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Situating Homelessness

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The latest contribution by Eoin O'Sullivan (2012) to the European Journal of Homelessness (EJH) entitled, '*Varieties of punitiveness in Europe: homelessness and urban marginality*' is an ambitious, wide ranging article examining *inter alia* rates of imprisonment across Europe, the history of European vagrancy laws, the emergence of punitivism in the USA, and homeless punitivism in present day Europe. O'Sullivan argues that (i) punitive legislation aimed at controlling 'urban marginality', and thus the behaviour and life chances of homeless people, is characteristic of all European states, though the level and intensity of such legislation vary country by country (ii) that European punitivism is not a copy of American punitivism (iii) that punitivism is not new to Europe, there were antecedents in the 19th and early 20th centuries and (iv) that the 'master narrative' of punitivism and neoliberalism provides an inadequate explanation for the European 'punitive turn'.

This final theme, which privileges 'local circumstances' over 'neoliberalism' in 'shaping [European] responses to homelessness' (p. 69), is the principal and concluding message of the paper. It complements and extends the subject matter and arguments hinted at in earlier papers by O'Sullivan (2004; 2007) and those examined in several other articles published in the EJH over the past seven years (Tosi, 2007; Johnsen and Fitzpatrick, 2008; Huey, 2009; Flint, 2009; Misetics, 2010; Kinsella, 2012). Cumulatively these EJH publications reflect an on-going concern, in the wider academic community and among policy makers and homeless service providers, with the complex relationships linking punitiveness, criminality, marginalisation, homelessness and neoliberalism (e.g. Squires and Lea, 2012; Murphy, 2007; FEANTSA, 2012).

There is much to agree with and learn from Eoin's paper. Particularly welcome is his attempt to situate an analysis of present day European homeless in historic, geographic and sociological context in an interdisciplinary analysis of

commendable scope and vision. His coverage of the history of vagrancy legislation in Europe and the USA also stands out in bringing to our attention hitherto little known (at least to this commentator) details and legacies. With such a wide breath of topics packed into a short article it is not surprising that there are issues to query and question and indeed (particularly with regard to the principal message regarding neoliberalism) to contest. Regrettably his fixation on questioning the relevance of neoliberalism to an understanding of homeless punitivism detracts from his analysis of the three other themes identified above.

The uneven development of punitiveness in Europe

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O'Sullivan begins his paper with an examination of variable rates of imprisonment - what Wacquant's (2012, p 246) labels the 'back end' of punitiveness - between European nations and their association with public social expenditure. Using country data derived form the OECD and World Prison Brief (Table 1, p. 74) [1] O'Sullivan makes several claims about the relationship between social expenditure and rates of imprisonment in Europe. First, he identifies an inverse relationship between expenditure and numbers imprisoned. And indeed a simple statistical check on this association using Spearman's Rank Correlation confirms as much: public social expenditure expressed as a percentage of GDP explains about 50% of the variation in incarceration rates across Europe in both 2001 and 2011 ($r_s = 0.56$ and 0.55 respectively; $p < 0.01$). Secondly, he claims that as welfare expenditures increase, incarceration rates decrease. This relationship however is not supported by a Spearman test: the correlation between percentage change (2001 to 2011) in public social expenditure and percentage change in national prison populations is negative and not significant ($r_s = -0.005$). However, and in contrast, the relationship between incarceration rates in 2001 and incarceration rates in 2011 is strongly and significantly positive ($r_s = 0.89$; $p > 0.01$): the best predictor (assuming a causal relationship) of the number of prisoners in 2011 is the number of

[1] Unfortunately the precise nature of the data used in Table 1 (p 74) is not explained in the text. Indeed rates of prison population are mislabelled as 'per capita' rather than 'per 100,000' and it is unclear whether social public expenditure is recorded as a percentage of 'total GDP' or 'per capita GDP' – one assumes the former. Further, trend analysis (preferably from 1980 or so when neoliberalism starts to bite in Europe), rather than cross-sectional analysis (2001 and 2011), would have significantly enhanced interpretation.

prisoners in 2001, not the decennial change in social expenditure (at least as indexed by percentage of GDP).

