Storytelling Political Theory and an Anti-Homeless Public Space

A Doctoral Thesis in Political Philosophy

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Loughborough University

Contents

Abstract

This thesis investigates the present reality of an anti-homeless public space and its construction of the street homeless subject, with normative conclusions. The recent history of various tactics of dispersal and their interconnection are revealed. I argue that it is not just archaic laws and legislative heirs to such laws which impede the survival of the street homeless, but the physicality of public space itself. Prior to presenting this case however, I first engage in an examination of political theory methods. I do this to form a *storytelling method* suited to the task of, but not limited to, exploring *an anti-homeless public space.*

Chapter Outline

The introduction is where I lay out the aims of investigating an *anti-homeless public space* and unpack them. To do this I explore law, ethnographic and political theory literature on homelessness. I do this not just to expose research gaps and cite relevant influences on this thesis, but to also help situate this project as primarily a political theory one and justify that situating.

One of the key conclusions of the introduction is in presenting political theory as a 'toolbox' (Foucault, 1994, pp. 523-524) of methods and practices from which to piece together a method suitable for investigating an *anti-homeless public space.* This means chapter one engages in a search for and thus discussion of, political theory approaches. I explore ideal theory, non-ideal theory/realism, genealogy, and moral sentimentalism. I end this chapter by presenting a novel *storytelling* form of political theorising that has three parts: *A Reframing Story, A Theoretical Analysis,* and *A Normative Epilogue.*

Chapter two engages in *A Reframing Story* with a story of *An Anti-Homeless Public Space.* Essentially, in storytelling form I detail a problem in society today and interrupt it by multiple perspectives, and so the method proposed in part one is put into practice. I look at how anti-social behaviour, both as a concept and legislation, has been turned to focus on rough sleepers within public space in recent years through the eyes of a detective who is in pursuit of

a homeless person, as they have been witness to a crime. He is informed and challenged by the other characters he comes across. I therefore evidence and present modifications in public space legislation, architecture and other spatial initiatives, from the gaze of various people whom encounter them.

Whereas the aim of the previous chapter was to look at public space to see what is happening in regards to a homeless presence, the third chapter aims to theorise these events. This original contribution to theory adopts a Foucauldian analysis to show how current anti-homeless strategies are examples of dispersed *regulatory power*. This leads into an investigation of *taboo* and *transgression* as a localised othering process that constructs the homeless as *local outlaw* despite being *national member,* thus justifying an *anti-homeless public space.*

Chapter four offers a normative proposal: an *anti-homelessness* public space. I criticise the idea that we can ensure the homeless are considered as local members of a community (rather than pest/other/outlaw) through re-energising or pluralising citizenship. I argue that instilling a local sense of belonging independent of a national narrative of belonging is necessary. I claim that this can be done by re-politicising the homeless in public space in the context of local politics. Written as a storytelling epilogue, I then repeat the search for the homeless witness from chapter two, but from the perspective of living in an *anti-homelessness public space*, rather than the perspective of the detective searching within an *anti-homeless public space.*

In the conclusion, I consider whether or not I have achieved my aims.

Figure 1 The bench in Bournemouth that began it all (image taken by me 11/11/18)

Introduction – Situating the Thesis
0.1 List of Aims

This introduction will outline a problem, what others have said about it, and how they have said it to expose the research gaps this thesis intends to fill. These gaps structure my aims, which I will detail and unpack in the body of the introduction, but here I present them as follows:

1) **Investigate the Constitution of Anti-Homeless Public Space:** to offer new research on how public space in the UK is becoming increasingly hostile to rough sleepers. Specifically, how legislative prohibitions work alongside *physical* ones.

2) **Explore Complicity:** to picture our own complicity with this shaping of an anti-homeless public space by immersing the reader within it.

3) **Offer a Storytelling Method for Political Theory:** because exploring complicity is, in my view, difficult with existing methods of political theory, this thesis contributes a *storytelling method* for theorising with such a purpose, culminating in an 'instructive how to' section.

4) **Integrate the Methodological and Substantive Work in One:** This thesis serves as an example of why, in our larger bodies of work, we should sometimes consider including the methodological and the substantive alongside each other.

5) **Theorise Anti-Homeless Public Space within *Local* Politics:** to bring to bear political theorising upon the local, explore how othering processes occur at this level, and examine this in relation to a national narrative of belonging: citizenship.

0.2 Investigate the Constitution of an Anti-Homeless Public Space

This thesis tells a *story* of public space in order to help us re-think our attitudes, and ultimately policies, towards the street homeless. When I started the research process, I saw a problem but the nature of it did not just provoke a curiosity about the issue itself, it also made me think more deeply about the ways that political theorists evaluate and present problems, and the manner in which they offer normative prescriptions. So, by developing a storytelling version alongside a theoretical analysis, I also propose the adoption of storytelling method for political theorising beyond this project. In other words, when the reality of an anti-homeless public space started to make itself known to me, I was not immediately sure how to write a work of political theory on it, even though I felt that political theory could indeed say something worthwhile about homelessness, both because of what I believe the practice to be, and because I found the existing literature insightful. I concluded that political theory had the right tools for my task, but that they needed to be arranged in a novel way to suit my particular purpose. Having made this rearrangement, I believe that this way of theorising can is well suited to other projects.

In 2014, I decided to quit my job and do a master's in political theory. It had been 9 years since I graduated, and that was also in history, not theory. Hence, before I started the MA, I spent about 9 months ploughing through my own, self-made, introductory reading course. I do not work very well at home, so often I go out. In the winter I studied in my favourite café but in the warmer months I would often get my coffee 'to go' and find a bench in the park gardens. In summer, Bournemouth can get very busy with tourists, beach-goers, and shoppers, but 'class' was every morning 6.30 – 8.30am before work, so I did not have to worry much about that. I often saw commuters rushing to the bus though, presumably heading to the train station.

One morning I was reading *Homelessness and the Issue of Freedom* by Jeremy Waldron. Waldron's aim was to show that liberals had just as much reason to be concerned over homelessness as communitarians, from the perspective of 'the most fundamental and abstract principles of liberal value' (Waldron, 1991, p. 296): specifically, negative freedom. Negative freedom is of course a core concept for political theory, and I was delighted to have found an article that presented it to me through a current, 'real life' problem. The article revealed a trend in anti-homeless public ordinances in the USA, ordinances which Waldron argued actively interfered with certain essential actions that simply 'are not actions that a person can *wait* to perform' (Waldron, 1991, p. 321): going to the toilet, sleeping, and in some cases begging are examples. This constituted a huge and unjust infringement on one's freedom to exist, thus also an infringement on all subsequent actions: hence the liberal concern. One cannot even begin to get oneself out of homelessness whilst such rules are in place. Thinking of the homeless from a liberal concern encourages us to think of 'people in need as agents', which affects our perspective of public space prohibitions: we see such prohibitions more as 'legal obstacles that we place in their way' (Waldron, 1991, p. 324) to move them out of our way, rather than an attempt to make our parks and centres pleasant for the community.

But thinking of the homeless as agents can also have the reverse effect. Communitarians Robert Tier and Robert Ellickson illustrate how. In Restoring Order in Urban Public Spaces (Tier, 1998, p. 257), Tier persistently refers to 'beggars, drunks and vagrants' when describing the homeless, within a communitarian framing:

New York City's Thompkins Square Park was the venue of a tent-city populated by the homeless and their hangers-on…Countless other parks in urban centers are the same way, denying communities valuable green space. The impact of a loss of a park is most keenly felt by the poor and middle-class members of the community. The affluent can be presumed to have access to reliable and comfortable green spaces when they want it, such as country clubs. In most urban areas, it is the rest of the community that uses and benefits from public parks, large and small (Tier, 1998, p. 264).

Here, the corruption of our parks and high streets that the homeless cause does not hugely affect those who can afford large spaces of their own or the wealthy who live in gated communities, but in fact the hard working, 'deserving poor' who rely upon public space for leisure activities and simple belonging. Ellickson's sentiment echoes this conflict: 'Disorderly people are not the only citizens with liberty interests at stake in these instances, Street law must also attend to the privacy and mobility interests of pedestrians of ordinary sensibility' (Ellickson, 1996, p. 1247). Rough-sleepers and pan-handlers become in contrast the anti-social poor, who *choose* to disrupt our parks and high streets. The street homeless, as the 'non-ordinary', are culpable *agents* of their own downfall rather than products of an external root cause and ruin public space for the 'poor and middle class', or the legitimate community:

One of the crucial problems cities confront in defending urban quality of life initiatives is that judges, and the general public, often misunderstand the nature and causes of homeless advocates' line that the problem lies with the economy or lack of "affordable housing". This leads to a belief that the homeless are all victims of economic dislocation, or even an inevitable feature of market capitalism. This prompts many to resist any law that moves the homeless from the public spaces where they chose to locate (Tier, 1998, p. 261)

Apparently, 'the reality is far different', where the issue is 'their inability to maintain themselves'. Tier makes this move without discussing the issue of how choice gets affected by

an 'inability', and what causes the latter. When the problem is more the homeless person, not what homelessness does to that person, the misconduct that their situation pushes them towards is presented as *misbehaviours* only. Hence, '*chose* to locate': they are guilty of ignoring *their* communal obligation to *our* public spaces. This encourages zoning responses, as espoused by Ellickson, justified by the idea that each zone has a certain set of appropriate behaviours and interactions unique to that zone: 'A constitutional doctrine that compels a monolithic law of public spaces is as silly as one that would compel a monolithic speed limit for all streets' (Ellickson, 1996, p. 1247).

