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Evictions, Petitions and Escraches: Contentious Housing in Austerity Spain

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ABSTRACT In the context of the new period of mobilization begun in Spain with the rise of the indignados in May 2011, protests against home evictions are today at the center of local and international discussions. This article seeks to make an initial examination of these mobilizations and their relationship with routine politics in Spain. After a brief historical introduction the article looks at the different kinds of action, both contentious and conventional, employed by the movement against the evictions, as well as the various scale shift mechanisms that have diversified the number and range of actors involved in this particular case of contentious politics. The conclusions look at the question of as to what point recent developments have broken with the deep-rooted tendency toward a lack of interaction between protest movements and institutional actors.

KEY WORDS: Housing evictions, contentious politics, Spain, petition, escrache, scale shift

Every 15 minutes, a family is evicted from their home in Spain because they are unable to meet their mortgage payments: there were 30,034 family home evictions in 2012. The source for this data is the latest Land Registry report, the most reliable source of information given the absence of official statistics that specifically deal with evictions. Similar figures are expected for 2013. This is occurring in a context in which there are 3.4 million homes vacant in Spain. Over the last decade, the equivalent of a new home for every newborn person in the country has been constructed. The so-called property bubble and the economic model based on it have aggravated the global economic crisis in Spain, producing an unemployment rate of 27% (57% among the young) and a poverty rate of 21%. This is the context in which a new social movement has managed to mobilize a lot of people against the evictions, attract broad social support and constitute a continuing challenge to the state.

This profile seeks to make an initial examination of the Spanish movement against housing evictions and its relationship with routine politics in this country. Mobilization around the problem of housing in Spain is not new, but it is attracting a great deal of attention today due to, among other reasons, the visibility, intensity and variety of collective action; the reaction from political parties and political institutions; and the new opportunities for policy change. I will examine the relationship between movements, parties and the state in this particular case of contentious politics, exploring the spaces in...
which actions of actors at the gates of the polity and of actors within the polity interact’ (Tarrow, 2012, p. 3).

Mobilization Against Housing Evictions over Time

The Plataforma de Afectados por la Hipoteca (PAH; the platform of those affected by mortgages) is the most important organization involved in the movement against evictions. This network, which today has chapters in 145 cities (39 of them in Catalonia), emerged in 2009 as part of a broader social movement that had been campaigning for access to decent housing since 2003. The most important predecessor network organization to PAH was V de Vivienda (H for Housing), a name used by various local assemblies, the first of which was founded in June 2006 after a sit-in in the center of Madrid which attracted 5000 participants through the use of email and the Internet. However, in spite of its broad social base, Aguilar and Fernández (2010) have explained the lack of political and social results achieved by the movement on the basis of its construction of a radical, exclusive and poorly functioning mobilization frame which tended to drive away potential allies in both conventional politics and the media, and also among immigrants, workers and women.

The relationship between the movement of the indignados and the housing social movement is reciprocal. The indignados movement, also known as 15-M, arising from the date of its foundation (the protest march of 15 May 2011) emerged from the diverse experiences, successful and unsuccessful, of prior social movements, including those connected with the problem of housing. Thus, the creation of mobilization messages aimed at the construction of general demands and easily identifiable actors responsible for particular grievances has been one of the identifying marks of the indignados movement. Activists themselves connect this development with the failed previous experience of the movement for decent housing and the construction of mobilizing frames which did not obtain enough support to sustain the mobilization and achieve satisfactory results (Romanos, 2013). Furthermore, the period of intense mobilization initiated in May 2011 has facilitated the recruitment of a large number of people into the activities and organizational structure of previously active social movement organizations such as PAH, whilst the indignados movement has adopted the protests against evictions as its own and used its networks to give visibility to the calls for action over the housing problem.

