Notes

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* The names of private people appearing in the book (my landlord, lawyers, state officials) are changed to protect their anonymity.

Chapter 1

[1] The UN Research Institute for Social Development proposes the term 'solidarity economy' to describe economic activities oriented towards social sustainability and participatory governance. Cf. Peter Utting, Jean-Louis Laville and United Nations Research Institute for Social Development (eds), *Social and Solidarity Economy: Beyond the Fringe* (London: Zed Books, 2015).

[2] Ralf Hoffrogge, 'Nie wirklich weg. Fünf Formen von Gemeineigentum in der Geschichte und ihre Bedeutung für das Ringen um Vergesellschaftung heute' (2024) **1** *Arbeit – Bewegung – Geschichte. Zeitschrift für Historische Studien* 10–33.

Chapter 2

[1] Walter Benjamin, 'Critique of Violence', trans. Brace Jovanovich, in *Walter Benjamin: Selected Writings* (Cambridge, MA: Harvard University Press, 1996), pp. 236–52.

[2] https://bit.ly/3SRn1pg (last accessed 21 February 2024).

[3] BVerfG, Judgement on 26 May 1993, AZ 1 BvR 208/93.

[4] Immanuel Kant, *Groundwork of the Metaphysics of Morals*, trans. and ed. Mary Gregor (Cambridge: Cambridge University Press, 1997), p. 37 (emphasis in the original).

[5] Edward J. Eberle, 'The German Idea of Freedom' (2008) **10** *Oregon Review of International Law* 1–76.

[6] www.gesetze-im-internet.de/englisch_gg/englisch_gg.html#p0023 (last accessed 1 July 2023).

[7] Edward J. Eberle, 'Observations on the Development of Human Dignity and Personality in German Constitutional Law: An Overview' (2012) **33** *Liverpool Law Review* 201–33, 211.

[8] Alex Tuckness, 'Locke's Political Philosophy' in Edward N. Zalta and Uri Nodelman (eds), *The Stanford Encyclopedia of Philosophy*, Fall 2023 ed.; see also C. B. Macpherson, *The Political Theory of Possessive Individualism: Hobbes to Locke* (Oxford: Clarendon Press, 1962).

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[9] BVerfG, Judgement on 26 May 1993, AZ 1 BvR 208/93.
[10] Ibid.
[11] For an excellent analysis of shock therapy as a neoliberal strategy of governance, see: Naomi Klein, *The Shock Doctrine: The Rise of Disaster Capitalism* (New York: Picador, 2008).
[12] Maria Jarosz, *Wygrani i przegrani polskiej transformacji* (Warsaw: Oficyna Naukowa, 2005).
[13] Hannah Arendt, '8. Public Rights and Private Interests: In Response to Charles Frankel' in M. Mooney and F. Stuber (eds), *Small Comforts for Hard Times* (New York: Columbia University Press, 1977), p. 108.
[14] Marc Galanter, 'Why the "Haves" Come Out Ahead: Speculations on the Limits of Legal Change' (1974) **9**(1) *Law & Society Review* 95–160.
[15] These are: Berliner MieterVerein e.V., Berliner MieterGemeinschaft e.V. and Mieterschutzbund.
[16] The singing of the Cottbusser Choir is documented in a movie titled *Miete essen Seele auf* [Rent Eats the Soul], dir. Angelika Levi, 2016.
[17] Deutsche Wohnen SE, company presentation (power point slides), 2017.
[18] Christoph Trautvetter, *Who Owns the City? Analysis of Property Owner Groups and Their Business Practices on the Berlin Real Estate Market* (Berlin: Rosa Luxemburg Stiftung, 2020).
[19] Adolf A. Berle and Gardiner C. Means, *The Modern Corporation and Private Property* (New York: Harcourt, Brace & World, 1968 [1932]), p. 18.
[20] Jean-Philippe Robé, *Property, Power and Politics: Why We Need to Rethink the World Power System* (Bristol: Bristol University Press, 2020), p. 231.
[21] Directive 2007/36/EC of the European Parliament and of the Council of 11 July 2007 on the exercise of certain rights of shareholders in listed companies. See also: Lynn A. Stout, *The Shareholder Value Myth: How Putting Shareholders First Harms Investors, Corporations, and the Public* (San Francisco, CA: Berrett-Koehler, 2012).

