city make some of this housing available to people who needed it? Urban homesteading programs aimed to make this possible, supporting low- and moderate-income people to renovate government-owned housing, which they would then own. But urban homesteading did not have the government support to scale up and meet all the demand for opportunities to return this housing to use. Building on the knowledge of urban homesteaders (who themselves often began as squatters) and other antidisplacement activists, squatters occupied city-owned vacant buildings throughout New York.

Squatters on the LES were unique in that their aims were not confined to homeownership or changes in housing policy. While in other neighborhoods squatters were led by community organizers or local nonprofits, the several hundred squatters on the LES—an eclectic mix of formerly homeless people, artists, undocumented immigrants, activists, displaced locals, anarchists, and drug addicts (most people fell into several of these categories)—were tied together in a decentralized network through an eviction-watch phone tree and not much else. Some dreamed of homeownership, while others sought to undermine private property. They also persisted, relatively openly, long beyond the high point of squatting citywide, even as their neighborhood gentrified and the buildings they occupied became worth potentially millions of dollars, had they been empty of squatters. The squatters knew they could get evicted anytime from these city-owned buildings, but they were all



**Figure 1.** The defense of Dos Blocos, a squat on 9th Street in New York City, evicted in 1999. [This figure appears in color in the online issue]

desperate in their own way and committed for their own reasons, so it was worth it to build houses they did not legally own. When the city tried to evict them, they vigorously resisted with barricades, press releases, and lawsuits (see Figure 1).

By the late 1990s, New York was approaching the end of a process of extricating itself from the role of landlord of last resort and selling off vacant city-owned property. Squatters' willingness to use direct action to defend their occupations made them hard to evict, and nobody wanted to buy buildings occupied by squatters. It was in this moment that the city and the squatters decided to try to make a deal.

It is striking that, compared to most other collective claims to urban space, the LES squatters' claims actually translated into legal rights to property.<sup>2</sup> While in some places indigenous and settler claims to urban space have overlapped (Blomley 2004), in New York original indigenous claims to the land are rarely invoked in public discourse about urban space. Especially in places like this, where indigenous people have been so thoroughly erased

from the landscape, we do not often think of urban property as being subject to the kinds of legally actionable collective claims to land that indigenous homelands are. Of course, city dwellers, including but not limited to LES squatters, often make group claims to other rights to their neighborhood (Dávila 2004; King 2015; Marwell 2007; Susser 2012). Groups of residents might ask for a say in planning processes or for collective decision-making around land use. In contrast, squatters' claims yielded a set of legal ownership rights, both individual and collective, enshrined in deeds and regulatory agreements.

In translating claims into rights, squatters, their allies, and city authorities engaged in extended negotiations to balance individual with collective property rights, a "free" market with a collective right to the city. They used a legal structure unique to New York, created specifically to help low-income tenants become homeowners, the Housing Development Fund Corporation (HDFC).<sup>3</sup> Limited-equity, low-income HDFC co-ops are a somewhat unusual hybrid form of property, both individual and collective, alienable and inalienable.<sup>4</sup> In a co-op, each individual owns a share of the building and the land it sits on. Individuals do not own their specific apartment, only a share in the collectively owned corporation that owns the building and the land. This share varies in size according to the size of the apartment. They pay monthly maintenance fees to cover the mortgage, taxes, insurance, and shared utilities, and through an elected board they make collective decisions about major renovations and new residents. The land is thus held collectively, but by a group of people that can change over time and that, in contrast to some indigenous groups who hold collective property in land, may lack a shared identity that goes beyond shared property relations (Low, Donovan, and Gieseking 2012).

In a limited-equity co-op, because residents have benefited from tax abatements, subsidized loans, or the "gift" of free or very low-cost rundown buildings, there is another party to the property relations: the public. In exchange for government subsidy, residents of these buildings are expected to give up some of the usual rights and benefits of homeownership.<sup>5</sup> In a limited-equity building, the amount for which any share can be sold is capped. The squatters, the nonprofit, and the city agreed to a deal that heavily restricted whom the apartments could be sold to. In this case, the prices of the apartments would start at about \$20,000 and slowly increase over time; for comparison, the average price for a market rate prewar co-op apartment on the LES in 2002 was \$373,429 (REBNY 2003, 62).

In a low-income co-op, potential buyers' income may not exceed a certain level. In this case, purchasers could make no more than 80 percent of the area median income (in 2017 this was about \$76,320 for a family of four). Seemingly straightforward and fixed in the 2002 agreement, these numbers turned out to be the subject of continuing

debate as the legalization process dragged on. As they negotiated the process of becoming homeowners, squatters had to decide how much profit was morally acceptable and who could reasonably be included in the "all" who would benefit from the decent living conditions their work had created, and they had to formalize it in writing.

