



Struggling with and through Knowledge Production: The Campaign ‘Expropriate Deutsche Wohnen & Co.’s’ Attempt at Housing Definancialisation in Berlin

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Abstract: *The article looks at the role of knowledge production in conceptualising the impact of social movements, taking the campaign Deutsche Wohnen & Co. Enteignen (Expropriate Deutsche Wohnen & Co.) as an example. The campaign proposes to socialise the assets of all (financialised) landlords who own more than 3,000 apartments in Berlin. The article analyses how the campaign has developed and popularised strategic knowledge about housing financialisation and definancialisation. Empirically, the article analyses two phases of the political work. It discusses the beginnings of the campaign in the run-up to the 2021 referendum, where the campaign translated knowledge about the role of institutional financial investors in Berlin’s housing crisis into a demand for socialisation. The article also analyses the phase after the successful referendum in 2021, where the knowledge production shifted to the juridical field as the Berlin Senate set up an expert commission to discuss the constitutionality of housing socialisation.*

Keywords: housing financialization; socialization; knowledge production; common property; legal strategies.



Introduction

On 26 September 2021, 59% of eligible Berliners voted in a referendum in favour of expropriating the large housing companies in Berlin. If implemented, this would result in the socialisation of around 250,000 housing units. It was not only rising rents and widespread poor tenancy conditions that contributed to the success of the referendum, but above all the professional campaigning around the referendum. The campaign was initiated by Deutsche Wohnen & Co. Enteignen (Expropriate Deutsche Wohnen & Co).

To date, the academic debate has focused on the way in which the campaign used the law, in particular Article 15 of the German Constitution, to support its demands (Kusiak 2021), its institutional vision for the management of housing as a common good (Berfelde and Möller forthcoming), and its organisational structure (Vollmer and Gutiérrez 2022).

The success of social movements is often conceptualised in terms of how they influence institutional politics (Holm 2021; Card 2022). For example, in a recent article, Kenton Card compares the contentious politics of the LA and Berlin tenant movements between 2008 and 2020, and discusses patterns in the movements' success in pushing for progressive changes in housing policy (Card 2022). While the Berlin referendum to expropriate corporate landlords was successful at the ballot box, the demand has not yet been implemented in law. In order to evaluate the campaign, this article looks at the success of the campaign not in terms of how it influenced policy making, but by paying particular attention to how it developed and disseminated strategic knowledge about housing financialisation and its respective definancialisation (Wijburg 2021). Thus, it evaluates the campaign in terms of the extent to which it succeeded in influencing the interpretation of the causes of the housing crisis in Berlin and the possible solutions to it.

The article analyses how the campaign Deutsche Wohnen & Co. Enteignen (DWE) struggled with and through knowledge production. Empirically, it discusses two phases of the campaign's political work. The first part of the article looks at the campaign's political work leading up to the referendum in September 2021, during which time it developed knowledge about how the socialisation of housing assets could lead to a non-profit and radically democratic form of housing management. We call this 'struggling through knowledge production' to highlight how developing this comprehensive vision for a non-financialised housing sector was key to convincing Berliners that housing socialisation was part of the solution to the housing supply and affordability crisis and therefore key for winning the referendum. The second part of the article focuses on the work of the expert commission established after the referendum. With the establishment of the expert commission, knowledge production shifted to the juridical terrain. We refer to this as 'struggling with knowledge production' in order to discuss the specificity of expert knowledge production in the juridical field and how the campaign nevertheless successfully critically accompanied the debate of the expert commission on whether and how the socialisation of housing is legally possible.