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[22] Berle and Means, *The Modern Corporation and Private Property*, note 19 above.
[23] https://bit.ly/49AQLOc (last accessed 21 February 2024).
[24] Joel Bakan, *The Corporation: The Pathological Pursuit of Profit and Power*, Free Press trade paperback ed. (New York: Free Press, 2005), pp. 61ff.
[25] This is the Qatari Investment Authority. See: www.bbc.com/news/business-40192970 (last accessed 21 February 2024).
[26] Saskia Sassen, 'The Politics of Equity: Who Owns the City?' Lecture at the London School of Economics, 25 November 2015, www.youtube.com/watch?v=UAQuyizBIug (last accessed 21 February 2024).
[27] https://bit.ly/3T7hImR (last accessed 21 February 2024).
[28] *Stadt als Beute*, directed by Andreas Wilcke, 2015.
[29] A 1993 law (*Altschuldenhilfegesetz*) obliged East German municipalities to privatise at least 15 per cent of their housing stock.
[30] Benedict Ugarte Chacón, *Berlin Bank Skandal: eine Studie zu den Vorgängen um die Bankgesellschaft Berlin*, 1st ed. (Münster: Westfälisches Dampfboot, 2012).
[31] Philipp P. Metzger, *Die Finanzialisierung der deutschen Ökonomie am Beispiel des Wohnungsmarktes*, 1st ed. (Münster: Westfälisches Dampfboot, 2020).
[32] https://de.marketscreener.com/kurs/aktie/DEUTSCHE-WOHNEN-SE-487040/unternehmen/ (last accessed 21 February 2024).
[33] See e.g.: Katharina Pistor, *The Code of Capital: How the Law Creates Wealth and Inequality* (Princeton, NJ: Princeton University Press, 2019).
[34] https://bit.ly/3UOhJ0w (last accessed 1 September 2023).
[35] Hartwig Dieser, 'Restitution. Wie funktioniert sie und was bewirkt sie?' in Hartmut Häußermann and Reiner Reef (eds), *Stadtentwicklung in Ostdeutschland* (Opladen: Westdeutscher Verlag, 1996), pp. 129–38.
[36] 'Fehl-Steuer Ost', *Der Spiegel*, 46/1997, 32–48.
[37] Matthias Bernt and Andrej Holm, 'Die Ostdeutschlandforschung muss das Wohnen in den Blick nehmen: Plädoyer für eine neue politisch-institutionelle

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Perspektive auf ostdeutsche Städte' (2020) **8** *sub\urban. zeitschrift für kritische stadtforschung* 97–114.

