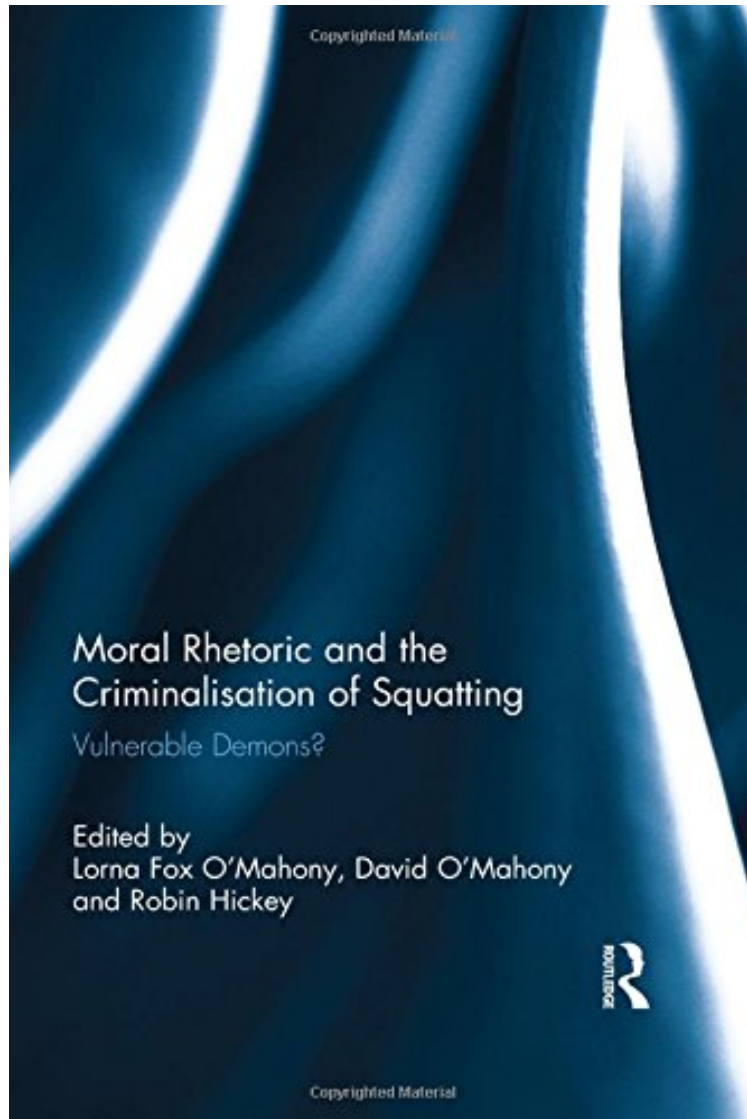


Moral Rhetoric and the Criminalisation of Squatting: Vulnerable Demons?

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0 of 0 people found the following review helpful. A modern appraisal...By Phillip Taylor MBEA MODERN APPRAISAL OF THE LAW OF SQUATTINGAn appreciation by Phillip Taylor MBE and Elizabeth Taylor of

Richmond Green Chambers The three authors of this book, Lorna Fox O'Mahony, David O'Mahony and Robin Hickey, were members of the Durham Law School where papers on this subject were presented to a workshop. Since the workshop presentations, the papers have been revised by peer-reviewers (always a good idea!) and the end result is an important turning point in the practice of unlawful occupation since the passing of section 144 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPOA). What we found remarkable about this book is its depth and the amount of research which has gone into it after years of indecision and political stalemate on what to do with the squatter. There are eleven contributors who have each offered constructive insights into what is clearly (for some) a moral issue combined with a certain amount of rhetoric on both sides of the debate. To many observers, section 144 could not come into force quickly enough, and to others, the sub heading vulnerable demons may well spring to mind as a fair description of unlawful occupation unless, of course, you have been a victim of a squatter yourself in which case you may feel rather differently about squatting. We make no comment on either side of the debate except to say that a balance has been achieved by the editors to produce useful jurisprudence on an issue which has bedeviled generations of politicians until 2012. The book is 250 pages long and split into three parts: Part I covers the state: critical perspectives on criminalization in the neoliberal state; Part II covers the squatter: vulnerability, lifestyle, protest and political rhetoric; and Part III covers the landowner: protecting property and adverse possession. We suppose it is fair to say that the criminalizing of squatting was on the cards for some considerable time and yet it has taken a Conservative and Liberal Democrat Coalition Government to bring it about. Read the introduction and then skip to the conclusions by the three editors before you immerse yourself in the detailed content from the contributors. As the editors say, the book offers a range of scholarly perspectives on this new offence which has transformed a civil tort of trespass into a crime and the implications are profound for both substantive law areas. This book is an absolute treasure for both teachers and students interested in the basic jurisprudence of where a tort ends and a crime begins and whether in the 21st century the law of tort has as much relevance today when the state can deal more effectively with a trespass than the civil courts have done. The answer, of course, is that it makes the position of the landowner more secure and that gets to the very roots of the history of English common law from its earliest days. That is clearly what Parliament wanted to do, and it is doubtful whether there will be any going back or repeal of section 144 although there may be calls for such repeal in the future as some see the State over-reaching itself. The final word goes to the editors who sum up the position nicely: this collection offers a lens through which to view the impact of this changing political environment on law and policy. And there is probably more of this to come as the century unfolds so thank you, Routledge, for publishing such an excellent book at such a pivotal moment in English legal history.

This collection of critical essays considers the criminalisation of squatting from a range of different theoretical, policy and practice perspectives. While the practice of squatting has long been criminalised in some jurisdictions, the last few years have witnessed the emergence of a newly constituted political concern with unlawful occupation of land. With initiatives to address the threat of squatting sweeping across Europe, the offence of squatting in a residential building was created in England in 2012. This development, which has attracted a large measure of media attention, has been widely regarded as a controversial policy departure, with many commentators, Parliamentarians, and professional organisations arguing that its support is premised on misunderstandings of the current law and a precarious evidence-base concerning the nature and prevalence of squatting. *Moral Rhetoric and the Criminalisation of Squatting* explores the significance of measures to criminalise squatting for squatters, owners and communities. The book also interrogates wider themes that draw on political philosophy, social policy, criminal justice and the nature of ownership, to consider how the assimilation of squatting to a contemporary punitive turn is shaping the political, social, legal and moral landscapes of property, housing and crime.

"*Moral Rhetoric and the Criminalisation of Squatting* is a comprehensive and wide-ranging, multidisciplinary examination of this important topic that sets the bar for all future work. Leading figures and emerging new voices develop a series of unique insights into the offence of squatting from the perspectives of the state, the squatter and the landowner in the UK and beyond. Anyone with an interest in this topic must engage with the contributions to this excellent collection." - Professor Thom Brooks, Durham University, UK "This book is an absolute treasure for both teachers and students interested in the basic jurisprudence of where a tort ends and a crime begins and whether in the 21st century the law of tort has as much relevance today when the state can deal more effectively with a trespass than the civil courts have done." - Phillip Taylor MBE and Elizabeth Taylor of Richmond Green Chambers About the Author Lorna Fox O'Mahony and David O'Mahony are based at the University of Essex. Robin Hickey is based at Queen's University, Belfast.