Waldron argues that this vision of public space does not include the homeless into a community but places them at its edges. Thus, this perspective of community preservation works to effectively create an 'us' and 'them' through a presumption that one has to be deserving poor – a home-owner or renter – in order to be considered part of the community. Waldron attacks this presumption:

So long as people live among us in a condition of homelessness, our normative definitions of community must be responsive to their predicament; and it must be responsive, not only in articulating some vague sense of social obligation to 'do something' about the problem, but in accepting that the very definition of community must accommodate the stake that the homeless have – as community members – in the regulation of public places' (Waldron, 2000, p. 406).

What we tend to see though, continues Waldron, is a call that is 'most often heard in connection with schemes of regulation that simply try to wish homeless members of the community away'. This is a sense of order in public space that is exclusionary. So long as that is the case, the 'moral credibility of modern communitarianism remains a matter of doubt' (Waldron, 2000, p. 406). Waldron thus tries to galvanise a liberal response through highlighting liberalism's own issues with homelessness. Ordinances aimed at the presence of the homeless, within a private property system, make us realise that the street homeless 'bear *all* of the restrictions' (Waldron, 1991, p. 324) of these ordinances without the relief of private property:

in fact, private property acts as a boundary or wall to their existence. In 'Mr Morgan's Yacht', Waldron makes the point that this is an obvious but generally avoided fact in political theory: 'we are so accustomed to thinking of a connection between property and the liberty of owners that we are inclined to neglect the relation between property and the liberty of non-owners' (Waldron, 2006, p. 156). As Waldron says, perhaps this is because it is not a concern which focusses on 'grand liberties' like 'freedom of worship or freedom of speech' which political theorists like to tackle, but a daily 'routine' of 'ordinary freedom'. Yet the 'cumulative impact' of these property restrictions upon the homeless is significant (Waldron, 2006, p. 161). The homeless become a 'class of people for whom property is nothing but a way of limiting their freedom' (Waldron, 1991, p. 324). If liberal theorists premise property rights upon negative liberty, then they ought to be alarmed when those property rights exponentially infringe upon the negative freedom of the homeless, for if nothing else, liberals would not want to 'deprive themselves of the concept of freedom as a resource in that argument' for private property (Waldron, 1991, p. 308).

Waldron was right to focus on 'legal obstacles'. There is a small but interesting body of law literature on homelessness. In *Homelessness and the Uses of Theory: An Analysis of Economic and Personality Theories of Property in the Context of Voting Rights and Squatting Rights,* David Rosendorf echoes Waldron's sentiment: 'Because individual rights are implicitly defined by property ownership principles, the law presents obstacles for persons trying to overcome homelessness who neither own nor control property' (Rosendorf, 1991, p. 702). The street homeless become a pressing problem for liberal theorists and indeed liberal democracies implicitly defining rights in this way: 'requiring a property right as a prerequisite to the exercise of other rights – virtually excludes the homeless from the entire system of rights' (Rosendorf, 1991, p. 707). Rosendorf shows us how this is true of other visions of property rights, such as the personality theory. According to this theory, which Rosendorf says has its origins in Hegel,

'property rights play an essential role in the full development and self-realization of individuals', or 'self-development' (Rosendorf, 1991, p. 708). A person becomes a 'fully developed individual through establishing relationships with objects' (Rosendorf, 1991, p. 709). When we extend this idea to the home it is also exclusive of the homeless, for it follows that they can never develop into complete persons. For sure, it may follow that 'society might bear responsibility to provide at least a minimal property entitlement necessary for self-development to all its members' (Rosendorf, 1991, p. 712), but this would be no less true of individual rights. The normative force of acquiring property in order to possess individual rights is as much, if not stronger, than the normative force of personality development. The problem remains with any 'system of rights' that requires 'property rights as a prerequisite to exercising other rights': again, it 'will have the unintentional but unavoidable consequence of excluding the homeless' (Rosendorf, 1991, p. 720).

It seems that liberal theory has a choice to make: house the homeless or argue against public space prohibitions that affect them. The latter requires a balancing act of measuring interference: at what point does the shopper's comfort become a priority over the homeless individual and their 'anti-social' act? Public space involves accidental interactions which can occur and continue without our 'explicit consent' (Geuss, 2003, p. 13). Any act which forces somebody onto our radar can interfere with us, especially if that act is something we find disturbing, like shouting, begging or urinating: 'When a beggar approaches us, the usual expectations of distance and respect among strangers are flouted' (Synowich, 2006, pp. 177-178). An approach that prioritises the norms of community spaces may impose a sense of order that targets the street homeless exponentially in the pursuit of a cleansed, community space, but liberals must also be careful of doing the same thing in the name of maintaining an individual's negative freedom, for in this system of private property relations the homeless are an interference. As Waldron points out, as long as 'basic acts' like sleeping, urinating, or even

lovemaking are prohibited in public space then rough sleepers are not only subjected to 'degrading' prohibitions, but they become 'more or less *unbearable* for the people concerned' (Waldron, 1991, p. 321). If the prohibited action must be done in order to survive, this effectively criminalises street homelessness. The two choices mentioned above, regarding housing the homeless or fighting public prohibitions, therefore sit at the opposite extremes of ambition: one asks for much from liberal democracies, the other perhaps not enough. A research gap exists here: more work is required on either promoting realistic but significant changes, or work which presses the urgency of more ambitious solutions.

Though not focussed on the street homeless, Nicolle Stelle Garnett similarly shows how some state authorities in America have become obsessed with public space ordinances that for her, are also premised on a mistaken sense of order. Garnett talks of 'housing and building codes and nuisance laws' as well as 'zoning laws'. She claims that policymakers involved in such legislation reflect a view of urban decay first espoused by George Kelling and James Wilson in the hugely influential 'Broken Windows' theory. In a more recent and updated work, *Fixing Broken Windows,* Kelling teams up with Catherine Coles to revisit this theory. They propose that 'disorderly behaviour unregulated and unchecked signals to citizens that the area is unsafe'. Consequently, being prudent and 'fearful', 'citizens will stay off the streets' and 'avoid certain areas'. Thus, they 'withdraw from roles of mutual support with fellow citizens on the streets' that 'helped to maintain the community', and with this undermining of the 'fabric of urban life' and its 'social intercourse', the result is an 'increasing vulnerability to an influx of more disorderly behaviour and serious crime' (Coles & Kelling, 1997, p. 20). We can clearly see the influence of this theory on Tier and Ellickson.

In 'Ordering (and Order in) the City', Garnett claims this view of order affects policies around building construction focussed on maintaining the physical integrity of the high street, or actual broken windows, where, 'put most simply', the 'presence of an "eyesore"' is seen as

a 'a negative indicator of neighbourhood health' (Garnett, 2004, p. 4). She acknowledges that 'it might be true' that 'low-income entrepreneurs, if freed from the regulatory straitjacket imposed by the order-construction regime, might open the types of business establishments sometimes equated with urban decay'. But this is only one side of the coin. On the other hand, state authorities and policymakers, when 'confronted with a community where a run-down bodega remains the only viable business' ought to consider 'whether this lone commercial establishment signals total hopelessness, or, on the contrary, shows that at least *someone* is trying to make a go of it there' (Garnett, 2004, p. 42). Consequently, any regulations or laws imposed in the name of order in the city must take into account local context and be done on a 'neighborhood-by-neighborhood' basis (Garnett, 2004, p. 6). As 'regulatory "tastes" vary' from place to place (Garnett, 2004, p. 54), such 'sublocal' (Garnett, 2004, p. 53) responses to potential disorder encourage us to 'ask what the "public order" is, and importantly, to 'critically evaluate how our property regulations shape it' (Garnett, 2004, p. 58).