Chapter 3

[1] https://bit.ly/3ORiTV8 (last accessed 21 February 2024).
[2] https://taz.de/Initiative-Neue-Wege-fuer-Berlin/!5649089/ (last accessed 21 February 2024).
[3] Friedrich Engels and Karl Marx, *The Communist Manifesto* (London: Penguin Classics, 2015).
[4] Fabian Thiel, 'Artikel 15 GG – obsolet? Helmut Ridder zum 100. Geburtstag' (2019) **13** *Die Öffentliche Verwaltung* 497–507.
[5] The summary of the discussion can be found at: https://bit.ly/3I524SZ (last accessed 21 February 2024).
[6] https://bit.ly/42KAHHn (last accessed 21 February 2024).
[7] A lawyer involved in legislating the *Mietendeckel*, interviewed by Joanna Kusiak in Berlin on 19 September 2019.
[8] Gutachten zur rechtlichen Bewertung der Forderungen der Initiative Deutsche Wohnen & Co. enteignen, Wissenschaftlicher Parlamentsdienst, Berlin, 21 August 2019.
[9] https://taz.de/DW-Enteignen-fordert-Geisel-Ruecktritt/!5882439/ (last accessed 21 February 2024).
[10] https://bit.ly/3OT49VX (last accessed 21 February 2024).
[11] Gunther Teubner explains it well with the metaphor of the twelfth camel. Cf. Gunther Teubner, 'Alienating Justice: On the Surplus Value of the Twelfth Camel' in Jiří Přibáň and David Nelken (eds), *Law's New Boundaries: Consequences of Legal Autopoiesis* (Aldershot: Ashgate, 2001), pp. 21–44.
[12] Eric Voegelin, 'Descent into the Legal Abyss' in *Hitler and the Germans: The Collected Works of Eric Voegelin* (Baton Rouge, LA: Louisiana State University Press, 1989), Vol. 31, trans. and ed. by D. Clemens and B. Purcell.
[13] Gunther Teubner, *Law as an Autopoietic System* (Oxford: Blackwell, 1993).
[14] Pistor, *The Code of Capital*, note 33 above (Chapter 2); see also this brief video which explains it well: https://bit.ly/3UOZ4Bt (last accessed 21 February 2024).

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[15] Amy Kapczynski, 'Partisan Warriors and Political Courts', https://lpeproject.org/blog/partisan-warriors-and-political-courts/ (last accessed 21 February 2024).
[16] Joanna Kusiak, *Chaos Warszawa. Porządki przestrzenne polskiego kapitalizmu* [Chaos Warsaw: The spatial orders of Polish capitalism] (Warsaw: Bęc Zmiana, 2017).
[17] Grzegorz Piątek, *Najlepsze miasto świata: Warszawa w odbudowie 1944–1949* [The best city in the world: Warsaw in reconstruction 1944–1949] (Warsaw: WAB, 2020).
[18] Joanna Kusiak, 'Rule of Law and Rules-Lawyering: Legal Corruption and "Reprivatization Business" in Warsaw' (2019) **43**(3) *International Journal of Urban and Regional Research* 589–96, 593.
[19] Ibid., pp. 589–96.
[20] Carl Jung, *Collected Works* (Princeton, NJ: Princeton University Press, 1966), Vol. 16, p. 65.
[21] Audre Lorde, 'The Uses of Anger' in *Sister Outsider: Essays and Speeches* (Berkeley, CA: Crossing Press, 2007), p. 127.
[22] John L. Hammond, 'Mística, meaning and popular education in the Brazilian Landless Workers Movement' (2014) **6**(1) *Interface: A Journal for and About Social Movements* 372–91.
[23] Pistor, *The Code of Capital*, note 33 above (Chapter 2); T. Piketty, *Capital in the Twenty-First Century* (Cambridge, MA: Belknap Press of Harvard University Press, 2014).

Chapter 4

[1] Heike Drummer, Jutta Zwilling and Hessische Landesregierung (Hrsg.) (eds), '*Ein Glücksfall für die Demokratie': Elisabeth Selbert (1896–1986); die große Anwältin der Gleichberechtigung* (Frankfurt: Eichborn, 1999).
[2] Heribert Prantl, Ein Liebeskummer-Brief, *Süddeutsche Zeitung*, 16 May 2014.
[3] Ibid.
[4] www.fluter.de/sites/default/files/recht_so.pdf (last accessed 21 February 2024).
[5] https://bit.ly/48ssd90 (last accessed 21 February 2024).