Social movements as sites of knowledge production

The analysis of the Deutsche Wohnen & Co. Enteignen campaign presented in this article follows an understanding of social movements as collective spaces of learning and knowledge production (Della Porta and Pavan 2017: 298; Choudry 2020: 641):

While movements have been studied mainly as contentious actors, fighting in the streets to resist or promote political change, social movement studies have also pointed at their capacity to nurture innovative ideas, as movements are constantly engaged in generating and spreading counter-expertise and new forms of knowledge. (Della Porta, 2020: 1)

In a recent article ‘Organizing for Expropriation’, Lisa Vollmer and Daniel Gutiérrez work with the concept of ‘combat-organisational knowledge’ (Vollmer and Gutiérrez 2022: 55) to analyse how the knowledge for effective self-organisation was continuously developed from within the campaign or in dialogue with the wider ‘organisational ecology’ of the Berlin tenants’ movement (ibid.: 56). They see organising knowledge as a crucial part of progressive activism in general and as central to the success of the campaign in particular. We would like to add to this an analysis of the strategic and legal knowledge about housing socialisation that was produced by the campaign. Casas-Cortés et al. systematise three different types of knowledge production by social movements: (1) ‘claims to truth-making’ that challenge and produce expertise, sometimes in dialogue with policy-makers and scientists (Casas-Cortés, Osterweil and Powell 2008: 29), (2) ‘alternative micro-political and embodied knowledges’ that create alternative subjectivities and social relations producing new forms of experimental democracy (ibid.: 30), and (3) ‘reflexive forms of theorizing and analysis’ that emerge from embodied experiences and challenge dogmatic understandings of social change (ibid.). The analysis of how Deutsche Wohnen&Co Enteignen produced knowledge about the financialisation of housing and its definancialisation through socialisation belongs to the first type. As the article will show, the campaign succeeded in producing expert knowledge that challenged the analysis of Berlin’s housing crisis and the established political discourse on housing provision.

The article is a form of partisan academic writing in the tradition of militant research (Ferreri, García-Lamarca, and Obra Social Barcelona 2023; Tubridy 2023). We write from our personal experience of working in and with the campaign, as one author is a long-term activist in the campaign and the other author was a member of the expert commission. The article systematises our personal experiences and makes them accessible to the academic debate. The aim of the text is twofold: We show that the success of the initiative (so far) is based on its knowledge production and dissemination, which in turn, is grounded in a professional campaign. By showing how the campaign successfully produced expert knowledge on radical housing definancialisation, we contribute to a better understanding of its success, which can both enrich social movement studies and enable strategic learning for other housing initiatives and urban social movements. In addition, the article discusses the core principles of the concepts of housing socialisation developed by the campaign and makes them accessible to the Anglophone debate.



Struggling through knowledge production – the ‘Expropriate Deutsche Wohnen & Co.’ campaign before the referendum

The campaign was launched in 2018, having emerged out of a strong cycle of tenant self-organisation in Berlin that started around 2010/2011. This movement cycle consisted of local tenants’ initiatives, often based on concrete and rather short-lived struggles. One point of departure for the campaign was the founding of the tenants’ initiative Bündnis Otto-Suhr Siedlung und Umgebung (Otto-Suhr Housing Estate and Neighbourhood Coalition), which fought against the energetic retrofitting of housing estates in a low-income neighbourhood in Kreuzberg.¹ Based on the organising experience in this neighbourhood, urban political activists initiated a Berlin-wide network of tenants’ initiatives against the real estate company Deutsche Wohnen. The idea was to connect local initiatives through an umbrella organising infrastructure that would allow them to share knowledge and support each other in their common struggle. The idea for the referendum came from activist circles and its aim was to unite initiatives behind a common demand.

When the possibility of socialising land under Article 15 of the Grundgesetz (German Basic Law) was discovered, the idea of initiating a referendum was born. Article 15 states that ‘[I] natural resources and means of production may [...] be transferred to public ownership or other forms of public enterprise by a law that determines the nature and extent of compensation’ (Die Bundesregierung n.d.). In April 2018, the campaign announced that it was planning a referendum on Art. 15 to demand the socialisation of all real estate companies that own more than 3,000 flats in Berlin, excluding companies that already operate in the common good-oriented sector, such as cooperatives, church organisations, and state-owned housing companies. The Deutsche Wohnen features so prominently in the campaign’s name because it is a symbol of the financialisation of housing in Berlin, characterised by the en-bloc privatisation of entire housing companies that were sold to institutional investors such as Real Estate Investment Trusts (REITs) and listed companies (Uffer 2013; Fields and Uffer 2016; Wijburg, Aalbers and Heeg 2018).