The debate was a concrete example of a dynamic found in many contexts, a tension between land as a source of profit and land as a source of sustenance. The tension is at the heart of American homeownership ideology, in which the home is both a sacred shelter for the family and an investment of family capital, valued as both a tangible and intangible asset. Western property law's insistence on a divide between tangible and intangible property in land obscures crucial aspects of how people value land, as Marilyn Strathern (2009) argues based on her experience in Melanesia. Land, she notes, can be both an inalienable, intangible, collectively owned resource and the source for tangible, alienable, individually owned resources, such as trees or yams or, in this case, cash.

This applies not only to Melanesia. Citing Gisa Weszkalnys (2013), Strathern describes residents of a square in Berlin articulating a similarly complex relationship to an urban place, but without recourse to inherent elements of their identities. "What gave them an entitlement to determine its future," she notes, "was the totality of their experiences, responsibility, knowledge and sense of citizenship from which sprang all of the rights and obligations they felt towards Alexanderplatz" (Strathern 2009, 14). LES squatters made similar claims based on a relationship between their experiences in a place and the right to shape its future, both in terms of sharing in the tangible profits from its use and managing its intangible capacity for future productivity, in this case, the ongoing capacity to provide shelter.

History making plays a unique role in the dynamic constituting relationships between collective property relations and collective persons. Property is a process, a relation between people, mediated by things. To further complicate matters, both "things" and "people" are dynamic, varied, and situationally defined. The relationships between persons and things are shifting in the global context of neoliberal privatization and postsocialist transformations of property regimes, contestation over the limits of intellectual property and property in the body, an ongoing struggle for indigenous rights to land and cultural property, and expanding regimes of intangible cultural heritage (Hann 1998; Hirsch 2010; Hirsch and Strathern 2004; Sikor et al. 2017; Strathern 1999; Verdery and Humphrey 2004). The things governed by property relations are not always material: they can be buildings, the right to use land, or ideas. While private property relations in particular tend to reify the distinction between persons and things, assuming these are separate, preexisting categories, in reality what it means to be a person changes depending on the social context, and

sometimes things and people are not separate, but intermingled, co-constituting.

Oftentimes, property relations, even legal private property relations, do not merely connect preexisting persons with preexisting things; they actually interpellate people and produce new kinds of things. Ownership is not a simple state of being brought forth by legal title, but “a process through which property-holders are constituted as social actors and as political agents” (Coombe 2011, 106). For example, there is an increasing trend to treat cultural practices as “intangible cultural heritage” or to commodify knowledge about natural resources through bioprospecting, and this requires clearly defined collective people to own the new forms of property being created (Brown 2004; Morris 2016). Similarly, homeownership is not just a description of the relationship between homeowners and homes; it is a social process that produces homeowners and homes (Perin 1977; Weiss 2014). And when laws are passed governing how land claims can be made—from indigenous to post-Soviet contexts—these new rules about property relations create new things, define new borders, and generate new persons, such as newly official collectives of people with rights to control and use resources, and defined individuals with rights as members of that collective (Castellanos 2010; Verdery 2003). On the LES, the laws governing HDFC co-ops shaped, but did not determine, the things and the people, the co-ops and the new homeowners, that were produced as squatters became homeowners.

### History makes people, and people make history

Fly Orr still thinks of herself as a squatter, but she is now also a homeowner.<sup>6</sup> Fly is a famous steward and producer of squatter history, and an iconic figure in the punk world. She is in her 50s, wiry and tall, with vivid green eyes, pointed studs piercing her dimples, and bright stripes dyed into her hair. Originally from Canada, she moved into 209 East 7th Street, a burned-out shell of a tenement, in 1992. After proving herself to the other residents by doing workdays with them for a few months, Fly was allocated the front “apartment” on the third floor. It was really just an empty space in the air, an imaginary future apartment surrounded by fire-damaged exterior brick walls with rough holes for windows and not much else. She helped rebuild the roof, then the fifth- and fourth-floor exterior walls and joists, so that she could put in her own joists, then build a floor, then windows, interior walls, a ceiling, plumbing, and electricity for what would someday be her apartment. During that time, she lived in what she remembers as a “rat hole” at the bottom back of the building. It was freezing cold and burning hot; she had to pee in buckets and endlessly haul rubble.

The building at 209 East 7th Street was one of the first to complete the legalization process, becoming a co-op in 2010, eight years after the deal was announced. Fly paid



**Figure 2.** Fly, a documentarian of squatting, videotapes at a memorial march for Michael Shenker, a leader of New York’s squatting movement, 2009. [This figure appears in color in the online issue]

\$250, signed the paperwork, and became a shareholder in the co-op, with the legal rights to inhabit and (within limits) to sell her apartment. For her, impending homeownership represented both the realization of a long-held dream and the source of social and financial stress. By the time I started visiting her, 18 years after she moved into 209, Fly’s apartment was almost finished. It was at the same time a home, an archive, and a museum. People who want to learn more about the history of squatting on the LES literally come from all over the world to sit with her, hear her stories, and, if they are lucky, browse with her through the sketchbooks, videos, audio recordings, books, flyers, artwork, and other squatter ephemera neatly filed in every available corner and displayed on the walls.