The risk here is in presuming that local responses are less arbitrary and generalising, or not as equally premised on a mistaken sense of order. In 'The Constitutional Underpinnings of Homelessness' Ann Burkhart shows how historically-entrenched views about the homeless are. According to her, 'many civic and religious leaders believed poverty was a sign of a defective character and even a form of divine judgement' (Burkhart, 2003, p. 288). The 1824 Vagrancy Act would seem to support this claim. We know it is still in use today: 'Begging is an offence under Section 3 of the Vagrancy Act 1824' (Cromarty & Strickland, 2018). So, the question should be what the Act was designed for exactly, 'vagrancy' being a fairly open term. Dennis J. Baker seizes on this question to show that the present legal reactions to street homelessness are now decontextualised and therefore disproportional. The fact that the Vagrancy Act still seems to be on the statute books today should worry us, for '[t]here is no evidence to suggest that modern begging' or other apparently anti-social practices are 'likely

to lead to the other sorts of social problems that the early legislation was designed to tackle' (Baker, 2009, pp. 213-214). When we examine the Act and its primary deviant, the idle, his argument seems a good one:

> And be it further enacted, That every Person committing any of the Offences herein-before mentioned, after having been convicted as an idle and disorderly Person; every Person pretending or profession to tell Fortunes, or using any subtle Craft, Means or Device, by Palmistry or otherwise, to deceive or impose on any of His Majesty's Subjects; every Person wandering abroad and lodging in any Barn or Outhouse, or in any deserted or unoccupied Building, or in the open Air, or under a Tent, or in any Cart or Waggon, not having any visible means of Subsistence…wilfully exposing to view…any obscene Print, Picture or other indecent Exhibition…lewdly, and obscenely exposing his Person…Intent to insult any Female; Exposure of Wounds or Deformities…every Person running away, and leaving his Wife or his or her Child or Children…with any Table or Instrument of gaming…Possession any Picklock Key, Crow, Jack, Bit or other Implement, with Intent feloniously to break into any Dwelling House…Being armed with a Gun, Hanger, Cutlass, Bludgeon, or other offensive Weapon…every suspected Person or reputed Thief…every Person apprehended as and idle and disorderly Person, and violently resisting any Constable or other Peace Officer so apprehending him or her…shall be deemed a Rogue and Vagabond (Crown Court, 1824, pp. 698-700)

Although the framers of the Act itself seem to have put a significant amount of effort into specifying certain misbehaviours and pointedly differentiate vagrant from 'rogue' and 'vagabond', there is another way of reading it. We can, I think, understand that it is less about separating those behaviours out as distinctive from each other and more about establishing idleness as the cause of any conceivable problem of behaviour: of such deviances fundamentally connected to idleness, or 'wandering abroad' without 'a visible means of Subsistence'. Essentially, forming the subject of the idle-vagrant and espousing their guilt, by association with other identities and problem behaviours. There is indeed more than a touch of the frantic here. Even within this small passage, the reader is guided from an idle and disorderly person, to superstitious fears of mediums. There is a mystification of the idle, as one that employs almost unnoticeable 'means' to relieve upstanding individuals of their money, even

with the aid of a 'Craft' or 'Device'. The worries of property owners are assuaged by the promise of strict rules over deserted buildings, as too are the concerns of those afraid of a slum centres emerging in such rundown areas. From this, we are encouraged to connote idleness with public nudity, the abandonment of family, gambling and finally the threat of actual physical violence and death.

So, we have profiling techniques that 'make a case' of an idle, non-working person, and associations that point towards this problem as the origin of various deviancies. With our Vagrancy Act, the implication is if we take idleness as a base problem, it is likely to lead to future crimes, and thus criminals, of increasingly aberrant natures. Moral panic over such degradation is elicited by listing these actions as natural progressions from such a state, as one would describe impending sickness from malnutrition or poor hygiene. Thus, what follows is a warning and a justification for the correcting procedures which follow:

every Petty Chapman or Pedlar wandering abroad…every Common Prostitute wandering in the public Streets…behaving in a riotous or indecent manner…every Person wandering abroad or lacing himself or herself in any public Place…to beg or gather Alms…shall be deemed an idle and disorderly Person with the true Intent and Meaning of this Act; and it shall be lawful for any Justice of the Peace to commit such Offender (being thereof convicted before him by the confession of such Offender, or by the Evidence on Oath of One or more credible Witness or Witnesses,) to the House of Correction, there to be kept to Hard Labour for any Time not exceeding Three Calendar Months' (Crown Court, 1824, pp. 698-700)

As we approach the end of the Act, the term vagrant has been amalgamated with madness into '*Lunatic* Vagrants (Crown Court, 1824, p. 706), madness being emphasised from a base of work-rejection, rather than a medical position, much like drinking or drug use is automatically treated as *abuse* not recreation when seen in the context of homelessness. This adjectival combination is something that has been picked up on by the Centre for Corpus Approaches to Social Science who use computers to 'produce machine aided analyses of large bodies of language data – so-called *corpora*' (Baker, 2014, p. 2). In this data analysis CASS

processed 'a billion words of writing from the seventeenth century from the database Early English Books Online' from 1473 to 1700, for 'commonly occurring words used to identify vagrants and beggars' (Baker, 2014, p. 4). Of course, such a method should only ever be seen as offering insights into public conceptions, not conclusive of their adoption, and very much in need of contextualising both historically and in terms of the target audience. It does, however, help us to find what words were in common usage by 1824, and do just that. 'Sturdy beggars' appears at the beginning of the seventeenth century as 'a phrase used to describe able-bodied adults who chose not to work', where 'members of this group were deemed to be living illegally by the state' (Baker, 2014, p. 10).

The stress in all this language is on the danger of actual crime, including physical harm. These people's misbehaviours are perceived as damaging to society as a whole, easily fallen into, and also immediately dangerous to the good citizen. Public space is where one was under threat from both the guilty-idle themselves, but also idleness as a temptation, contrary to the bourgeois norms of an increasingly regulated industrial society. A Foucauldian analysis would offer us much and this is something this thesis explores. What Baker's article has shown us here is that an act written with concerns over vagrants wielding cutlasses at passers-by will inevitably be disproportionate to current anti-social problems which are far less threatening to other users of public space today.

Another difference between the time when the Sct was introduced and now is that 'Unlike earlier eras, however, local communities no longer house all of their poor residents' (Burkhart, 2003, p. 267). This has created a knock-on-effect with policing, in an American context at least. In 'Police Discretion and the Quality of Life in Public Places: Courts, Communities, and the New Policing', Debra Livingston claims that the replacement of specific public order laws with vague ordinances, has affected the use of police discretion. She claims that the police need legal authority in order to be able to apply discretion to it, but the vagueness

of the ordinances mean the police either end up applying no order at all or are freer to apply their own interpretation of the legislation. Put simply, having a clear definition from which an officer can apply lenience to is far better than not having an obvious bar, for the latter means the police can easily overreach. Therefore, the 'close, local examination by police' of 'a neighborhood's problems', in partnership with 'a neighborhood's residents', 'may offer a better alternative'. It will allow for 'the sparing use of public order laws for the specific purpose of strengthening the social fabric of a community' (Livingston, 1997, p. 651). This may be a fruitful endeavour, but again Waldron's warning looms large: are the homeless included in this definition of 'residents'? Clearly, more local research into how local communities respond to the street homeless is needed. But this should not just include the laws that local authorities wield, for other more subtle and physical responses are being implemented, driven by a perception of what the homeless represent. This thesis explores this research gap through investigating an *anti-homeless public space*.

0.3 Explore Complicity

Legal obstacles form a large part of this research, however when I was originally reading *Homelessness and the Issue of Freedom,* I was not sitting in a law library. Had I been, I might not have looked beyond the legislation. Certainly, I began to think that the 'legal obstacles' we place in the way of the homeless in the UK needed more research[1]. But I was in public space the first time I read Waldron and I remember thinking: 'the living experience of the homeless could be found here'. Not much has been written about the day to day experience of living on the streets. Was there an ethnographic gap to be filled?

The first thing such literature guides us towards is a clear definition of homelessness, which is helpful in scrutinising the implication of terms like 'residents'. In 'Homelessness in the United States' Brendan O'Flaherty examines an American definition: 'people are homeless

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[1] Dennis Baker was all that I came across from the law literature, and even then, this was written before the advent of *Public Space Protection Orders* (as this thesis shows, a significant change in legislation).

on a particular night if they spent that night in a homeless shelter, or a commercial facility acting as a homeless shelter, or in a place not designed for human accommodation'. One implication of this definition is that 'There is no such thing as a homeless person; there are only people who are homeless on particular nights' (O'Flaherty, 2011, p. 278). This reduces homelessness to an emergency status to which sheltered accommodation seems the answer. Jean Calterone Williams criticises this response to homelessness, for in reality, 'the notion that a shelter provides "emergency" housing' is 'only true in some circumstances for particular people; homeless people must meet a fairly rigid set of circumstances to gain entrance to most shelters' (Williams, 2017, p. 7). Shelters also encourage a 'Linear Approach' to the homeless, 'built on the notion that homeless people must move through various stages of social services, for example emergency shelter, transitional shelter, and finally permanent housing' (Williams, 2017, p. 5). This promotes the homeless as passive recipients of care programmes, depoliticising their homeless status. Williams explores this further in another article, *The Politics of Homelessness: Shelter Now and Political Protest.* She claims that 'the homeless suffer police reprisals and loss of shelter as a result of their activism' (Williams, 2005, p. 497). As such, she investigates how one homeless activist organisation, *Shelter Now,* has withdrawn from visible protest and instead engages in lobbying and pressurising 'local government and shelters to include homeless people in decision-making processes'. Simply put, homeless people's 'social and political marginalization' makes protest a problem for them (Williams, 2005, p. 497). This is reinforced by an observation made by Leonard C. Feldman in *Citizens Without Shelter,* where he recounts two protests. The first case was in response to a court ruling against homeless activists who were 'allowed to erect two 'symbolic campsites' in Lafayette Park and on the Mal near the White House but were not allowed to occupy them'. In contrast, in a second case, a group of tenant's-rights activists protesting a rent increase were 'allowed a

sidewalk-sleeping protest' (Feldman, 2004, p. 140). Clearly, something distinguishes the street homeless from those under threat from homelessness. This thesis investigates this.