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[6] Ibid.
[7] Ibid.
[8] This fragment is based on: Adam Tooze, *The Wages of Destruction: The Making and Breaking of the Nazi Economy* (New York: Penguin USA, 2008), pp. 99–106.
[9] Hoffrogge, 'Nie wirklich weg', note 2 above (Chapter 1).
[10] The so-called Ahlen Programm of the CDU. Quoted from ibid.
[11] The text of Article 15, translated here by the author. The official translation of the *Grundgesetz* into English, provided by the Ministry of Justice, only reflects that, for a long time, the concept of *Vergesellschaftung* was forgotten or misunderstood even by official bodies. The translators mistakenly translated *Vergesellschaftung* as 'nationalisation' (which would be *Verstaatlichung*). While nationalisation simply transfers property to the state, socialised property can be owned by public bodies, cooperatives or even private individuals, as long as it is subject to democratic control.
[12] Expertenkommission zum Volksentscheid, Vergesellschaftung großer Wohnungsunternehmen. Abschlussbericht, June 2023, p. 37, www.berlin.de/kommission-vergesellschaftung/downloads/.
[13] Clara Maier, 'The Weimar Origins of the West German Rechtsstaat, 1919–1969' (2019) **62**(4) *The Historical Journal* 1069–91, 1077.
[14] Peter Caldwell, 'Rights, Citizenship, and Society: The Social Rechtsstaat' in *Democracy, Capitalism, and the Welfare State*, (Oxford: Oxford University Press, 2019), pp. 45–70.
[15] Peter Caldwell, 'Ernst Forsthoff and the Legacy of Radical Conservative State Theory in the Federal Republic of Germany' (winter 1994) **15**(4) *History of Political Thought* 615–41.
[16] Ernst Forsthoff, *Der totale Staat*, quoted from: https://bit.ly/3uHAc43 (last accessed 21 February 2024).
[17] www.wiltonpark.org.uk/about-us/history-of-wilton-park/ (last accessed 21 February 2024).
[18] Quoted in: Helga Grebing, *Konservative gegen die Demokratie. Konservative Kritik an der Demokratie in der Bundesrepublik nach 1945* (Frankfurt: Europäische Verlagsanstalt, 1971), p. 383.

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[19] Florian Meinel, *Der Jurist in der industriellen Gesellschaft. Ernst Forsthoff und seine Zeit* (Berlin: Akademie Verlag, 2011), p. 226.
[20] Caldwell, 'Ernst Forsthoff', note 15 above, p. 629.
[21] BVerfE 5, 85.
[22] Wolfgang Abendroth, 'Um den Sozialisierungsartikel des Grundgesetzes' in Michael Buckmiller (ed.), *Wolfgang Abendroth. Gesammelte Schriften*, Vol. 3: 1956–1963 (Hannover: Offizin Verlag, 2013), p. 177.
[23] 'The Programme of Solidarność', translated into English by the editorial collective of *Labour Focus on Eastern Europe: A Socialist Defence Bulletin on Eastern Europe and the USSR*, Vol. 5, Nos 1–2 (spring 1982), p. 4.
[24] Jarosław Kuisz, *Charakter prawny porozumień sierpniowych 1980–1981* (Warsaw: Trio, 2009).
[25] 'The Programme of Solidarność', note 23 above, p. 3.
[26] Jacek Tittenbrun, *The Collapse of Real Socialism in Poland* (London: Janus Publishing, 1993), p. 15.
[27] Klein, *The Shock Doctrine*, note 11 above (Chapter 2), p. 175.
[28] Tadeusz Kowalik, *From Solidarity to Sellout: The Restoration of Capitalism in Poland* (New York: Monthly Review Press, 2012).
[29] Leslie Wayne, 'A Doctor for Struggling Economies', *The New York Times*, 1 October 1989, p. 1.
[30] Mitchell A. Orenstein, *Out of the Red: Building Capitalism and Democracy in Postcommunist Europe* (Ann Arbor, MI: University of Michigan Press, 2001), p. 25.
[31] Jacek Tittenbrun and Przemysław Pluciński, 'Pod wiatr historii. O polskiej transformacji, prywatyzacji i przegranych alternatywach' (2015) **4**(110) *Le Monde Diplomatique, Edycja Polska* 6–10.
[32] David Ost, *The Defeat of Solidarity: Anger and Politics in Postcommunist Europe*, 1st print, Cornell paperbacks ed. (Ithaca, NY: Cornell University Press, 2006).
[33] https://bit.ly/3UPP2QL (last accessed 21 February 2024).
[34] https://bit.ly/48QoHFK (last accessed 21 February 2024).
[35] Peter Mair, *Ruling the Void: The Hollowing of Western Democracy* (London: Verso, 2013).
[36] Ibid.