A present-day visitor will find the collection both growing and depleted. Growing because Fly never stops documenting. She is ubiquitous at squatter events with her video camera and/or sketch pad (see Figure 2). Even while I was recording her oral history, she was sketching me, documenting our documentation process, watching me listening to her. Yet her collection is depleted because in 2003 she brought the first six boxes of her stuff to a nonprofit called Booklyn, which, among other things, helps artists prepare and sell their archives (see Figure 3). An artist accustomed to being able to work for not much money because her monthly fees as a squatter were low, Fly would soon have higher monthly fees to pay, and her archives—“the Flybrary” and “the Flychive”—were one of the only assets she had to sell.

Squatters’ history is a valuable resource. Here, we see this in a very direct way, but history has other less tangible uses. While the new property relations of homeownership led Fly to reimagine a subset of her personal belongings as “a collection” that could be sold to a museum or archive, Fly did not create this archive in order to sell it. She explains,

I was always documenting. I’m kind of naturally a documentarian. I always have been probably because I



**Figure 3.** Fly, a former squatter, at a nonprofit called Booklyn, prepares her papers for archiving, 2011. [This figure appears in color in the online issue]

moved around so much when I was growing up. So I always wanted evidence of my existence [laughs]. Because being in a new place I'd be like, "Am I really here?" [laughs] Also just the idea of legitimacy, this is a legitimate life that I'm leading. I want to prove it. I realized I should put all this together and then of course it turns into a project that's not just about me, it's about the whole community, so I want to get everyone involved in it.

Now we have these buildings, and there are so many people in my building now that it's like—who are you? They don't have any emotional connection to the building, they don't care. If we all moved out and other people moved in—they have no emotional connection to this building. My *blood* is in this building, and it's such an intense thing to work so hard and fight so hard for your space. And it's not just about the physical space. It's about being in control of your living space. Not just the space but how you live and who you're interacting with and who you choose as your community.

I just feel like we created this little oasis of amazing people and amazing spaces, and it's kind of like that spark of creativity, that spark of inspiration—I want to get that together and communicate it. And I see it as such a vital part of the history of this whole neighborhood. I mean, so many people have a negative connotation of the word *squatter*, which I don't blame them—if you look in the media, a lot of people just consider squatters as people who go into buildings in order to take drugs. Unfortunately, there is a lot of that that happens. I just want people to see what actually happened here from our perspective instead of if somebody wanted to research squatters in the Lower East Side and they just looked in newspapers. That would be such an erroneous history [laughs].<sup>7</sup>

Fly is creating an archive for several reasons: to legitimize her own experience, to shape the LES squatters' legacy in the historical record, and to both document and perpetuate the social worlds created by squatters as their

property relations shifted. These social worlds needed to continue to function if squatters were going to be able to find a way to become homeowners that allowed them to survive as individuals and as a group. As Marilyn Strathern (2009, 28) wrote, "The guarantee of both possibilities—conserving the land and exploiting the fruits of the land—lie in the social relationships that are evidence of the way land owns people and people own land." For Fly, documenting and disseminating their shared history is a key way of nourishing relationships among longtime squatters. It is also a way of keeping it possible for new and future residents to join the larger project of stewarding the buildings and contributing to squatters' vision of self-managed affordable housing as part of a creative social world.

Knowing the history of squatting is key to a particular sense of place and peoplehood. Much as the Western Apache or the Native people of the Yukon tell stories in and about places to instruct and to share wisdom (Basso 1996; Cruikshank 1998), Fly seeks to use history to transmit a particular sense of community, a sense of place ("an emotional connection to this building"), and a "spark of creativity" to her new neighbors. Unlike the Western Apache, her stories are directed not just to members of her community but to a broader public as well, which is part of what makes them history.

Fly's documentation project began before the legalization process and was part of a larger constellation of squatters' history-making practices. Her aim to communicate with a broader public about squatters' lives has roots in the period of illegal occupation, when squatters documented their labor to bolster their claims to property rights. Squatters' stories of hard work helped them legitimize their occupations and eventual ownership. The idea that things become ours when we mix our labor with them makes intuitive sense to many people enculturated in Western liberalism (although it is not at all unique to this context). In the ideology of capitalist private property relations, persons and commodified things are imagined as separate, and the mechanisms of buying and selling allow people to transfer things between them without messy social entanglements. Eventually, this model was deployed by some squatters who argued that they should be able to sell their apartments for full market price. Others, arguing for stricter resale caps, would articulate a model in which persons and things are intermingled through labor, through a transfer of life force, and in which buying and selling exist alongside keeping and stewarding.