Thirdly, O'Sullivan argues that the association between national variations in social expenditure and rates of incarceration can be grouped by welfare regime: for example, 'social democratic' Scandinavian countries which have some of the highest public social expenditures also have the fewest people in prison, while 'post-socialist' countries of central and eastern Europe and 'liberal' countries of the Atlantic fringe which have some of the lowest social expenditures, have higher incarceration rates.   He cites the relationship between welfare regime group averages for social expenditure and rates of imprisonment in support of this contention (Table 1, p. 74). Yet the averages for 'conservative, continental' regimes and 'social democratic' regimes, which have the same level of social expenditure but very different rates of imprisonment, rather question that association.[2] Similarly, when individual countries are examined - e.g. France (conservative, continental) and Denmark (social democratic) - the relationships are revealed as more problematic and complex.[3]

O'Sullivan recognises some of these anomalies and in seeking other explanations he identifies national variations in 'crime control strategies'. Citing Rose (2000), O'Sullivan identifies two such strategies: 'circuits of inclusion' and 'circuits of exclusion' with the latter, in particular, criminalising survival behaviours among the marginal and homeless populations. Which strategy prevails in a country is explained according to O'Sullivan (quoting from Tonry, 2007 p.1) by the 'distinctive cultural, historical constitutional and political conditions' of individual societies. Regrettably the discussion ends there. In the context of a paper whose main proposition is that 'local circumstances' trump 'neoliberalism' in explaining levels of punitivism, the absence of any direct reference or even hint as to the possible influence of neoliberalism is …

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[2] Average social expenditure for both 'social democratic' and 'conservative' regime countries was 25 in 2001 and 27 in 2011. Average incarceration rates for 'social democratic' countries were 61 in 2001 and 69 in 2011; for 'conservative' countries the respective figures were 86 and 100.

[3] In Europe France and Denmark had the highest levels of social expenditure in 2011 (30%) but imprisonment rates in France are considerably higher than in Denmark.

unfortunate. [These and related issues are considered further in the final part of this commentary].

Americanisation of punitivism
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In a section entitled '*Punitive responses to homelessness*' O'Sullivan identifies the enactment from the 1980s (presumably linked to the adoption of crime control strategies characterised by 'circuits of exclusion') of a variety of punitive measures designed to deal with the growing problem of homelessness in USA, Canada, England, Australia and elsewhere. These punitive responses, which include both criminal and civil legislation, relate to the controlled used of public spaces, the removal of people engaged in prohibited activities from city centres, sweeps of areas known to be frequented by homeless people and the selective enforcement of laws relating to jaywalking, loitering etc. In addition to the adoption of such 'order-maintenance' policies, O'Sullivan notes the development of complementary 'hybrid social control mechanisms' (e.g. Business Improvement Districts in the USA) by a variety of 'bureaucratic actors' which 'further contribute to the extension of the penal or carceral state' (2012, p 79).

Yet, there is so much more to be considered here. As with his coverage of the variable relationship between social expenditure and rates of imprisonment, O'Sullivan prematurely concludes his examination of homeless related punitivism, passing over other mechanisms (beyond prisons which he acknowledges) 'for managing … advanced marginality … generated through the systematic dismantling of the welfare state and a veneration of markets' (O'Sullivan, 2012, p. 71). Foremost here are the issues of urban restructuring, gentrification and the politics of public space (see Low & Smith, 2006; Fyfe, 1998). Yet, notwithstanding his curtailed coverage, O'Sullivan concludes: '… it seems that across advanced industrial nations, after half a century or so of broadly inclusive policies and practices geared at ameliorating the plight of the homeless and destitute, vindictive punitive policies are increasingly becoming the norm' (2012, p 77).

So much is agreed, what is in dispute is the extent to which such punitive policies were transmitted across the Atlantic from the USA – where they were first celebrated and implemented in the 1970s and 80s – giving rise to the notion that an 'Americanisation of [responses to] homeless' is occurring in European countries. [4] O'Sullivan cites two sources as purveyors of this notion: a 2011 special issue (volume 32 number 7) of the academic journal 'Urban Geography' and the work of the sociologist Loïc Wacquant (1999). O'Sullivan is critical of both and perhaps rightly so; but he is a little unfair on both sources for while 'Americanisation' is certainly part of their argument it is often more nuanced than he credits. Indeed all the papers in Urban Geography special issue - including that on Germany by the editor (von Mahs, 2011) - clearly cast doubt on an unalloyed Americanisation thesis and Wacquant seems - with the identification of a 'Western European Road' and 'distinct national paths' (Wacquant, 2012, pp. 246 – 247) - to have clarified his position; indeed a re-reading of some of Wacquant's earlier work (e.g. 1993 and 2001) reveals that his approach was always more subtle and considered than is sometimes acknowledged.