As a means to ‘de-financialise’ (Wijburg 2021) the housing market, the campaign proposes to socialise the housing assets of companies such as Deutsche Wohnen and Vonovia in Berlin.² In 2020, the campaign published a brochure detailing what the common good-oriented management of socialised housing stock could look like (Deutsche Wohnen & Co. Enteignen 2020a). The campaign argues that the socialised housing assets should be transferred to a newly created public institution, a so-called Anstalt öffentlichen Rechts, which is an institution under public law. It is a proposal to institutionalise housing as a common good, with rents set according to affordability criteria. The campaign proposes not only to decommodify, but also to democratise housing. To radically democratise housing management, a council structure is proposed which is intended to facilitate the development of a collective tenant interest (ibid.: 22-27, Berfelde and Möller: forthcoming).

¹ According to German law, the costs of energy retrofits can be apportioned to the rent. This is therefore often used as a strategy for increasing rent. Tenants of the Otto-Suhr Siedlung feared rent increases of up to 40 percent and therefore put pressure on Deutsche Wohnen and local politicians to negotiate a social agreement to limit rent increases.

² In October 2021, Vonovia secured a 60% stake in Deutsche Wohnen. The acquisition of Deutsche Wohnen made Vonovia the largest real estate company in Europe.



Article 15, in turn, refers to Article 14, which allows for the socialisation of property for the common good if a law is drafted ‘that determines the nature and extent of compensation’ under the fair consideration of the involved party’s interests (Die Bundesregierung n.d.). As mentioned above, Article 15 has not yet been implemented in case law, so the campaign has also had to produce its own knowledge about the extent of compensation and the possibilities for financing it. In a brochure published in 2020, the campaign develops a model for compensation that is both based on affordability criteria and budget-neutral for the city of Berlin, as the loans would be repaid through the rents generated (Deutsche Wohnen & Co. Enteignen 2020b). As a general guideline, the rental income should no longer serve a speculative market value, but the rents generated should be used for the maintenance of the buildings, to offset a rent loss risk, and for the administrative costs of the housing stock. In addition, the rents generated must include loan costs (i.e. the interest and amortisation payments on the loans taken out to pay the compensation). In the brochure, the campaign explains its own model of compensation, the so-called Fair Rent model (Faire-Mieten-Modell). Affordability is often defined as rent that does not exceed 30% of net household income. Therefore, the Fair Rent model takes the income of people living at the poverty line and states that, to be affordable, rents should be calculated at €3.70 per square metre. The campaign then argues that the compensation should be based on the largest possible loan that Berlin can take out to refinance the loan with the rents from affordable housing, which amounts to €8 billion. Producing this knowledge was crucial because it is often argued that socialising housing assets is too expensive and would put a long-term strain on the city’s budget.

As mentioned above, the campaign had organised a referendum in which Berliners were able to vote on the socialisation of housing in September 2021. In the run-up to the referendum numerous volunteers were involved in the campaigning. In conversations on the streets or at apartment doors, the aim was to explain the abstract legal knowledge about socialisation and to link it to the personal problems of tenants in the Berlin housing market. We call this ‘struggling through knowledge production’, as we believe that the way the campaign produced its own expert knowledge on housing financialisation and definancialisation was a crucial part of its success in convincing Berliners to vote in favour of the proposal at the ballot box. Through its campaigning, Deutsche Wohnen & Co. Enteignen was able to draw attention to the problem of housing financialisation and how companies such as Deutsche Wohnen and Vonovia are key drivers of the housing supply and affordability crisis in the city of Berlin. Working on concepts for a socialised housing sector, the campaign was able to develop a concrete vision for a common good-oriented housing sector that challenges the status quo and the explanations for the housing crisis that point exclusively to an imbalance between supply and demand and thus offer new construction, whether common good-oriented or not, as the only solution to the housing crisis. The campaign was able to produce this kind of independent expert knowledge because it has an internal division of labour in which different working groups focus on specific parts of the campaign’s work: there is a working group for public relations, one for mobilisation and campaigning, one for supporting the organising activities of tenant initiatives, and another working group mainly concerned with developing the concepts for the socialisation of housing in accordance with Article 15 of the Basic Law. This professionalised division of labour within the campaign makes it possible to go into greater depth on specific issues, and there is regular dialogue between the different parts of the campaign at a general assembly.