Combining Contentious and Conventional Actions

Among the most noteworthy activities of the anti-eviction movement have been the blocking of evictions, the occupation of apartment buildings and what are known as ‘escraches’, a form of protest which consists of the public condemnation of those responsible for an injustice with the objective of exposing and upsetting them. PAH has to date blocked as many as 700 evictions on the basis of the use of a specific protocol for action. Firstly, activists are called to gather at the door of the dwelling that is being auctioned to prevent the relevant legal figures and bank officials from accessing it, so gaining time for a solution to be found to the breakdown in mortgage payments. If negotiations with the police do not work and they decide to use force, the protocol recommends active and peaceful resistance. The media are also summoned to give publicity to any possible police brutality. In addition to these actions to block evictions,
PAH activists have also occupied newly constructed and unoccupied apartment buildings that are usually the property of the banks. These occupations form part of a strategic plan (known as the ‘PAH welfare program’) and are usually carried out by groups of activists who, once they have control of the apartments, turn them over to families that have been evicted from their homes and are in great need.

However, in early 2013, public opinion in Spain focused less attention on these actions than on ‘escraches’. The word comes from the popular slang of Buenos Aires, and refers to a kind of public protest that shows a person up for who they really are. Although similar forms of protest have occurred in other places, the first ‘escraches’ recognized as such date from the 1990s, a period when impunity reigned regarding crimes that had been carried out during the 1976–1983 dictatorship in Argentina. Families of the ‘desaparecidos’ during the dictatorship would demonstrate outside the homes or the workplaces of some of those responsible for crimes during the dictatorship, so that their neighbors and workmates would come to know who they really were and what they had done. Later the range of objectives for this kind of protest broadened to include those responsible for the crisis which swept the country after the ‘corralito’ of 2001.

In Argentina, the objective of the ‘escraches’ was to end the impunity of those against whom they were directed. In Spain, many citizens feel that they are being affected by a crisis that others were responsible for causing and on whom it has had no effect. ‘It’s not a crisis, it’s a scam’ is one of the most popular slogans of the protests against austerity policies. Basic services were cut at the same time as billions of Euros were made available to bail out a considerable part of the Spanish banking sector and while corruption scandals continued to break. Second to unemployment, corruption and fraud are the most important worry of Spanish people today. Measures such as the tax amnesty, the amnesty for convicted bankers and the appointment of former politicians to the boards of directors which benefited from their decisions while in power (the so-called revolving doors) have had the general effect of reinforcing the impression of an immunity enjoyed by elites.

In this context of impunity, the growth of ‘escraches’ in Spain is directly related to other conventional forms of action used by the anti-eviction movement. The first ‘escraches’ were carried out in March 2013 and had as their targets the politicians who objected to a Iniciativa Legislativa Popular (ILP; Popular Legislation Initiative) supported by PAH and other organizations and which called for the regulation of a system of retrospective payments in kind for distressed mortgage holders (to allow them to pay off their debt, partially or completely, by voluntarily handing their property back to the bank; there is currently no such system in Spain), the blocking of evictions and the promotion of social rental of housing.

In Spain, ILPs need half a million signatures to be put before Parliament. In this case, the promoters of the ILP got almost a million and a half signatures. In spite of this, the conservative Partido Popular (PP) was going to block its discussion using their absolute majority in Parliament. This possibility exists because half a million signatures only guarantees that the ILP will be placed before Parliament and not necessarily that it will be approved or even discussed. This is a position that is difficult to justify given the social drama produced by the evictions, a situation described by the activists within Parliament itself. A week earlier, Parliament’s Economy Committee had invited Ada Colau, PAH’s most visible spokesperson, to address it and she had given a clear account of the suffering produced by the evictions at the same time as she attacked the greed of the bankers and the passivity of the politicians. The PP finally gave into the pressure and allowed the proposal
to be discussed, minutes after the news of the latest suicide to be provoked by the evictions became known. This action, to which the media gave a high level of coverage, generated a wave of indignation which was too large to be calmly surfed by the PP and the government.3