In narratives produced around indigenous land claims, we often hear that the land nourishes, even produces, the people and that the people care for the land. While the idea that people and land are co-constituting is similar across contexts, this emphasis on care contrasts with squatters' traditional emphasis on work (although now that their ownership is secure, many have turned toward a language

of stewardship and care). Fly became who she is by working on her building, which now stands in part because of her investment of energy: as she says, her blood is in that building. In fact, other squatters told me similar things: “I put blood, sweat, and tears into the place. My shoulder and my knees and my lungs are forever in this building” (Wrigley 2012, 22). “I have pieces of flesh mixed in the mortar there” (Chrome 2010). Some told of incorporating into the building objects that held their personal histories: burying a sketchbook in the foundation, hiding a wall of artwork behind new dry-wall, or leaving messages in mosaic under a sink. Here, people are literally, symbolically, and inextricably mixed with things, and specifically with places, with homes.

This idea that squatters are expressing so viscerally—that one makes something one’s own when one works on it, and that one is then tied to that thing—was absolutely central to their property claims. Their critics attacked them as freeloaders and thieves (Nieves 1991). Squatters countered with public narratives about labor and social embeddedness, much like the one about Fly’s work on her building presented above. They had worked very hard to transform these crumbling husks of buildings into usable homes. This work, they argued, gave them rights and connected them to this place. It was in producing and presenting these narratives of work that squatters started making their history. Many of their archives began as files of receipts, work logs, and before-and-after photos collected to document their labor for community boards, reporters, and, by the mid-1990s, for judges evaluating their claims to legally own the buildings by virtue of their decade of occupation and stewardship.

The stories privileged physical labor, but they also included social labor, from making carefully crafted presentations at local Community Board meetings to organizing eviction-watch phone trees. Even telling the stories was a form of labor, and a form of labor key to making property claims. To successfully appropriate a piece of property, one must communicate one’s claim clearly and in a way that can be understood and accepted as legitimate by the community of people with the power to adjudicate property claims in that context (Rose 1994). From the very beginning, telling public stories about squatters’ work was just as important as doing the work. Telling the stories was part of the work. But it was only later, as more time passed, that these stories became history.

In a sense, as legalization proceeded, squatters’ history should not have mattered anymore. They now had rights because they had title, and they no longer needed to invoke their years of work to claim a right to these spaces. But in other ways, as Fly described, their history mattered even more than it had before. Without shared work, without a shared history of struggle, what would tie them together? Here Famous Chrome, who came to the LES from Wisconsin and lost her apartment in the squats in a dispute

with her former partner during the legalization process, describes the experience of becoming a former squatter:

The conversations [I have been having] have been with people who are no longer in the squats for one reason or another—and how they’re feeling this question of identity that is shifting, or changing, or missing, it feels like, in some ways. Being a squatter gave a picture in meeting other people. Where we come from, the radical politic was apparent, automatic street cred was given, automatic political cred was given. And it’s a component of the way that I think of myself, the way that I know a lot of these other folks do think of themselves, that’s really important. It’s fundamental. And that being missing or no longer obvious, I don’t have a badge anymore, you know? Um. It’s been [*pause*] a loss of sorts. A redefining, of sorts. Certainly a lot of questioning. And to a lesser extent I know that a lot of my neighbors who are still in the building, now that they’re converted and they’re owned, they haven’t really been squats for a long time, it’s an exploration a lot of them are confronting in a little bit of a different way because they still have the tangible evidence of their time spent. But they’re not—they’re no longer—it’s no longer the same context. (Chrome 2010)

Squatters’ illegal occupations, as described by Famous, produced both individual identities and a sense of collective peoplehood. It was not yet clear if their new property relations as collective homeowners, combined with their shared history, could do the same. It was also not clear if former squatters who did not become homeowners would still be included. Fly and others hoped that history making could help reproduce the social relations of squatting in the context of new property relations.

As legalization became a reality, squatters’ pasts assumed new meaning, and their futures came into focus in new ways. As Famous describes, the buildings became historical objects, “tangible evidence” of the squatters’ work and experiences. The arc of the stories they told did not dramatically change, but what did change was their social context, their audience, and the spaces in which they could be shared. When their occupations were illegal, squatters tended to be secretive: they blacked out their windows, refused to give out their names or addresses, and tried to blend in. For many, it was only after legalization began that the opportunity even existed to publicly tell the story of their experiences. Of course, lives and experiences do not automatically become history with the passage of time any more than cultural practices automatically become intangible cultural heritage (Collins 2015). It takes the labor of history making to perform this alchemy (Trouillot 1995). And history does not have inherent meaning. It assumes meaning through the work of those who produce and use it. Squatters deeply disagreed over the content and meaning of their past, and these disagreements mapped onto conflicts

over the boundaries of their new property rights (Anderson 2008–9).