Williams gives us one explanation: public stereotypes are largely to blame, with common conceptions of the homeless as '"street" people who are dirty, mentally ill, eating out of trash cans, and sleeping on sidewalks'. Such perceptions of 'chronically homeless people' in fact tend to mean that the public do not 'envision families when they consider homelessness, for they may not "look" homeless in the context of popular stereotypes' (Williams, 2017, p. 16).

These 'popular stereotypes' are often pedalled by media representations, something which Darren Hodgetts, Andrea Cullen and Alan Radley look at in 'Television Characterizations of Homeless People in the United Kingdom'. They claim to have found that 'coverage is highly selective', where 'Homeless people are portrayed as different from and often inferior to the housed public' (Hodgetts, et al., 2005, p. 30). The media frames our experiences with homelessness, even when we are familiar with it: 'news constitutes a shared symbolic resource for establishing who is homeless, why people are homeless, what happens when a person is homeless, who the experts are, what can be done about this social phenomenon, and who should respond' (Hodgetts, et al., 2005, p. 31). Through examining the Independent Television News network from January 1993 to December 2002, Hodgetts, Cullen and Radley found that the homeless were 'cast as abnormal and *inferior down and outers',* but also as '*criminals* whose fraudulent activities and violent actions constituted a threat to civil society' (Hodgetts, et al., 2005, p. 33). The latter speaks to Baker's analysis of the disproportionality of the Vagrancy Act, where representations do not reflect reality. However, there was also a common tendency to present them as '*needy victims'* where characterisations were 'personalized in terms of lost souls or pitiful cases of hardship'. The final characterization the researchers contributed was the '*recovered social actor'* as someone who has 'battled the

odds' to 'overcome homelessness'. Such a person was depicted as ready to return to housed life and able to 'reflect on his or her previous life on the streets' (Hodgetts, et al., 2005, p. 33). What all of these portrayals lacked was a story of political failure or injustices of the economic system. The homeless were either deviants or 'passive illustrations' that are 'to be explained, prevented, and cured through the philanthropic actions of charitable organizations, governments, and private individuals' (Hodgetts, et al., 2005, p. 34). Again, echoing Williams, the authors claim that the homeless are 'not presented as active citizens who have a right to participate in decision-making processes'. Interviews with the homeless were 'limited to personal implications of adversity', which were then 'deliberated upon by charity and government representatives' (Hodgetts, et al., 2005, p. 38). Such representations result in over-emphasising one cause of homelessness and so one solution: 'Individual rehabilitation is presented as a panacea for resolving homelessness', transforming it 'from an economic issue into a social disease' (Hodgetts, et al., 2005, p. 42). This is also argued by Samira Kawash in 'The Homeless Body', where she claims that the presentation of the 'homeless problem' in the 'dominant discourse of media and politics' is 'not seen as a problem of the economy or the society that produces homelessness: instead it is viewed as the problem that the homeless create for the economy and the society in which we live' (Kawash, 1998, p. 320).

The framing of homelessness as a social disease is *to avoid self-critique on our reactions to the homeless*. This ought to be scrutinised, for it is this reaction which places the homeless as inferior individuals. Is it an inevitable consequence of pity or do we see mistakes that we consider we would not make ourselves? Is there something else? This thesis explores this question, particularly in *The Non-Transgressor,* but the main point I wish to make here is regarding definitions. The term I commonly use is 'street homeless', though sometimes I also use 'rough sleeper'. These are terms that are used to refer to those who have to use public space to live in, for I am looking at how the shaping of public space is becoming increasingly hostile

to such people. I do not wish to activate stereotypes. Stereotypes encourage 'the general public's engagement with homeless people' to be 'transformed from a public engagement between citizens to a private emotional matter that is to be literally experienced in passing'. In this, 'collective responsibility' for the homeless is 'not promoted' (Hodgetts, et al., 2005, p. 46). Such brief, passing considerations of our encounters with rough sleeping is to ignore the idea of a *culture of homelessness.* This is another implication of equating homelessness with not having anywhere to sleep on 'any particular night'. This is why I say I am referring to those who have to use public space to 'live in': I think this avoids a reductionist framing of the street homeless to passive individuals solely defined by a pursuit of basic survival needs. To '*live* in' a place is to also develop networks, alliances, social capital, try to stave off boredom, etc. As Samira Kawash says*,* '[t]he image of the homeless as essentially other than the public fails to recognize and account for the political and economic activities of the homeless, which include self-organizing for political advocacy, participation in public discourse through electronic networks or street newspapers, and the making and selling of goods' (Kawash, 1998, p. 321). In short, in this thesis a homeless culture is recognised in the term 'street homeless' or 'rough sleeper'.

The idea of a homeless culture is explored by Megan Ravenhill and looks at how people living with 'rooflessness' (Ravenhill, 2008, p. 23) develop 'particular social networks and patterns of behaviour'. This is both necessary to survival on the streets and problematic. It provides the 'need to "belong" somewhere' and to 'feel secure' (Ravenhill, 2008, p. 184), at the same time as including destructive behaviours: 'there was evidence of people gaining their drink or drug problem on the streets to fit in' (Ravenhill, 2008, p. 201). Furthermore, Ravenhill claims there was evidence that adapting to such identity would also keep rough sleepers in their predicament: 'those refusing to identify with the homeless culture or admit that they were roofless were more likely to spend less time on the streets' (Ravenhill, 2008, p. 185). In

contrast, those that felt more isolated from 'the housed world' would turn to 'complete immersion in the homeless culture' (Ravenhill, 2008, p. 201). Similar thoughts are voiced in other ethnographic studies, such as Tom Hall's *Better Times Than This,* which focuses on youth homelessness. A homeless environment, 'has a certain reach and hold over those in its midst', and 'plucks at those who are new on the scene' (Hall, 2003, p. 134).

Thus, in considering the presence of the street homeless in public space, it is ethnographic studies which have shown us that we should be wary of framing street homelessness only as biological compulsions or individual pursuits for survival, as perhaps Waldron did, for street homelessness is also a cultural framework. In this framework they can not only feel social inclusion, but gain positions and rise in status within their groups, as a replacement to lacking such status in the norm of home-dwelling life: 'inverse hierarchy structures', where rough sleepers were ranked by the severity of issues or problems they suffer, 'created a sense of respect for people not respected in mainstream society' (Ravenhill, 2008, p. 208). Hall's work also suggests this, especially when he explores the role of fighting, where being set upon by a larger group is considered par for the course. But, win or lose, by standing one's ground, one saves face. In recounting a particularly brutal attack on a young man called Al, Hall writes 'Next time it may be his turn to catch his assailant outnumbered'. It is the 'ability to look after oneself, to take what comes, come what may' – even if that seems a cowardly, unfair ganging up on an individual from the view of 'mainstream society' – that 'is at stake here' (Hall, 2003, p. 92). This may seem abhorrent behaviour, but if culture is 'a process whereby people with everyday lives in common' have a 'shared sense of how they live them' (Hall, 2003, p. 133), then perhaps it is not surprising that street homelessness involves such practices. Events like these make 'word of mouth reputations', which are 'precious', especially for 'those who feel they have little else to show for themselves' (Hall, 2003, p. 94). In essence, if we see street homelessness as having a cultural element, it is a culture that has

'emotional significance to participants and helps them to survive on the streets' (Ravenhill, 2008, p. 16). Because of this lack of respect awarded within mainstream society, homeless individuals are 'forced to learn how to look, act and speak like the roofless in order to survive both mentally and physically'. As such, we can in fact see how 'their exclusion is externally applied rather than a process of self-exclusion or disengagement' (Ravenhill, 2008, p. 199). The idea of a separate culture is almost forced upon them and the work exploring television representations of the homeless supports this. Hall makes a similar point: 'what matters', he writes, is the extent to which a homeless culture is placed in a 'subordinate position' within a 'wider social context' (Hall, 2003, p. 134).

As a culture homelessness is viewed, demonised and shaped from the outside. John Fiske emphasises this when he talks of the 'micro-environment' (Fiske, 1999, p. 4) of a shelter, where to comply with 'middle-class standards' the men have to 'be out of the shelter between 8:00am and 5:00pm', because 'these are the hours when "normal" men are out of the house working' (Fiske, 1999, pp. 5-6). As this thesis shows, public space also imposes time-based norms. Outside of a shelter, this is an external shaping and segregation from the home-dwelling community or norm of the high street shopper. Homeless people are affected by the physical spaces in which they exist, and in general it is corporate interests, local councils, shoppers, retailers, tourists and local home-dwellers who affect those spaces. Exposing an anti-homeless public space not only exposes it as something which moulds and others a homeless culture, but also subtly reveals and reproduces our perceptions of the homeless.