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[37] Wolfgang Streeck, *How Will Capitalism End? Essays on a Failing System* (London: Verso, 2016), p. 53.
[38] Elinor Ostrom, *Governing the Commons: The Evolution of Institutions for Collective Action* (Cambridge and New York: Cambridge University Press, 2015).
[39] https://bit.ly/3wPqVrf (last accessed 21 February 2024).
[40] Jurgen Habermas, *The Theory of Communicative Action: A Critique of Functionalist Reason*, trans. by T. McCarthy (Boston, MA: Beacon Press, 1987), Vol. 2, p. 264.
[41] Wendy Brown, *Undoing the Demos: Neoliberalism's Stealth Revolution*, 1st ed. (New York: Zone Books, 2015), pp. 151ff.
[42] Walter Benjamin, 'On the Concept of History' in *Walter Benjamin: Selected Writings*, Vol. 4: 1938–1940 ed. by Howard Eiland and Michael W. Jennings (Cambridge, MA: Harvard University Press, 2006).
[43] Moody's Investors Service. Issuer Comment: Land of Berlin. Proposed referendum to expropriate multi-unit private properties would cost Berlin up to €36 billion, a credit negative, 8 March 2019.

Chapter 5

[1] Winfred Brenne and Deutscher Werkbund Berlin (eds), *Bruno Taut: Master of Colourful Architecture in Berlin* (Salenstein: Braun Publishing, 2013), p. 11.
[2] Paul L. Knox, *Palimpsests: Biographies of 50 City Districts. International Case Studies for Urban Change* (Basel: Birkhäuser, 2012), p. 120.
[3] Anne Kockelkorn, 'Financialized Berlin: The Monetary Transformation of Housing, Architecture and Polity' (2022) **26** *Architectural Theory Review* 76–104.
[4] Ibid.
[5] Deutsche Wohnen & Co. enteignen has calculated this by dividing the €972 million that Vonovia paid out in shareholders' dividends in 2020 by the 415,688 rental apartments it owned that year. This results in a dividend contribution of €2,300 per apartment per year.

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[6] Vonovia Remuneration Report 2022, p. 25, www.vonovia.com/en/investors/corporate-governance/compensation (last accessed 22 February 2024).
[7] Brenne and Deutscher Werkbund Berlin, *Bruno Taut*, note 1 above, p. 11.
[8] https://bit.ly/49C2Kv2 (last accessed 21 February 2024).
[9] Karl-Heinz Peters, *Von der Gemeinnützigkeit zum Profit: Privatisierungsopfer Gehag – Herausforderung für alternative Wohnungspolitik* (Hamburg: VSA Verlag, 2016), pp. 41–8.
[10] Ibid., p. 68.
[11] Paul Ulrich, 'Neubau rechnet sich nicht', *Berliner Zeitung*, 29 December 2010.
[12] The overall vision of the AöR's institutional design, as presented in this chapter, is based on the details worked out by Deutsche Wohnen & Co. enteignen. The vision of the democratic decision-making process, based on the procedures used in mediation and conflict resolution, is my creative addition to the movement's future vision. For the institutional design of the AöR, see: 'Deutsche Wohnen & Co. enteignen, Gemeingut Wohnen: Eine Anstalt des öffentlichen Rechts für Berlins vergesellschaftete Wohnungsbestände' (Berlin: DWE, 2023).
[13] Article 14, GG.
[14] BVerfGE 24, 367.
[15] www.youtube.com/watch?v=oijmRknMXOI (last accessed 6 March 2024).
[16] I thank Kalle Kunkel for inspiring this fragment.