### Who owns the squats? Peoplehood and inalienable property

The conflicts surfaced as some of the buildings approached the final stages of becoming co-ops. As this milestone came into view, the reality of the constraints they had agreed to sank in, and a few residents began to argue, first in private and then in public, that they should be able to sell their apartments at market rate and to whoever could afford to buy them. Many thought that the resale caps should be raised but not removed. Some squatters had put tens of thousands of dollars into their homes and had spent years, even decades, working on their apartments and on the movement as a whole. This was time they did not spend building careers, working for cash, or saving for retirement. How could their investments even be quantified?

They were aging, raising children. Their health had been affected by decades of hard, cold, dirty, stressful living, and they saw the future as uncertain, with few options and many flights of stairs. Twenty thousand dollars would not allow anyone to relocate if they needed to move. It would support no one's retirement. They had worked hard, they argued, but they had not created a community that could care for them, nor could they rely on the land or their homes to sustain them. As policy makers continue to erode the national, state, and city social safety nets in the United States, it becomes harder and harder to ask individuals to contribute some of their own capital, even potential future capital, toward an ever-shrinking commons.

As in other contexts in which new forms of collective property have been produced, new collective peoples also had to be produced to own them. It was not at all obvious who would be part of the collective that owned the former squats, and the various history-making activities in which squatters were engaged all sought either implicitly or explicitly to answer this question. Did the collective that owned the squats include simply the people officially living in each building at the moment of co-op conversion, as the legal agreement stipulated? Everyone who had ever worked on them? Any low-income person who met the income guidelines and could afford to buy an apartment? Or did this housing belong to “the neighborhood”? If so, who was part of that neighborhood (see Figure 4)? Those who were there in the 1980s and 1990s? The poor and working-class Latinos whose rights to stay put were so often invoked as the neighborhood declined and then gentrified? The Jews or hippies there before them?

In their idealized form, indigenous land claims almost by definition are based on a deep timescale and a claim to have been the first people to make their homes on that land. In contrast, in an urban context, especially in a city like New



**Figure 4.** A sign reading “This Land is Ours. Property of the People of the Lower East Side. Not for Sale,” created by New York City squatters and housing activists to place on city-owned abandoned buildings in the 1980s. [This figure appears in color in the online issue]

York, characterized by constant population turnover, both in terms of individuals and groups, and an erasure of indigenous history, claims tend to be based on a shallower timescale. Even while being an “old-timer” in a place remains a powerful basis for claims and authority, that may mean being around for 20 years, rather than hundreds or thousands of years.

On the LES, squatters had formed as a group in the context of often bitter fights over space. Who got space in the squats was controversial even before those spaces could be exchanged on the market (Tobocman 2000). While I am focusing here on the parallels between squatters’ and indigenous peoples’ land claims, one could also see the squatters as settlers, colonizing the land of the “indigenous” Puerto Ricans who inhabited the neighborhood when they arrived.<sup>8</sup> In fact, the stories squatters told about their hard work, self-sufficiency, and entrepreneurial spirit probably had some roots in the pioneer narratives that undergird an American sense of peoplehood (R. M. Smith 2003).

Aware of these issues, the governing bodies of more politically oriented buildings gave preference to people from the neighborhood, especially people of color, but in almost all cases this failed to yield a population that resembled those of the surrounding buildings. Living clandestinely without running water, heat, or electricity bred a certain insularity. The developing squatter culture was alienating to many of the locals whom squatters tried to recruit, and some people of color invited into the squats felt tokenized. While the squatters were diverse in many ways and included many immigrants, working-class people, Latinos, and people of color, they included few Puerto Ricans from the LES. There is of course no count of who exactly was living in the squats while they were illegal, but I would



estimate that, in a majority-Latino neighborhood, at least half the squatters were white. White people were disproportionately represented among the squatters' public spokespeople and in media portrayals of the squatters.

Squatters' demographics prefigured changes in the neighborhood: by 2010 the neighborhood was half white, and the only remaining majority-Latino blocks were east of Avenue B, including the public housing projects by the East River (Statistical Atlas 2018). To the limited extent that they participated in the local art scene and bohemian subcultures that were commodified by the real estate industry, and insofar as they stabilized blocks and buildings by their stewardship, squatters (especially those who brought middle-class privilege with them) may have contributed to the gentrification of the neighborhood. Overall, however, squatters tended to produce art, culture, and property relations that resisted commodification. While they did not stop gentrification, they tended to use direct action in pursuit of their goals, including occasional and highly visible violence and property destruction, which sometimes made the neighborhood less attractive to newcomers and capital (Mele 2000, 279, 309). Still, it is undeniable that, as the neighborhood began to gentrify, squatters competed directly with more mainstream, often Latino-led, housing organizations that sought to develop city-owned abandoned buildings, including some of those occupied by squatters, as low-income housing.