O'Sullivan's objection to the Americanisation thesis seems to be heavily reliant on the European rejection of the American 'broken window' theory (Wilson and Kelling, 1982) and the associated 'zero tolerance' policy which was apparently widely adopted in USA cities during the 1980s. It is certainly the case that the forces of law and order in Europe rejected zero tolerance. However, rather than reflecting any European qualms about implementing such overtly punitive measures, it was ultimately rejected on the pragmatic grounds that it did not work (a failure which O'Sullivan acknowledges, 2012 p.78; see also Harcourt, 2001; Feldman, 2004, pp. 51-56). O'Sullivan makes much of this issue - even though the USA was the modern primogenitor and some diffusion will have inevitably have taken place [5] - because he considers the rebuff of zero tolerance

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[4] The origins of neoliberalism are traced to the work of Friedrich Hayek and The Mont Pelerin Society in Germany and Austria in the 1930s. Its modern manifestation is associated the Pinochet Chilean junta which, post Allende, embarked on a programme of economic privatisation and deregulation advised by the so-called 'Chicago boys' who had been trained by Milton Friedman. Neoliberalism and the punitivism with which it is associated are considerably more international in their origins than O'Sullivan seems to allow.
[5] O'Sullivan occasionally seems inclined to concede this point, viz: 'a range of punitive measures was enacted, firstly in New York and then spreading across the United States to Europe' (2012, p. 89)

a significant illustration of the European rejection of neoliberal ideology and polices in shaping homeless punitiveness in Europe.

Punitive antecedents and the present day
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O'Sullivan coverage of the history of vagrancy in the USA and Europe identifies similarity, but especially highlights difference: for example the development of 'skid rows' in the US and their apparent absence form European cities, and the innovative development of 'labour colonies' for vagrants and destitutes in Europe.[6] The message here is that Europe in the past, as today, had little to learn from the US (indeed Americans were apparently 'envious' of European 19th century 'punitive practices', especially the labour colonies, 2012, p. 85). For modern punitive practices, historical continuity is the more important, spatial diffusion has little influence. O'Sullivan concludes: 'It is difficult to sustain the thesis that the contemporary punitive turn towards homeless people is a consequence of a neoliberalism largely exported from the United States, when the historical record shows that a *core response to homelessness was always punitive* and that it originated in countries like Belgium and Switzerland' (2012, p. 88).

Others have identified similar historic 'affinities' but present a rather different take on what prompts present day punitivism. Feldman for example identifies a clear disparity between historic antecedents and the present day:

> 'The movement from vagrancy law to anti-homeless legislation … involves a significant transformation in the identification of the very problem or threat to which the laws address themselves. This transformation reveals … a larger shift in the very constitution of the public sphere: from the productive public sphere and its preoccupation with idleness to the consumptive public sphere and its preoccupation with aesthetic appearance' (Feldman, 2004, p. 29 – see also Bauman, 2000).

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[6] Labour colonies were detention and work centres for 'habitual' vagrants where inmates worked on farms and in institutional workshops. These colonies were seen as alternatives to imprisonment and were steeped in, rhetorically at least, a rehabilitation ethic that envisaged inmates returned to the community after a variable period of detention infused with a work ethos. Such 'colonies' were well established in many European countries including Germany, France, Belgium, Holland, Switzerland and Britain by the beginning of the 20th century, several surviving until the 1960s. Their efficacy in terms of their stated objectives is disputed (see O'Sullivan, 2012, p.89)

While there is undoubtedly dispute about Feldman's particular emphasis on 'production' versus 'consumption', his interpretation suggests that 'continuity' between the 19th and early 20th century Europe on the one hand and late 20th and early 21st century Europe on the other may not be quite as clear cut as O'Sullivan contends.

Neoliberalism, punitivism and 'master narratives'
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Towards the end of his paper O'Sullivan quotes (2012, p. 88), approvingly, the legal expert Nicola Lacey's (2013) assertion that the 'conceptual vagueness' of neoliberalism 'dooms' it to failure in providing an 'explanatory account of contemporary punishment'. While neoliberalism may not have quite the 'conceptual precision' customarily required by a trained lawyer, its operational 'plasticity' and 'mutability' should be the 'very stuff' of intellectual life and political activity for hardened and practised social scientists; this 'flexibility' and indeed 'promiscuity' (Clarke, 2011) is what arguably provides neoliberalism with its strength, ensuring its survival and effectiveness.