* Note that section 7 of Chapter 5 weaves in real quotes from Albert Einstein, Walter Benjamin and Tim Burton's 2010 movie Alice in Wonderland.

Chapter 6

[1] www.youtube.com/watch?v=FXj-695FEHw (last accessed 22 February 2024).
[2] Josh Cohen, 'The Politics of Anger: Putin and the Psychology of Rage' (2022), **110** *The Yale Review* 57–68.

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[3] Jonathan Haidt (ed.), *The Righteous Mind: Why Good People Are Divided by Politics and Religion*, Vintage Books ed. (New York: Vintage Books, 2013).

[4] Marcus Böick, 'In from the Socialist "Cold", but Burned by the Capitalist "Heat"? The Dynamics of Political Revolution and Economic Transformation in Eastern Germany after 1990' (2020) **16** *Sustainability: Science, Practice and Policy* 143–54.

[5] Gunther Teubner, 'Exogenous Self-Binding: How Social Subsystems Externalise Their Foundational Paradoxes in the Process of Constitutionalisation' in Gunther Teubner (ed.), *Critical Theory and Legal Autopoiesis: The Case for Societal Constitutionalism* (Manchester: Manchester University Press, 2019), pp. 319–20.

[6] Christoph Menke, 'Law and Violence' in Alessandro Ferrara and Christoph Menke (eds), *Law and Violence: Christoph Menke in Dialogue* (Manchester: Manchester University Press, 2018), p. 3.

[7] Walter Benjamin, 'Critique of Violence' in *Walter Benjamin: Selected Writings*, Vol. 1: 1913–1926, ed. by Marcus Bullock and Michael Jennings (Cambridge, MA: Harvard University Press, 1996).

[8] Jedediah Britton-Purdy, 'No Law Without Politics (No Politics Without Law)', 2018, https://lpeproject.org/blog/no-law-without-politics-no-politics-without-law/ (last accessed 22 February 2024).

[9] Zoe Adams, *Labour and the Wage: A Critical Perspective* (New York: Oxford University Press, 2020).

[10] E. P. Thompson, *Whigs and Hunters: The Origin of the Black Act* (New York: Pantheon Books, 1975).

[11] Andreas Philippopoulos-Mihalopoulos, 'The Foundational Paradox of Gunther Teubner' in Teubner, *Critical Theory and Legal Autopoiesis*, note 5 above, p. 3.

[12] Ibid.

[13] Anne Dailey, 'Why Psychoanalysis Matters to Law' in *Law and the Unconscious: A Psychoanalyic Perspective* (New Haven, CT: Yale University Press, 2017).

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[14] Rolf Reber, *Critical Feeling: How to Use Feelings Strategically* (Cambridge: Cambridge University Press, 2016).
[15] Olga Tokarczuk, '*The Tender Narrator: Nobel Lecture by Olga Tokarczuk* (Stockholm: Svenska Akademien, 2018).
[16] Edgar H. Schein, 'Kurt Lewin's Change Theory in the Field and in the Classroom: Notes Toward a Model of Managed Learning' (1996) **9**(1) *Systems Practice* 27–47, 34.
[17] Interview with Peter's colleague, conducted via Zoom on 23 November 2023.

Chapter 7

[1] This epilogue story is a rewrite of: Franz Kafka, 'Before the Law', translated by M. Hoffman, in *Metamorphosis and Other Stories* (London: Penguin Books, 2008), pp. 197–8.

Soundtrack

[1] Check on YouTube at: www.youtube.com/watch?v=1udi3OIuriA (last accessed 11 April 2024).

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