All this made the squatters vulnerable to the critique that they were outsiders seeking to appropriate a collectively owned resource—city-owned abandoned buildings—to which they did not have rights. For example, real estate developer and local politician Antonio Pagán told the *New York Times*,

No one should have a God-given right to public property. The infamous minority creating havoc around Tompkins Square Park are living out their revolutionary fantasies. They are white, middle-class young people from the suburbs hiding behind the banner of helping the homeless. (Nieves 1991)

This is why it was particularly important for some squatters to frame their legalization deal as a victory not just for them personally but for the neighborhood, and to contrast their victory with the now-apparent reality that many of the low-income housing projects with which they were competing in the 1990s were, by the 2010s, reverting to the market. This is explained by Maggie Wrigley, originally from Australia, who is a longtime resident of the first building to complete the legalization process and an enthusiastic amateur historian:

We became such an enemy by fixing up places and making homes for people. And to be so demonized for that was so incredible. We were accused of everything,

speculation, trying to steal these buildings, and profiteering, and we were all from out of town, nobody was local, nobody had any commitment to the neighborhood. And that's the beautiful thing about where we are today. We can say that we are the only people that came out of this entire history that actually meant what we said. We said it was about affordable housing—these buildings will always be affordable housing.

Everybody that fought so hard against us, all these non-profit groups, they flipped, their buildings flipped, they are all market rate now. I'm really proud. We proved it. What we were doing was what we said and what we did was one and the same, and it took a long time to say that we proved it. But it's a fantastic thing. It's a gift to the neighborhood. (Wrigley 2012, 27)

When some squatters started saying publicly that they wanted to sell for market rate or even for more than a nominal price, it seemed to confirm that squatters' critics had been right all along: squatters *were* only in it for themselves, and did not have the long-term interests of the neighborhood at heart. This is why, while former squatters could now sell their apartments, most thought that it was politically important to make clear that they did not really *want* to. While we associate property rights most closely with buying and selling, this case helps remind us that property also can include the rights to keep and to tend. Some forms of property, such as heirlooms, traditional knowledge, homes, or land, may be tied particularly deeply to personhood or collective peoplehood (Carpenter 2008; Radin 1982). The forms of property that are most important for a collective sense of peoplehood are often inalienable (Weiner 1985). For many squatters, their buildings fell into this category, so it was these rights of stewardship and inheritance that those arguing for resale caps could most publicly seek.

In narrating their stories in the context of a conflict over property rights, those arguing for high or unlimited resale caps focused on their individual investments and personal stories of hard work. They explained that they needed access to cash because the squatting movement had failed to produce a community robust enough to support them in their old age. For this reason, they said they should have the option to leave, to break their ties to this place and these people, and to start over somewhere new. Others, like Maggie Wrigley, told the story differently. It was only this second type of story that was made into history in a more formal sense. Those arguing that the buildings should become regular commodities did not need historical narratives about them to make their argument, which did not rely on or produce a sense of collective peoplehood. It is the nature of a commodity to obscure its own history and the conditions of its production. In contrast, those arguing for resale caps sought specifically to make their work and its meaning visible as part of the project of maintaining their buildings as only partially commodified objects.

The purpose of all their hard work, the history makers argued, had not been to benefit individuals but to secure long-term affordable housing for low-income people. They had removed this land from the open market and turned it into an inalienable resource that would bind together generations of residents. Individuals might sell their apartments to new individuals, but with income and price restrictions those sales would perpetuate a collective of low-income, self-governed people in a form of keeping-while-selling (Franquesa 2013; Weiner 1985). According to those who wanted to freely sell their apartments, the movement had partly failed because it had not built the capacity to sustainably support participants into old age or halt gentrification in the neighborhood. In contrast, those who argued for stricter resale caps produced a history that ended in the triumph of pulling almost a dozen buildings out of the free market and preserving them as long-term affordable housing in a neighborhood desperate for just that.

Squatters' history-making activities were diverse and had a range of political valences. But they all broadly shared the same aims: to produce, perpetuate, communicate, and project into the future a sense of peoplehood for the squatters, one based on their history of hard work, their connections to the neighborhood and the buildings, and their long-term positive impact on the neighborhood as producers of partially decommodified low-income housing. This sense of peoplehood would allow them to publicly legitimize their collective and individual ownership and to function as collective property owners. In just a few examples: A group of former squatters formed a collective, applied for and received a New York State Documentary Heritage grant to inventory their archives, and started an oral history project archived at New York University's Tamiment Library. During my fieldwork, I watched squatters' public storytelling performances, illustrated with slides of artwork and archival images, helped Fly sift through her personal archives and use them to make memorials for squatters who had died, and attended a squatter-curated art show documenting the more than 100-year history of one newly legalized building. I also participated in the collective work to launch the Museum of Reclaimed Urban Space (MoRUS), a volunteer-run grassroots museum in the storefront of a legalizing squat. MoRUS told the story of New York's squatting movement, as well as of the city's other space-claiming social movements (see Figures 5 and 6).