Similar thoughts ran through my mind that day in the park. I cannot honestly say whether or not the arm rests that had been fitted into the bench had been there from the first time I sat on that seat, but I noticed them when reading *Homelessness and the Issue of Freedom*. My coffee, perched upon these modified additions, now looked at me accusingly. Waldron's paper detailing the increasing *legislative* hostility towards the homeless in public space had put

me in a suspicious frame of mind, but it was the combination of this legally-informed political theory with the *physical* hostility around me which confirmed this suspicion. Sitting on that bench, I began to wonder if the arm rest was more sinister. I looked around and noticed all the other benches had such features. I could see the bus stop across the road, with its sloping seat that was impossible to lay down on. I suddenly saw my favourite café in a different light. The sign on the toilet door that read 'for customer use only' and the key-code that enabled entry, coupled with the locked public toilets, suddenly felt like part of the 'legal obstacles' Waldron had talked of. I got up and started walking, now on the lookout for more *physical* 'obstacles'. I realised the main research gap in this area was the physical shaping of public space and a lack of scrutiny on how it affected the day to day living of the homeless: how it shaped this *culture of homelessness*. My thesis would accordingly be a piece of work exploring our *complicity* in the worsening of existence for the street homeless. It would involve a significant *reframing* of public space features, like park benches, as a targeted attack rather than a preservation of a pleasant, community space: or indeed shopping experience. The latter was something that Waldron neglected. This would mean investigating whether there was a relationship between hostile architecture and legislation. If so, what would that relationship reveal about our attitudes to the street homeless and their perceived place in our communities, or the areas we live, shop in and commute from? My project had begun.

This thesis is not an ethnography interviewing the homeless, because it is not all *their* 'living experience', or story. Insofar as street homelessness does not really begin the moment someone becomes 'roofless', but *may* also begin from domestic abuse, being fired, suffering mental health problems or addiction (and a whole host of other events I do not claim to know about), then it is the role of the ethnographer to collect, interpret and explain such data, whilst being mindful of stereotypes. Ravenhill's *Culture of Homelessness* looks from the inside to implicate the norm of home-dwelling society in the shaping of this culture. I therefore examine

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how the changing nature of our public spaces is part of that. Put simply, as a political theorist, I do not presume to know when an individual's *personal* path to rough sleeping begins. As a political theorist though, I may have had a lot to say about how social, political and economic structures cause homelessness, but that is not the particular focus here. This thesis looks at how street homelessness is constructed, managed and exacerbated by local communities in the physical spaces it exists. In reframing the legislation and architecture in public space I consider how street homelessness is further complicated by *our* othering of rough sleepers from legitimate users of public space, and so legitimate members of community. Consequently, it is about considering *our* behaviour in suppressing *their* belonging because of their street homeless status. This is not to ignore the influence of ethnographic literature focussed on the homeless voice: in fact, it is through acknowledging the research presenting this 'voice' that I arrived at an examination of how *we* behave towards *them*. Not an ethnographic study involving interviews with the homeless then, but if I wanted to know the attitudes of those who use, shape and legislate on public space, why not just make this work an ethnographic study that interviews this category of people? Of ethnographic approaches, Megan Ravenhill writes: 'the main objective is to find out what is happening from as many perspectives and viewpoints as possible. Then lay these side by side and systematically analyse them, drawing out dominant perspectives' (Ravenhill, 2008, p. 113). This is something this thesis attempts, but again, interviews do not feature. As I have said, an investigation into an increasingly hostile public space is part of realising *our* complicity as users, and perhaps even shapers, of that hostility. The presumption of that is that most of us are not aware of that complicity, reject the idea, are dishonest about it, or try to avoid it when it starts to feel uncomfortable. This means this work does not employ ethnographic interviews on what home-dwellers, park-sitters or shoppers think about the presence of the street homeless in public space, because interviews would mean I suspected that complicity was already explicitly acknowledged, and the project would

contribute arguably little. It is therefore a theoretical exploration to present that complicity to us in a way that means we cannot avoid seeing or admitting it. To put it simply, if the inhabitants of our towns and cities are explicitly aware and conscious of how public space is being shaped to be hostile to the homeless, as well as presenting rough sleepers as hostile, then one cannot reframe public space to make people see what they already see. If they are not fully aware or open about it however, then a work of theory which forces us to recognise this manifest hostility and which offers an explanation as to why it is happening, is what we need.

0.4 Offer a Storytelling Method for Political Theory and Integrate the Methodological and Substantive Work in One

I have come full circle in arguing that political theory is the right place to position this thesis, because for me a large part of political philosophy is about *reframing* or *reimagining*, making the familiar unfamiliar. Making the park bench seem more sinister is an example. Political theory can expose, raise suspicions, explain patterns of behaviour and advise us. In short, it can be used to collect events into a narrative in order to see and understand why something is happening, and this can be action-guiding. There are, as we shall see, different ways to approach political theory and additional properties one can assign, but for me, ultimately, they are all ways to *evaluate* an issue and *prescribe* some form of guidance about what the right thing to do might be.

The former 'evaluative' property is understood as 'discerning the reason inherent in what already exists' whilst the latter 'prescriptive' feature is 'setting out, in imagination, a plan for social construction' (Waldron, 1995, p. 161). These are terms Jeremy Waldron uses in *What Would Plato Allow*, yet though they are not mutually exclusive, indeed for him they are somewhat separable. Therefore, in this view, to be prescriptive is a preference of political theory, not a criterion. He references Nozick to highlight the issue with presuming that political theory is by default an action-guiding exercise rather than a philosophical discussion: 'Robert Nozick is a professional scholar, tenured at a great American university at the end of the

twentieth century, in circumstances where he is free to write or teach anything he pleases, without political repercussions' (Waldron, 1995, p. 145). In such environments the pursuit of an idea for the idea's sake is foremost. Philosophers can therefore 'enrich our understanding of the political' without the need to lay out 'any course of conduct' (Waldron, 1995, p. 58). According to Waldron, Nozick is interested in the 'philosophical rather than the policy implications' (Waldron, 1995, p. 142). When he suggests that 'no end-state principle' can be 'realized without continuous interference with people's lives' (Nozick, 1974, p. 163), it is a mistake to subsequently 'comb *Anarchy, State and Utopia,* or any modern work of political theory, for the bottom line: "Well, is Nozick in favor of free child care, or isn't he?' (Waldron, 1995, p. 145). In short, a 'normative blueprint' can just as easily be a 'cover for a deeper speculation in philosophy' (Waldron, 1995, p. 164) rather than simply a prescription to society. The view that Waldron ascribes to Nozick, that political theory is not simply an exercise in blueprints, is similarly expressed by Alan Hamlin in what he describes as 'Positive Political Theory'. For Hamlin, although 'investigation into normative analysis' is 'central to the overall ambition', it 'does not exhaust political theory' (Hamlin, 2017, p. 192). A positive political theory 'attempts to fill the gap between description and normative analysis' with 'explanations of political phenomena and behaviour'. These are 'crucial to our understanding of politics' and in fact 'essential to our normative discussion' (Hamlin, 2017, p. 193) if and when it arises.

Mellissa Lane gives us a third view of normative political theory as including three components. It is 'normative', insofar as it 'involves the advancing and testing of ought-claims, both prescriptions for actions and claims about how concepts ought to be understood'. It is 'theory', insofar as it removes us from 'actual practice' of political action: it is reflection. Yet it *is* political insofar as what we are thinking about, politics, is a real space where things happen: a 'domain of practical predicament'. Although not necessarily to the extent of actual policy, we must at least be *thinking* about the *practice* of our philosophy 'on some level of abstraction'

for 'it to count as *political* theory at all' (Lane, 2011, pp. 131-132). This means that even in the most 'evaluative' mode, we are still being 'reflectively political' (Lane, 2011, pp. 132-133). It would seem that distinguishing 'evaluative' and 'prescriptive' is one thing but thinking about them completely independently of each other is perhaps a step too far: 'the two practices' of reflection and guidance 'cannot be segregated or insulated from one another' (Lane, 2011, p. 133). I tend to come down on the side of Lane, through an acknowledgement of Johan Olsthoorn's claim that even 'essentially evaluative concepts' such as justice and fairness seem hard to define 'purely descriptively' (Olsthoorn, 2017, p. 174). If this is philosophising, I agree that as soon as we talk about what people do, we are unable to prevent the implication, however reserved, of 'how the world should be' (Olsthoorn, 2017, p. 174) beyond the context of a philosophical discussion.

Waldron also helps us realise this in his own criticism of 'Historians of Ideas' (Waldron, 1995, p. 143). Presumably, here he is referring to scholars such as Quentin Skinner and his assertion that: 'whenever it is claimed that the point of historical study of such [perennial] questions is that we may learn directly from the *answers,* it will be found that what *counts* as an answer will usually look, in a different culture or period, so different in itself that it can hardly be in the least useful even to go on thinking of the relevant question as being the 'same' (Skinner, 1969, p. 52). To this Waldron responds: 'In this age of exquisite hermeneutic sensitivity, *we* may be anxious to avoid the anachronism of reading the traditional texts in the light of our own concerns. But the authors whose works we are handling with this sensitivity had no such scruples themselves, and I think it is fair to say that our sensitivity to their context seriously distorts our understanding of their philosophical intentions' (Waldron, 1995, p. 146). In effect, Waldron cites Hobbes's attacks on Aristotle (amongst others) to show that there was an awareness of and belief in a 'dialogue across the ages' (Waldron, 1995, p. 146) that can transcend the 'context of the culture and situation that produced it' (Waldron, 1995, p. 144).