However, although it was permitted to be discussed, the ILP had no chance of being approved, as the PP had long made clear its position against it. The objective of the ‘escraches’ was to pressurize that party’s deputies to change their vote. In practical terms, the ‘escraches’ consisted of the visit of a group of activists to the home of a politician, with the intention of better informing them of the social problems created by evictions and inviting them to the assemblies and activities of the PAH. During the course of a visit, activists put up stickers, chant and generally make noise. They would previously have flooded the politician’s email account with messages. The ‘escraches’, which initially enjoyed a very high level of public support (as high as 89% in some polls), have been condemned by the leadership of the party as violent and very dangerous forms of intimidation which infringe the right of politicians to freely exercise their conscience. This is a noteworthy argument for the party leadership to use given that the exercise of this very liberty is restricted by what is known as ‘party discipline’ with its accompanying system of sanctions for those who break it. In any case, the vehemence and frequency of the criticism of the ‘escraches’ has only succeeded in greatly raising their visibility in the media. The Secretary General of the PP has had no hesitation in describing the ‘escraches’ as ‘pure Nazism’ as well as ‘totalitarian and sectarian’ and has related them to the atmosphere of conflict and political tension prior to the Spanish Civil War (1936–1939). There have also been PP politicians and certain voices in the media which have linked the housing activists to supporters of the Euskadi Ta Askatasuna (ETA) terrorist organization and made a connection between their methods and those used in the context of street violence in the Basque Country.4

The PP deputies finally voted not for the ILP but for a law proposed by their own parliamentary group. All the other deputies voted against it. The text includes certain improvements with regard to the previous law, which dates from 1909. The interest charged for delay in mortgage payments is limited to 12% and an eviction can no longer be ordered on the basis of a single missed payment but rather three. However, the new proposals did not include the bulk of the demands included in the ILP regarding payment in kind, the use to which vacant apartments were to be put and debt relief for families. The PAH and the rest of the promoters of the ILP proposed various minimum demands of which there was not a sign in the new law, which was finally approved on 8 May (after 273 amendments from the opposition parties had been dismissed). Meanwhile the ‘escraches’ have become a widespread form of protest and been held outside the headquarters of banks in order to damage their corporate image. They have also been carried out by other groups negatively affected by austerity policies such as those affected by cutbacks in health and education. These people have held ‘escraches’ outside the offices of firms which have benefitted from the privatization plans enacted by various regional governments.

Scale Shift(s)

The challenge of the anti-eviction movement has not been limited to the members of the Spanish government or the members of Parliament. It has included other state institutions, among them judges, whose role has ended up involving the European Union (EU) in these
matters. On 20 January 2011, Mohammed Aziz was evicted from his home. His lawyer appealed to the conscience of a judge known for being sensitive to the issue of evictions to place the issue before the courts of the EU. The question to be decided was whether Spain’s mortgage law was compatible with European consumer rights. On 14 March 2013, the court in question decided that the Spanish law infringed the rights of people affected by it. This opened up a legal vacuum and a window of opportunity for the housing activists who have begun a campaign to flood the courts with appeals. Many judges have started to block evictions until the new law comes into effect, a law which will probably not deal with all the issues in the European judgment and so will leave the judges with a certain margin for interpretation. In light of this, the PAH has requested an injunction from the European Parliament, a procedure that will also involve the European Commission and which might end up with the government of Spain being shown to be in the wrong.

The scale shift has not only been upward, from the national to the supranational context, in the case of the EU. Contentious actions have also involved a new range of actors at a lower level. Housing activists have often found allies in the regional and local governments. More than 400 municipalities have joined the PAH campaign against evictions and in favor of payment in kind. In some cities, committees have been set up on the initiative of the PAH with the objective of finding ‘institutional mechanisms at the local level to alleviate the scourge of evictions and in which political groups and social entities participate’ (Colau & Alemany, 2013, p. 57). On 9 April 2013, the Junta de Andalucía (Regional Government of Andalusia) issued a decree, the provisions of which included the temporary expropriation of homes owned by banks from which vulnerable families have been evicted and a system of penalties for banks that own homes and do not rent them out. Andalusia is one of the few regional governments in Spain that is not in the hands of the PP. The political map of Spain is generally conservative. Eleven regional governments are in the hands of the PP, four are controlled by regionalist or national parties (all conservative) and only two by the Partido Socialista Obrero Español (PSOE), the Spanish socialist party. In Andalusia, the PSOE rules in coalition with Izquierda Unida (IU; United Left) and the above-mentioned decree is in fact the result of an initiative from that party, the third biggest in Spain at the national level. The governments of Catalonia and the Canary islands, both controlled by nationalists, have shown interest in applying similar measures to those taken in Andalusia.