MoRUS was the most explicitly political of these projects. It was founded specifically to counteract an emergent public narrative that a series of what organizers saw as hard-fought activist victories—the preservation of community gardens, creation of a network of bike lanes, and legalization of the squats—were actually giveaways from an enlightened and progressive city government. Longtime activists realized that if they did not effectively tell the stories of their victories, no one would join their new



**Figure 5.** Former Lower East Side squatter Peter Spagnuolo presents a storytelling slideshow at a Brooklyn bar, 2010. [This figure appears in color in the online issue]



**Figure 6.** A display of now-obsolete handmade wood-burning stoves at a 2009 art show at Bullet Space, a newly legalized squat in New York. [This figure appears in color in the online issue]

campaigns. The museum was created to tell those stories. Its exhibits celebrate the squatters' struggle and accomplishments, specifically the creation of low-income housing, without mentioning the more politically complicated aspects of this history, including conflict with other local housing activists and the more recent controversy over resale caps. These are historical stories designed to instruct and to recruit.

Those creating archives and recording oral histories took a more self-consciously objective approach, working with a university-based archive to preserve their collections and counting on future researchers to tell their story. In this project, the squatters' role was not to create the narrative but to provide and contextualize the sources for others to do so. They sought to harness the power of the academy to legitimize their experiences. Producing oral history interviews for an archive is one particularly effective means for nonprofessionals to amplify their voices by linking their authority as participants in history to the authority of history as a profession (Starecheski 2014). The initial interviews were conducted by an NYU undergraduate, who was supervised by the head of the archive and a collective of squatters

who met regularly with the student to review the interviews and provide feedback. Beginning each interview with a life history, his questions sought to elicit both the chronology and major events of the squatters' history and detailed descriptions of social and material life in the squats, including political and racialized conflicts among squatters.

These more professionalized projects were not apolitical, but they did seek to use squatter history in a different way, critically documenting LES squatter culture in all its complexity, in part so that future generations of squatters could learn from them and their traditions. An idealized and sanitized history would not really be of use to future squatters wrestling with the real challenges of squatting. As Matt Metzgar, one of the archive's cofounders, explained at a 2010 forum for radical New York archives, collaborating with a university archive posed the "challenge of making our archives living documents that relate to the present so it doesn't feel like we are embalming our own history."

The historical moment of the 2008 housing crisis and the surge of interest in squatting in its aftermath seemed, in 2010, to offer an opportunity: "We would like our archive to relate to these movements so that hopefully people who are going to take the torch and start squatting buildings again can find that they are part of a living tradition," Metzgar said. Some went even further: in 2009–10, squatters ran training workshops for potential squatters in radical spaces and at universities, targeting artists, homeless people, students, and people experiencing foreclosure.<sup>9</sup>

In the end, the history makers won the battle over resale caps. Former squatters found it politically impossible to sell their apartments at market prices. The elected officials who represented the "public" accepted their narrative in which collective labor produces collective property to which future generations of low-income people have rights. They had to approve the deal and any modification to it, and they had a hard enough time "giving away" almost a dozen of the few remaining city-owned tenements for a dollar each without the specter of those same apartments quickly appearing in the real estate listings for hundreds of thousands of dollars. The local council member at the time of the original deal, Margarita Lopez, lived in a zero-equity co-op in which members could resell their apartments only for what they paid for them plus the value of any improvements. She had insisted that all the squatters come together in person and promise to her face that they were not in this for profit before she agreed to sign off on the 2002 agreement. In her remarks at the opening of MoRUS, then council member Rosie Mendez claimed squatters' labor for "the community" as she narrated their history:

When people abandoned this community, when there were shells of buildings, when there were lots full of debris, it was the people in this community that said, "No, we're not leaving! We're going to reclaim what's ours!"

[. . .] It was the people in this community that said, "You know what? We're going to go in there, we're gonna sweat, and we're gonna squat, and we're gonna revive our buildings and make them livable spaces." And we did that!

But squatters' argument that their hard work was going unrewarded in the original deal did lead to a significant change: Mendez agreed to a deal in which the resale caps were raised to about \$100,000 and would rise 3 percent each year (at a rate in line with average rent increases on rent-stabilized apartments). Buyers would be allowed to make 120 percent of the area's median income. While squatters would not receive a windfall profit, they had a chance to move to other housing if they decided to sell. And while the buildings would remain low-income housing, they would be less affordable and open to those with incomes higher than the area median.

### Conclusion: Property and history as resistance to commodification

In their unorthodox path to homeownership, squatters were both becoming property owners and challenging property in the narrow sense of capitalist, individual private property. Like indigenous people who seek to register their traditional knowledge not to sell it but to protect it from commercialized circulation, squatters arguing for stricter resale caps were framing property rights in terms of stewardship, not market exchange. It is not easy to use property law to limit the market. In Australia, indigenous groups registering land rights in the context of a natural resource boom felt an urgent need to focus on managing and capturing the flow of money from the use of their land, and thus their own sovereignty and nonmonetary relationships to the land were marginalized (Weiner and Glaskin 2007a, 6).