The authors of great texts felt they were part of a recognised pursuit and were not just writing responses to their living interlocutors and current events but were also aware that they were contributing to some transhistorical debate and a subject that went beyond mere immediate circumstance, a subject which therefore connects us to them directly through similar questions and problems – in short, political philosophy. Thus, if they were taking past works into account when they wrote and replying to long-deceased interlocutors from an ancient civilisation, they could also perceive of forthcoming generations and the position of their own work within any future canons: 'the idea that he [Hobbes] would have insisted indignantly that we confine his work to its 'context' strikes me as absurd' (Waldron, 1995, p. 147). Hobbes, Rousseau and even Hegel, Waldron claims, 'wrote in response to books that were written centuries ago; and it is impossible to read such works as *Leviathan,* for example, without getting the impression that the authors also intended their works to survive the historical vicissitudes that elicited them' (Waldron, 1995, p. 147). According to this view, it is therefore not wrong to read Hobbes as if he were part of the same 'conversation' as our own, for that is what Hobbes himself was doing not only in regard to Aristotle, but also with a view to his posterity, as future theorists (Rousseau, for example) would perhaps return to him to consider the same problems. Thus, we can engage with his answers. The relevance of this argument for us here is that it complicates Waldron's claim about a distinctively separable 'evaluative' theory. The idea that someone like Nozick can write something so 'reflectively political' and not expect it to contribute to ideologies behind political governance or at least provide an intellectual justification for them, is equally 'absurd' as the thought that Hobbes could write about sovereignty in *Leviathan* and be 'indignant' if it were ever to be considered beyond the historical moment of the English civil war. Writing in the philosophical arena surely involves the idea that what is produced and argued there has some manner of relationship with society beyond it, even as a philosophical experiment, for the purpose of such experiments is to offer

clarifications and show how a particular way of thinking may alter our moral commitments in various contexts: 'In these cases, it would be fair to say, its principal educative impact is in the forming or refining of political sensibilities and political judgement, rather than the transmission of a definite set of findings' (Dunn, 1996, p. 13). To respond to the concerns raised in *What Plato Would Allow* then*,* I would say that philosophy is not policy, but that does not mean it can completely remove itself from being policy-informing, or policy-justifying.

This is not to deny the use of the 'evaluative' and 'prescriptive' distinctions, only question how independent from each other we can make them in our work. Waldron himself says that 'it would be wrong' for him 'to suggest that there is no place for a philosophically informed and rigorous contribution to the civic discussion of legal and constitutional reform' (Waldron, 1995, p. 147). Likewise, it is not impossible for the reverse to happen: that the political realm provides the philosophical world with material – he mentions the Federalist Papers as an example (Waldron, 1995, p. 147). These caveats seem particularly important considering the more recent *Political Political Theory*, which calls on theorists to attempt a 'much closer connection between political theory and law' and asserts that 'we certainly do need a sophisticated philosophical understanding of the layers of value that are implicated in the assessment of political institutions' (Waldron, 2016, p. 12). In this book, Waldron argues for theorists to acknowledge their motivations as social and political worries: 'political theorists lose nothing when we insist that our particular concerns and the values and principles that we particularly emphasize are concerns in the first instance about elections, parties, legislatures, courts, states, regimes, and agencies' (Waldron, 2016, p. 19).

We should be conscious of the fact that over 20 years separate the Plato paper from *Political Political Theory*. The underlying point to these 'evaluative' and 'prescriptive' traits is only that we should not *suppose* that a work of political philosophy or normative theory is some manner of political manifesto, even when it may on the surface appear so apparently

engaged with an actual place of contingencies and context, like *Anarchy, State and Utopia*, or *Leviathan*. If we do, we might miss the deeper philosophical speculation. Having said that, even when the normative component may be very weak or not explicit, it is never absent, I think: 'political philosophy that takes itself to be simply descriptive and enjoins abstention from action is already intervening, because taking any position at all is intervening' (Geuss, 2016, p. 24). For me, where these distinctions are therefore useful, is in how they help us consider the intent of our own theorising and so how explicit we wish to be with the normative in our method of theorising.

Overall, this examination into an *anti-homeless public space* is perspectival: I wish to be quite explicit but also speculative, evaluative but also prescriptive. In whichever way we further specify it, we can understand political theory's basic purpose as a pursuit which includes a *normative* component into a story about *what* is happening and *why*. So, we can understand political theory as that which can tell us why public space is becoming more hostile to the homeless, as well as being able to turn towards what we should do about it.

Political theory is therefore where I situate this thesis, but law and ethnographic literature has had a big impact. In another excellent ethnographic study of homelessness, *Evicted,* Matthew Desmond writes '[t]o me, ethnography is what you do when you try to understand people by allowing their lives to mold your own as fully and genuinely as possible' (Desmond, 2017, p. 286). Through living as closely as possible to his subjects of research, Desmond was able to 'experience a kind of second immersion in the words and scenes' of their lives (Desmond, 2017, p. 294). This idea of 'second immersion' influences the evaluation of and prescription for an *anti-homeless public space* to a greater extent than just adding pictures to a theoretical analysis. The *complicity* I want to get across relies upon a political theory focussed on *immersing* the reader: immersion into perspectives and gazes upon public space which expose how it is becoming ever more hostile to the homeless, why, and because of

whom. This is all easier said than done. How do you make someone experience political theory in such a way? Waldron's work had made me think, but as I mentioned above, if I had been reading it in an office, I do not think I would have reacted as strongly as I did. The article was provocative but to really hit home it had needed the visual experience of the hostile architecture: more so than simply adding photos to political theory work. Suddenly what I wanted to do in this thesis prompted an equally important question of how I was going to do it.

As I walked through towns and cities, I realised something very important. *Movement* was essential to reframing public space architecture and legislation. Through it one could visualise a trail and continuity from one anti-homeless initiative to the next, from park to shopping centre. A relationship between arm rest and dispersal music, as if the street homeless were being pursued through town centres. I was to find out this was also true of the legislation: Public Space Protection Orders, the most recent anti-social behaviour legislation appearing in towns and cities, can be amended and expanded in range once they are implemented.

Time also became an important component of understanding the intricacies of an anti-homeless public space, for PSPOs can also be applied at certain times of the day and not others. Similarly, bagpipes dispersal music that was played during the night (the same few tracks over and over again), switched to a classical music album during the day. This emphasised our role, as shoppers or locals, in dispersal. One public space for us, another for them. A cleansed day, an abandoned night. This work needed to try and get that across: to make us feel and experience the *time* and *movement* in the reframing, because it was essential to that reframing. A public space regulated in the day but left generally unregulated at night is hard to capture without somehow describing the passing of time in the analysis. In my view, just adding pictures was not enough. Political theory was the right place to situate this work because it focuses on reimagining a problem, but there was not yet a method I felt fit to the task. The thesis would need to provide one: a *Storytelling Method for Political Theory* emerged as my third aim. This

led me to adopt a Foucauldian outlook and see political theory as a 'toolbox' from which I could select instruments (Foucault, 1994, pp. 523-524): what was in it that would enable me to achieve this reframing of public space?[2] As I will show, I found lots of useful 'tools', but still something missing. Having combed the 'toolbox' I developed my own device to form a *method* for examining the anti-homeless changes in public space. The fourth aim took shape: if I was going to merge all the useful bits from various approaches (with, I hope, a creative dash of my own ideas) for the purpose of this project, then it might be worth seeing if this was a method that other theorists could use. A methodological discussion, followed by a proposal with an instructive 'how to' element, became another important component of the work. As Adrian Blau says in the introduction to '*Methods in Analytical Political Theory',* a 'how-to analysis helps us answer 'why do' questions' (Blau, 2017, p. 3). I was thus about to embark on a thesis that was both a *methodological and substantive* piece of work. This helps situate the author and their own perspective, which in my view, as I argue at the close of chapter one, is important when doing normative work.

0.5 Theorise an Anti-Homeless Public Space within Local Politics

There is a small but important body of political theory literature on homelessness which focusses on what they lack in terms of a political status and identity. In *Citizens Without Shelter* Leonard C. Feldman attempts to explain the discrepancy in the two protests mentioned above, between the home-dweller's permitted presence and the enforced absence of the homeless activists in their protest. He begins by first of all claiming that public space prohibitions today focus not on bringing the homeless in for correction, but on moving them around and dispersing them. This correlates with Burkhart's ethnographic study. To repeat here for convenience: the fact that 'communities no longer house all of their poor residents' (Burkhart, 2003, p. 267).

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[2] I think it is important to see political theory in this way. If nothing else, it ensures we remain 'pluralists' in 'methodological terms' (Haddock, 2011, p. 67), acknowledging that a method is chosen for a project, not the other way around.