The Andalusian government decree – and its possible extension to other regions – has initiated a political battle with a lot in play for the parties. The PP at the national level has threatened to take the regional government to the Constitutional Court on the basis that the regional government has no competence to legislate on this matter. The governing parties of the regional coalition are practically begging them to do so as the evictions are a question to which public opinion is very sensitive and the regional PP does not want the appeal to the national-level court to go ahead as it sees this move as damaging to its image. On the left, the PSOE and IU are competing for the same electorate and so each seeks to appropriate the measure as its own. For the IU, it represents an opportunity to break with the PP–PSOE two-party system which has remained strong in the institutions even while receiving an ever higher level of rejection on the streets, in intention to vote and opinion polls generally. Finally, the conflict could be a lifeline for the PSOE, which has not managed to capitalize on the decline in popularity of the PP. The national leadership of the socialists has embraced the decree and incorporated the bulk of its provisions in the amendments to the new law (naturally, the PP deputies have rejected them all). Other
gestures have been made too. The socialist deputies abandoned a proposal to discuss the ILP before its time. However, the housing activists have not forgotten that during its years in power, the PSOE blocked their initiatives and ignored the social drama caused by the evictions.

Final Thoughts

Spanish political institutions are particularly sealed off from the demands of protest movements. The distance – and in many cases the complete lack of contact – between those protesting in the street and those with institutional power are based on an institutional framework designed by the political elites during the transition to democracy in the late 1970s which isolates representatives from the direct social pressure of protest movements (Fishman, 2012), a transition which occurred in a political context of social effervescence, the atomization of parties and strong resistance from the right and the Armed Forces to the moves that were being made to leave Franco’s dictatorship (1939–1975) behind.

As a consequence of all this, the connection between protestors and power-holders is weaker than that in other countries with a similar history but with a different sort of democratic transition, such as Portugal. It is just one example, but in Spain’s western neighbor the promoters of an ILP needed only 35,000 signatures for it to take effect while in Spain the required number is half a million. In any case, the blockages are not only institutional; they are also related to the sensitiveness of the political authorities to the voices of the street. Of the 65 ILPs that have been presented since 1978 only one has been approved, in 1996, and involved the modification of just one article of a law concerning horizontal property. The PP deputies’ attitude toward today’s ILP against the evictions is another good example of this lack of sensitivity.

In this context, it is understandable that the activists at the gates of the polity have not shown much interest in dialog with actors within the polity. However, the mobilizations against evictions seem to be marking a change in this pattern. Without abandoning street protests, PAH activists are conscious of the importance of having allies within the institutions at the local level: ‘you have to be rooted in the territory, forge alliances with local actors and entities, residents and neighborhood assemblies and have at least a basic knowledge of the local institutional terrain’ (Colau & Alemany, 2013, p. 68). The activists have not only organized marches, occupations of buildings and ‘escraches’, but they have also spoken with representatives of political parties, played a role in the national and European parliaments and made strategic use of the media, including the mass media, conscious of its importance in making problems visible. They have worked with the social services, they have sought support from judges and also received support from other actors in the eviction process such as some organizations of locksmiths and firefighters who have refused to participate in the process.

The ball now appears to be in the court of those who govern. Some parties and institutions – by no means all – have started to show a certain sensitivity in the case under review here to reducing the distance that has traditionally separated them from the voice of the street, a distance that the citizenry is ever more inclined to look at as a problem. Time will tell to what extent this change, on both sides of the equation, becomes consolidated.
Notes


2. Impunity relied on the passing of the Full Stop and Due Obedience laws approved in December 1986 and June 1987, respectively.

3. The situation was even more galling in that PP deputies, as well as those of other parties, had taken a positive view of another ILP which was voted on that day the effect of which was to make bullfighting a protected cultural activity.

4. The armed Basque separatist organization ETA has caused more than 820 deaths since 1968. In 2011, it announced a ‘definitive cessation of armed activity’.

References


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