In the real estate boom on the gentrifying LES, squatters experienced similar pressures. When a life-changing profit seemed within reach, it was tempting, even to the most community minded, and especially to those with few resources, and this imagined future profit changed the terms of debate. The availability of the HDFC form of ownership and the political pressure on squatters to give up some of their property rights in exchange for the "gift" of these publicly owned buildings did two things: they helped squatters use the logics of private property to allow their former squats to be exchanged as commodities, and they helped constrain this circulation.

History became an important tool for a subset of squatters to assert a sense of peoplehood, to define a meaningful collective with the purpose and strength to steward both intangible and tangible property in land, even in the face of significant pressures to commodify their buildings, and to enroll all the buildings' collective owners in this project

through shared regulatory agreements. The social processes of history making—telling stories together, debating their meanings, sharing the labor of producing archives and exhibits—undergird the social processes of perpetuating a sense of peoplehood. The public narratives of history then announce the existence of a people to the world. As they transitioned from being secretive, illegal squatters to publicly visible homeowners, the authority of history—both of firsthand testimony and history-making institutions and practices with which they associated themselves—enabled squatters to speak in public about their experiences.

As a genre, historical narrative ties individual stories together into a collective story, a story that includes conflicts and complexity but that nonetheless makes sense. It takes the jumble of experience and interprets it, and it does this in public. As they seek to produce explanations of change over time, historical narratives must engage the tension between structure and agency, and they must include historical actors. For squatters, part of the useful work of history making was the work of repositioning themselves as historical actors who had simultaneously battled, changed, and worked within the structures that continued to shape and reshape their city and their neighborhood, who had returned their buildings to the market, but only partially.

History making was in some ways a politically risky strategy. In gentrifying neighborhoods and towns, history and commodified “local culture” can be deployed by upwardly mobile residents, developers, and city agencies to produce real estate value, and part of the LES’s pull has long been its radical history (Brown-Saracino 2010; Dávila 2004; Dorst 1989; Franquesa 2013; Greenbaum 1990; Price 1998). But those who live the local culture may also have a say, and a stake, in representing themselves. In producing intangible cultural heritage and history tourism, people’s actual practices transcend simplistic dichotomies between commodification and authenticity, or commodification and alienation (Busse 2009; Collins 2015; Coombe 2011; Ferry 2005).

As owners of limited-equity, low-income co-ops, former squatters were figuring out how to inhabit an unusual and liminal space: homeowners, but part of a collective, able to sell their apartments, but for limited prices and only to low- or moderate-income buyers approved by their neighbors. Their stories of hard work, cold winters, and shared struggle allowed them to explain, both to themselves and to the public, both why they deserved the ownership rights they had and why they had given up those that threatened their sense of peoplehood. At the same time, their history provided a tool to induct new members of their co-ops into their group, extending their project of creative sociality and affordable housing into the future. History became part of the inalienable property of the former squats, along with the buildings themselves. The apartments could be sold, but their partially decommodified status made them, in an important sense, inalienable.

## Notes

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1. The very category of “indigenous people” is a situated cultural construction with meanings and histories that vary tremendously across contexts, often produced through interaction with laws governing claims to land and rights. Heritage-based groups also make collective claims on land based on collective identities and shared history. Because most of the scholarship in this area focuses on groups identified as indigenous, here I will use *indigenous* as a shorthand for this broader category of land claims.

2. Advocates for community land trusts do seek collective ownership and control of land.

3. The law governing the creation and operation of HDFCs is Article XI of New York State’s Private Housing Finance Law.

4. While New York City is famous for its brutal housing market, private property in housing is actually more constrained there than in many other American cities because of a mix of strong protections for tenants and a long history of social housing, public housing, and limited-equity co-ops.

5. Of course, most US homeowners benefit from the mortgage interest tax deduction, but this subsidy is not generally seen as such.

6. Narrators’ real names are used, with their consent and in accordance with standard oral history practice. This research is based on oral history, archival research, and participant observation conducted from 2008 to 2016.

7. Fly Orr, interview with author, 2012. All quotations from this and other interviews have been edited for clarity and length.

8. Widely used frontier and colonial metaphors frame gentrifying neighborhoods as empty and available for the taking, erasing prior inhabitants (N. Smith 1996).

9. This hoped-for squatting resurgence did not materialize. The historical moment after the 2008 crisis was different from the decade that followed the fiscal crisis of the 1970s. Single-family homeowners whose mortgages were foreclosed did not express the same kind of collective outrage and collective entitlement as tenants who had been abandoned by their landlords. Banks were a different target from city government. While some of the strategies that worked to squat decrepit apartment buildings in the center of the city worked for single-family homes at the edges, others did not translate.

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