Feldman picks up on Kelling and Coles' 'Broken Windows' theory. According to Feldman, anti-homeless legislation sees the 'panhandler-as-broken window' (Feldman, 2004, p. 52). He re-imagines the theory in the context of a commercialised, consumer-focussed public space: a 'consumptive public sphere' (Feldman, 2004, p. 38). He shows how, in the Unites States, although legislation is still informed by concepts of community it has shifted from a tightening of moral fibre that we see in the Vagrancy Act, to concerns being more about creating centres of 'consumption and appearance' for 'consumptive activity for middle-class users' (Feldman, 2004, p. 55), free of discomforting 'signals'. Thus, '[r]ather than incorporate (through coercion) the idle into a world of work and discipline, contemporary anti-homeless laws protect (through exclusion) a consumptive public from threats to its security' (Feldman, 2004, p. 30). In such a context, liberal paradigms of non-interference are present. This correlates well with observations over the changing nature of public space, such as that offered by Sylke Nissen in *Urban Transformation from Public and Private Space to Spaces of Hybrid Character*. In this article Nissen explores 'hybrid spaces', which are 'characterised by the partial or complete transfer of state or local rights to private or commercial actors' (Nissen, 2008, p. 1131). In this case then, anxiety over the homeless presence shifts emphasis onto how they *interrupt* commercial activity: 'the 'new irresponsible street person: the one who insists on panhandling where pedestrians pass by, evincing no concern for the economic vitality of the consumptive public sphere' (Feldman, 2004, p. 50). Perhaps even, I think, that 'free', uninterrupted, commercial activity *is* ever more so a large part of what we define as a public space, and that it is the role of the local authorities to enable and safeguard this construction of individual consumer-citizen. If one is not part of that as a 'consumer', then one is excluded, but not necessarily reformed. This is a denial of the homeless as a legitimate consumer. They are not wanted within a public space increasingly geared towards that very activity. This thesis

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investigates whether this theory, backed by observations in the US, applies to the UK's high streets also.

Feldman's framing of modern day anti-homeless legislation is indeed very insightful and well-observed, and underpinning it is the convincing discourse that it is reflective of our transition as a whole from a producer-based society or economy to a consumer-based one. Our public spaces therefore become a commercial or advertisement in themselves for the shops that are dotted around them. The homeless do not fit into this glossy image, but rather than solving the issue, authorities seem merely to be persistently moving the problem around so the homeless are contained as a minimal interference. Pushing this theory, is John Parkinson's analysis of a loss of places in public space to perform 'democratic roles' (Parkinson, 2012, p. 88), such as gatherings and protests: public spaces 'which emphasize breaking up flat, featureless plains with furniture, trees and other 'breaks' to encourage casual, accidental encounters between individuals, but which thus make them useless for large, purposive, democratic publics' (Parkinson, 2012, p. 147). If public space is now mostly complementary to our individualistic, consumer activities, then the shift into an environment of 'furniture' and 'trees' for 'casual' interactions rather than political arenas, reinforces the concept of a public space that serves to complement and advertise the commercial hotspots that surround it. It becomes a space 'through which people transit, or act as consumers and displayers of their consumption' (Parkinson, 2012, p. 7). This being the case, public space is increasingly less of a political or community space and more of a place for the individual to enjoy commercial activity, so homelessness is less a shared community problem or political issue, and more about the disruptive conduct of an individual who comes to represent an archetype. The presence of the homeless is therefore an annoyance and disturbance within this picture of 'casual' encounters, and an uncomfortable guilt for the individual shopper, more than it is a moral anxiety over community or national stability.

This does not mean older concepts of vagrancy have disappeared: the historical associations and images of a 'disorderly' person that are present within our 19th century concern with vagrancy exist as a cultural backdrop for us today. The main point is that concern for the 'upstanding citizen' mixes and merges with concern for the upstanding 'consumer' who has far less civic obligation (Feldman, 2004, p. 44). This pushes us to consider the homeless not so much as fellow community members in trouble, or even as suffering individuals, but predominantly as an *interference*. The consumer wandering through the 'hybrid spaces' – the connecting spaces in between areas of consumption which Parkinson and Nissen have shown are what our public centres are becoming – ought therefore to be protected from this by ensuring an absence of the homeless as much as is, currently, legally possible and culturally permissible. And, of course, what is considered currently 'legally possible and culturally permissible' is under pressure. As we consider that public spaces are even being turned over to *privately-owned public spaces* – something I recognise – this paradigm of non-interference, or negative-freedom-for-some, as the key principle in our parks and streets is likely to continue: to complement and be complemented in turn by the images of the homeless wandering-outsider in contrast to the 'consumer citizen'.

Thus, a misuse of the concept of negative freedom for the individual could in fact be part of the problem, as much as what Waldron calls a 'cosmetic communitarianism' (Waldron, 2000, p. 406). A further point to consider about this, is how liberal principles are always in danger of reducing the homeless presence and wandering shopper in public space down to battling preferences, and, thus how a concept of *function* will come into play and effectively behave like some form of 'good' without being explicitly recognised in such a way. This will persistently be prejudiced against the former and result in a legitimate user of public space versus an illegitimate one, a dividing line as distinctive as any form of aggressive communitarianism might provide.

This dispersal allows Feldman to emphasise an othered status that speaks to the enforced absence of the homeless in their protest in New York. To explicate this further, Feldman seizes on a distinction provided by Giorgio Agamben in his examination of western political tradition. Agamben says that the Greeks set our political thinking in their two definitions of life: *zoe* and *bios*. The former was the 'simple fact of living common to all beings'. For us on the mere mortal plain, that meant the 'bare life' of survival, food, shelter and reproduction. The latter, in contrast, was essentially the agora: a discussion over 'the form or way of living proper to an individual or group: a 'politically qualified life' (Agamben, 1998, p. 9) that presumed the realisation of this 'bare life' (Agamben, 1998, p. 10). Agamben therefore shows that 'Western politics first constitutes itself through an exclusion (which is simultaneously an inclusion) of bare life'. If politics is the why and how to live collectively, and thus defined above basic functions necessary for staying alive, what then 'is the relation between politics and bare life, if life presents itself as what is included by means of an exclusion?' (Agamben, 1998, p. 11).

Feldman applies this question to the homeless, examining them in comparison to the *Homo Sacer,* Agamben's example of the 'bare life' inclusive-exclusion. *Homo Sacer* was an obscure figure of Roman history who could be '*killed and yet not sacrificed'* (Agamben, 1998, p. 12). Sovereign power places him outside of the law, abandoned by the 'good life' (Agamben, 1998, p. 11), the political, and so the Polis itself, but also beyond the sacred. He is at once free of shackles, and utterly exposed to death; for all intents and purposes he has no *bios,* no political status, because his life is completely reduced to this 'simple fact of living common to all beings'. For Feldman, the reduction to 'bare life' and its subsequent 'ban' (Feldman, 2004, p. 16) (Agamben, 1998, p. 63) from politics is what increasingly characterizes the homeless today, creating an image of someone outside and parasitic to a polis. But this very exclusion is also an 'implication of the first in the second': if the political is defined by something it is not, then

the contrasting 'bare life' is a ghostly presence. 'Bare life' must be recognised in order to create a concept of the political and the power the political bestows. Consequently, 'Placing biological life at the center of its calculations, the modern State therefore does nothing than bring to light the secret tie uniting power and bare life' (Agamben, 1998, p. 11).

Thus, even if one is to refute Agamben's more extreme claims that the biological is in fact at the 'center' of modern power, there are at least still echoes of 'bare life' within the political for the definition of the political relies upon recognising it, and so the exclusion is not as clear-cut as such. This murkiness allows Feldman to claim that: 'The homeless, subject to punitive policies and police confiscation of property, are not deprived of legality as such, not excluded from political community altogether, as are stateless persons such as refugees' (Feldman, 2004, p. 102). But, although 'Anti-homeless laws do not convert the homeless into non-members of the political community – indeed homeless persons retain voting rights in almost all states' – the 'de facto criminalization of a person's existence', through 'public sleeping bans and police sweeps of homeless encampments, turns the homeless into persons who are simultaneously *community members* and *outlaws'* (emphasis added). As these 'outlaws' the homeless are not only vulnerable to dispersal from our public spaces or having their property confiscated, but also to having a political expression denied to them, as a route to acquiring more substantive rights. Or, at least, as 'banned' speaking members of a polis, hindered from highlighting such potentially unjust anti-homeless measures. So, with the protests, by only permitting 'symbolic campsites' where the homeless activists were actually 'not allowed to occupy them' (Feldman, 2004, p. 140), the authorities implied that an actual existing bare life status must be kept separate from the political statement the homeless activists wished to make:

In allowing a housed citizens' overnight vigil while preventing occupation of a homeless tent city, these cases produce an exclusionary vision of "expressive" citizenship in opposition to a subordinate status of bare life.

The tenant's-rights group sleeps in public as citizens, whereas the homeless persons (and intoxicated individuals) sleep in public as outlawed bare life' (Feldman, 2004, p. 141).