Struggling with knowledge production – the campaign after the referendum and its work with the expert commission on socialisation

In setting up the expert commission after the successful referendum, the Senate attempted to delay the legislative process. This was made possible because the election process was based on a so-called *Beschlussvolksentscheid* (decision referendum), which is a formally non-binding mandate to the state government. In the referendum, Berliners voted in favour of the government writing a law on housing socialisation, but instead of doing so directly, the government decided to set up the expert commission. The Senate wanted to limit the influence of the initiative on the commission, and while it succeeded in not giving the campaign a seat, it did allow the nomination of three experts after political interventions. The parties of the Senate (at the time the SPD, the Greens, and the Left Party) nominated the remaining ten members. Ten out of thirteen members of the commission were legal experts, so the discussions were dominated by legal debates. The establishment of the expert commission changed the terrain of knowledge production. Previously, the campaign had developed its own concepts for the socialisation of housing and had to convince the Berlin population with these in the election campaign. With the expert commission, knowledge production entered the ‘juridical field’ where only certain actors, like legal experts, lawyers, and judges, can participate in this specific kind of hegemonic knowledge production (Buckel, Pichl and Vestena 2024: 31). In what follows, we show how the campaign ‘struggled with knowledge production’, that is, how it tried to critically monitor the knowledge production of the expert commission.

Special hearings were organised by the members of the expert commission, which were open to campaign activists and, in limited cases, to the general public. Topics included:

- the structure and dynamics of the housing market in Berlin;
- different types of property management and the differences between private, non-profit, public, and state-run housing management;
- the valuation of the housing stocks and the compensation of property owners.

The hearings and the work of the expert commission provided valuable knowledge on the constitutionality of socialisation and gave insights into further obstacles to the socialisation process. After persistent interventions and convincing some commission members, the campaign managed to propose their own experts for the hearings.

The campaign also provided information on the topics that were discussed. Important for this was the compendium on socialisation as a point of reference for the commission’s work (Deutsche Wohnen & Co Enteignen 2022). It played a crucial role in structuring the discussion by outlining specific tasks, raising open questions, and providing arguments on issues such as the aim of socialisation, the housing situation in Berlin, valuation and compensation, different types of housing companies, etc. The initiative also published a brochure with its ideas on the institutional dimensions of the future institution in charge of the socialised housing stock. Above it was emphasised that only certain actors in the legal field can contribute to the production of knowledge relating to the interpretation of laws. Through the publication of their own expert knowledge and the nomination of experts for the public hearings, possibilities were found for influencing the commission’s knowledge production from the outside.



It is difficult to measure or evaluate the campaign's impact on the commission, but the final report of the expert commission proved that the campaign was right about the constitutionality of socialising housing assets (Expertenkommission zum Volksentscheid, 2023). The report highlights challenges in applying the legal principle of proportionality ('Verhältnismäßigkeit'). According to German law, the state must justify measures that restrict fundamental rights of citizens, and this obligation is given concrete form through the principle of proportionality. Proportionality entails that the state's action must be legitimate, suitable, necessary, and appropriate to pursue its aim and that no other milder methods exist. If socialisation is now interpreted as a restriction of Art. 14, which protects private property, then it has to be asked whether socialisation is proportionate. There must be an examination of whether there are no other milder means of solving the housing crisis and why it is specifically capital market-oriented big housing companies that are targeted. However, Art. 15 can also be interpreted as a democratic fundamental right in itself that aims at a common good-oriented and radical democratic form of management of socialised assets. Socialisation is therefore not to be interpreted as a last resort but as a constitutional possibility for public forms of ownership and economic activity. The report shows disagreement on how to interpret the legal character of Art. 15. In the report, the majority argue that the principle of proportionality might be applied to the socialisation of housing assets but does not require the normal in-depth examination, and some even take the view that Art. 15 is a fundamental democratic right. Only a minority of three experts argue that in order to protect the property rights of the concerned companies an in-depth examination of proportionality is necessary (Expertenkommission zum Volksentscheid 2023: 14).