Much has been written on the definition of neoliberalism over the past three decades and while there is considerable debate regarding its impact and consequences, there is reasonably wide agreement as to its definition – a definition that emphatically questions Lacey's assertion of 'vagueness'. David Harvey's definition (2005, passim) captures neoliberalism's revolutionary aspirations and purpose. For Harvey neoliberalism is 'the doctrine that market exchange is an ethic in itself capable of acting as a guide for all human action'. It is 'a theory of political economic practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within a framework characterised by strong property rights, free markets and free trade'.   Within this, the role of the state is to 'create and preserve an institutional framework appropriate to such practices' - guaranteeing the integrity of money, protecting private property rights, ensuring the proper functioning of markets as well as setting up markets where they do not exit – in

transport, in education, in health provision and in the delivery of social welfare. Under neoliberalism the role of the state is reconstituted such that its direct interventions in the economy are minimised and its obligations to provide for the welfare of its citizens is diminished. That neoliberalism seems less revolutionary now than when it first emerged in the 1970s is testament to its success in not only reshaping our economic and social structures but also in infiltrating our cultural proclivities. As Harvey notes, it has had 'pervasive effects on ways of thought to the point where it has become incorporated into the common-sense way many of us interpret, live in and understand the world' (2005, p. 3).

The ties between neoliberalism and homeless punitivism have been frequently identified in research and demonstrated through political practice. The channels of connectivity are many with the 'economisation of the social' (Herrmann, 2011) and 'urban restructuring' being to the forefront. The former leading to cuts in benefits, reduction in affordable housing, insecurities of tenure, cutbacks in support services and so forth; the latter accelerating the privatisation of public spaces, denying homeless access and occupation, clamping down on homeless behaviours and dispersion to city peripheries (Doherty et al, 2008).

O'Sullivan challenges what he calls this 'dystopian tone', this 'master narrative of punitivism', by citing several case studies of 'more inclusive…. supportive … non-punitive' responses to homelessness drawn from Europe, North America and New Zealand (2012, p.80-81).   He also suggests that EU homeless policies have a non-punitive agenda, citing 'Housing First' as an example.

While it is undoubtedly correct to see Housing First as progressive and non-punitive, it is also instructive of examine the history of this programme. It originated in New York in the early 1990s at about the same time as 'zero tolerance' – punitive and supportive co-existing it appears. While Housing First has thrived (albeit unevenly) in the USA and is now the subject of a major study in the EU, zero tolerance apparently has lost its appeal for most city mayors in the US and, apart from a brief experiment in Hartlepool and Middlesbrough in the UK, has never been widely or seriously considered in Europe. Housing First, having struggled for credibility in its early years was eventually adopted as a

flagship programme by George W. Bush (perhaps the most enthusiastic neoliberal of the US presidents). The explanation for this apparent paradox is that Housing First turns out to be not only a reasonably effective programme but also financially advantageous - a cheaper alternative to 'housing ready' approaches in dealing with homelessness. In this instance 'economising the social' allowed Bush to trumpet his administration's adoption of Housing First as part of his 'compassion agenda'. David Cameron is having less success promoting his 'fair' housing benefit caps and bedroom taxes as part of his compassionate 'Big Society'. 'Compassion' is no stranger to neoliberalism, but often turns out to be something else.[7]

The problem with this 'trading stories' approach to evaluating the relative merits of a 'punitive' versus 'supportive/compassionate' interpretations of present day homeless polices is that it reduces the process to a 'numbers game' and fosters a 'think local, act local' perspective,[8] a retreat into a cocoon of comfort trifling in its narrowness that will ultimate take us nowhere in terms of understanding and explanation. If seven decades of research has taught us anything it is that homelessness is not just about individual behaviour and good (or bad) intentions. It is also critically and essentially about societal constrictions and impositions and possibilities which themselves are the expression of present and past economic circumstances and prevailing political doctrine. It thus serves nothing to dismiss punitivism and neoliberalism with a pejorative postmodern trope. We need rather to rise to the challenge articulated by Amster (2008) and Wright (2000) and enlarge, not constrict, our horizons, exploring imbrications across scale and process, evaluating and situating homelessness in the local, certainly, but also in the regional, national and global and, as necessary, jumping scales to explore interconnectivities (Smith, 1992).

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[7] See also Hackworth (2010) and Stivers (2011) on the outsourcing of homeless services to FBOs.
[8] This is from Huey (2009): an extraordinary injunction in that it seemingly runs entirely counter to the approach she has adopted elsewhere (Huey, 2007).

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