The expert commission was an attempt to delay the process, but at the same time it provided valuable knowledge about the constitutionality of socialisation and provided insights on further obstacles to the socialisation process. The commission's knowledge production is crucial because, as already mentioned, Article 15 has never been applied through legislation. The expert commission's report is therefore the first official document to outline the main principles of a possible socialisation of housing. The juridical space is itself a discursive space where there is a constant negotiation over the interpretation of the law – as the discussion on proportionality has shown. At the same time, the legal doctrine of 'the "prevailing legal opinion" [in German: *die herrschende Meinung*] define[s] and even crystallize[s] socially mobilised and collectively articulated interpretations of the law' (Buckel, Pichl and Vestena 2024: 36). This possesses a 'paradigmatic form of symbolic power in bourgeois societies' as it defines the 'consensus about the "nature" of the good order' (ibid.: 33-34). However, despite initial doubts about the function of the commission, it provided an opportunity to discuss and challenge what constitutes the 'good order'. The commission served as a platform for discussing and gathering different perspectives on housing socialisation, and the commission's final report provides valuable insights into the interpretation of Art. 15 of the German Basic Law. As discussed, entering the juridical field as social movement actors comes with its own challenges. However, the terrain of law also lends a particular credibility to discursive interventions and knowledge production.

Surprisingly, it was only after the publication of the commission's report that there was a clear public reaction from the real estate industry. A press release issued by a real estate lobby group (Zentraler Immobilien Ausschuss, ZIA 2023) not only called for the obvious, i.e. a review of future laws on socialisation by the Federal Constitutional Court, but also made the usual arguments that only new construction would solve the housing crisis and that the debt brake would prevent compensation. In 2022, the Berlin government also initiated an 'alliance for new housing construction and affordable rents'. This alliance includes actors from the private



residential sector and Berlin's state-owned housing companies and cooperatives. Of the major real estate companies, only the Adler Group and Vonovia had joined the alliance. The alliance was a voluntary commitment to, among other things, capping rent increases and achieving new construction targets. In August 2023, just two months after the report of the expert commission was published, the housing alliance of the Berlin Senate collapsed. This was because major housing companies such as Vonovia and Adler failed to keep their promises to invest in new housing construction and to limit rent increases. This was just another indication of the problematic nature of the big, financialised housing companies.

Instead of a summary: what comes next?

Despite the expert commission's positive report, the Berlin government has once again shown its unwillingness to socialise housing. The socialisation of private housing assets would break with neoliberal rationality, which claims that a market-based structure of the economy and society is a superior mechanism for social distribution and organisation and postulates that there is no alternative. In terms of housing supply, this is illustrated by the argument that new construction is the only way to counteract rising prices in a tight housing market situation – an argument that is also repeatedly used by Berlin politicians against the socialisation of housing. Another argument that is often put forward against socialisation is that it would simply cost too much, an argument that has been refuted by the campaign's concept for compensation, which is a budget-neutral model, as the loans taken out to compensate institutional landlords would be repaid through the rents generated by the socialised housing stock.

The campaign decided to launch a new referendum in order to advance socialisation from below. This time a law will be drafted that will be decided upon in a binding referendum. To this end, the campaign is working together with a law firm. The production of knowledge has entered its next phase, which shows further professionalisation. With this second referendum, a law on the socialisation of housing in Berlin will be tested in different courts over the course of the process, which will then show whether radical reforms can be achieved through direct democracy and the use of the law.

By analysing the campaign Deutsche Wohnen & Co. Enteignen, the article has shown how expert knowledge production is an essential part of the success of social movements. A different language and different strategies are needed to convince Berlin's tenants of socialisation or to influence active knowledge production in the juridical field. Demands must always be translated into different discursive contexts, a skill that social movements need to cultivate. So far, the campaign has been successful not only in convincing Berlin's tenants and in making the demand for socialisation heard in public discourse, but also in actively influencing the production of knowledge in the juridical field, which is particularly important, because, as we have discussed, this is a contested form of hegemonic knowledge that is particularly powerful through the ordering of the rightful and the unrightful.



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