The political status of the street homeless is therefore masked when the homeless themselves are engaged in attempts to fulfil bare life, and as their status is permanently presented and defined by this, they are denied an 'expressive' citizenship as default. They 'have a legal status, but one that marks them as different from the unmarked norm of home-dwelling citizen' (Feldman, 2004, pp. 102-103). Their subdued political identity is directly connected to injustices perpetrated against them and so we effectively have a second-class citizenship. Yet, Feldman's use of 'bare life' theory takes this all the way back to the very distinction of the political. They are 'marked' as *zoe* by the concept and definition of a state and polis, and as such, their exclusion is not just socially created, but also constitutive to our inherited vision of citizenship. Thus, currently, citizenship not only fails to work as a tool of correcting these injustices, but in some sense, is implicated in causing them. The homeless as representing the struggle for 'bare life' are already lacking in significant political expression, because of what politics is defined as: they are in danger of being excluded from the very beginning, before any social othering occurs, for they are outsider-in-waiting. In short, the homeless are inevitably placed into a duality of 'member' and 'outlaw' from the offset, because this 'de facto' exclusion caused by the ordinances is actually, in part, derived from the political community's classification of citizenship as the 'politically qualified life': where qualification is the premise that 'bare life' is covered. Feldman therefore calls for us to 'pry homelessness loose from its usual frame as a social problem and to see the state and sovereign power as deeper causes, not as superstructural with respect to society' (Feldman, 2004, p. 15). Thus, in recognising the 'dangers of a strict separation between bare life and the political', he subsequently argues in 'defense of a *pluralized* citizenship' that 'nurtures political practices that run across the distinction between bare life and the political' (Feldman, 2004, p. 21). The homeless therefore

become a political group making political claims. On this premise, he thus encourages us to evaluate the idea of self-made encampments:

Encampments in places as far apart as Portland, Maine, and Portland, Oregon, have succeeded in asserting (temporary) control over a public space. Establishing a space relatively free of police harassment and nonstate violence, homeless persons resisted the political exclusion of the ban and engaged in "placemaking" that fostered nonstigmatized identities and paved the way for collective action. In other words, having established (precarious) control of physical spaces and resignified those spaces as dwelling spaces, they moved beyond the defense of the camp to make demands as citizens concerning the cultural and economic injustices of homelessness more broadly (Feldman, 2004, p. 103)

As a group of people, the homeless were able to pursue an alternative to shelters where, to quote Foucault, 'each individual receives as his status his own individuality, and in which he is linked by his status to the features, the measurements, the gaps, the 'marks' that characterize him and make him a 'case' (Foucault, 1995, p. 192). In doing so, the homeless were able to not only protest over the costs of housing but demand reform of 'shelter policies' (Feldman, 2004, p. 104) and the stigmatized view with which they are seen within them. A political speech act can be made when a group are not in fear of immediate dispersal, and, as Feldman also points out, '[a]s an organized, self-managed collectivity, a homeless encampment may win positive recognition from other citizens' (Feldman, 2004, p. 105). In effect, a pluralization of citizenship, leading to a recognition of a citizenship status in the homeless, will therefore allow encampments – which also provide shelter – to be viewed as political acts of resistance.

Politicising the homeless is also argued for by Margaret Kohn in *Brave New Neighborhoods* She examines *Homeless Free Zones* and three different critiques of them. Beginning with the liberal critique, she looks at Waldron's framing of homelessness through negative freedom. Her main issue with this is how we decide between fair and unfair rules of restriction upon the homeless in public space. She claims that it backs us into defining unfair

as restrictions which 'effectively prohibit bare biological life for homeless people' and leaves not much room for anything else, being premised on negative liberty (Kohn, 2004, p. 136). Here she follows Feldman's use of Agamben by claiming that this reduces the homeless to a 'bare life' framing. This is problematic for her regarding shelters: 'If the rights of the homeless only extend to the basic functions of survival, then they have no legitimate grounds for turning down a shelter space or leaving the confines of an area like skid row' (Kohn, 2004, p. 136). This framing of homelessness as an issue of freedom thus does not prevent zoning laws: 'As long as the homeless have some zone of the city where they can perform basic life functions, then their right to exist is not infringed' (Kohn, 2004, p. 136). This also does not prevent the representation and actuality of the homeless as a secondary citizen, with weaker claims to specific areas of public space. The second critique of zoning Kohn examines is the 'romantic' view. This view is of the homeless as the 'marginal and dispossessed' and the 'carriers of authentic American values' (Kohn, 2004, p. 138). The 'hobo or migrant is not someone who failed in terms of bourgeois standards of success' but 'someone who has embraced a different set of values even at great material cost to himself' (Kohn, 2004, p. 139). Kohn cites literary works such as Jack Kerouac's *On the Road* which she says 'valorized a certain kind of urban nomadism as the realization of human freedom' (Kohn, 2004, p. 138). Whilst this is often a 'useful corrective to the more common depiction of the homeless as victims or threats', Kohn argues that it 'aestheticizes the homeless' and would 'lead to counter-productive government policies'. Similarly, this view would not 'provide convincing reasons to elicit the support of those who do not share antisystem values'. Thus, whilst 'Waldron's liberal perspective and romantic perspective offer arguments against the criminalization of homelessness', 'neither one provides a complete critique of the zoning strategy that is employed today' to keep the homeless away from certain areas (Kohn, 2004, p. 139). A Democratic perspective however can. Referring to Robert Dahl, Kohn claims that a democratic approach means 'Citizens must

have an adequate opportunity to express their preferences about the final outcome' of any decision and not be obstructed from gathering information on 'how a given decision affects her interests and the public good'. This requires the 'legal construction of the homeless as political agents, participants in a certain kind of civic conversation' (Kohn, 2004, p. 142). In a similar conclusion to Feldman, Kohn claims that 'if the homeless do not have the opportunity to be visible in public spaces', they 'cannot communicate their needs'. This being the case, there is 'no chance that they will convince others to make the social changes necessary to meet their needs' (Kohn, 2004, p. 143).

An othered, secondary citizenship status is also claimed by Christine Sypnowich, in her chapter entitled *Begging,* in the *The Egalitarian Conscience.* This chapter begins with a simple question: 'Should we give to beggars?' (Synowich, 2006, p. 177). In this essay Sypnowich writes that those of us who 'live and work in Western cities confront, almost daily, a small-scale ethical dilemma, the resolution of which is far from perspicuous'. (Synowich, 2006, p. 178). First of all, she frames giving to beggars within a '*redistribution thesis',* arguing that 'If remedying inequality, in some general sense, is prima facie required by justice, it might follow that we should remedy inequality by giving money to people who ask for it'. However, Sypnowich goes on to acknowledge that such a form of wealth redistribution is a 'flawed method', suffering from an 'inevitable arbitrariness' (Synowich, 2006, p. 181). There are also other issues with honesty that, I am sure, echo many people's thoughts when approached by a beggar with a story: 'I thought I should give to her if her story was true, but that I should not give to her if her story was false' (Synowich, 2006, p. 183). One might also decide based upon whether or not giving to one particular beggar is 'an efficient use of resources' (Synowich, 2006, p. 184). Sypnowich's concluding remarks on giving to beggars is to exercise 'compassion to those who manifest human misery' (Synowich, 2006, p. 192). The issue with all of this is regardless of whether one gives or not, begging opens up a relationship which

draws attention to 'one's degradation' (Synowich, 2006, p. 185). We become 'complicit in relations of servility', where the 'norms of equal citizenship, which presupposes each citizen's claim to self-respect and human dignity' are violated (Synowich, 2006, pp. 178, 186). Again, the homeless individual's othered status is revealed through thinking of them within the ideal of citizenship. Sypnowich accepts that it could well be that giving to beggars is 'a way of expressing the social solidarity of citizens', but it still involves drawing attention to the degradation of the homeless person in order to express that solidarity through alms (Synowich, 2006, p. 185).

In *Banished: The New Social Control in Urban America,* Katherine Beckett and Steve Herbert ask us to consider the homeless in terms of banishment. This may seem anachronistic. The authors acknowledge this, but in their definition, we see many parallels: 'banishment meant to be excluded from a town, county, state or country' and was a 'punishment inflicted upon criminals, by compelling them to quit a city, place, or country for a specified period of time' (Beckett & Herbert, 2010, p. 20). Beckett and Herbert therefore maintain that banishment is relevant. First, they use it to 'underscore the strong role of the coercive power of the state' in accomplishing 'spatial segregation'. Banishment is also a punishment, to 'be meted out to those condemned as deviant or criminal', and the authors believe this also underlies perceptions and policy responses to the homeless. Third, they claim it best describes 'what the ostracized say they experience', for public space prohibitions make the recipient feel 'cast aside and punished daily for their transgressions'. This is not just a 'complication in their everyday lives' but an 'expulsion from the body politic' (Beckett & Herbert, 2010, p. 21). Being excluded in such a way was a 'powerful emotional experience for many, embodying the sense that they were no longer considered citizens' (Beckett & Herbert, 2010, p. 148). Finally, they think the term banishment highlights 'the extent to which zoning logic is expansionary'. It exposes the 'cumulative effect of creating multiple exclusion zones'. Ultimately, the 'exclusionary

practices' we see today 'rest on the coercive capacity of the state, create crimes and punishments that would not otherwise exist, and deprive their targets of political rights' (Beckett & Herbert, 2010, p. 22). The 'material and symbolic harms' triggered by such exclusion 'deprived the banished of many of the rights of citizenship associated with membership in a political community' (Beckett & Herbert, 2010, p. 148). Like Feldman, again we hear that the homeless, through being 'unable to contest government policies', are, essentially, 'something less than full citizens' (Beckett & Herbert, 2010, p. 156). Although it 'may look different from previous iterations' then, 'banishment is indisputably back' (Beckett & Herbert, 2010, pp. 21-22). The authors also connect banishment to commercial interests in public space. The 'economic emphasis on retail and tourism' pressurizes local councils to 'ensure an aesthetically pleasing downtown landscape – one that the visible presence of the homeless arguably disrupts'. Banishment therefore presents itself as 'actually displacing the unwanted' and acts as a 'kind of public subsidy on behalf of downtown commercial interests' (Beckett & Herbert, 2010, p. 40). Furthermore, this study involved ethnographic research which looked at how zoning laws that exclude the homeless from certain areas sometimes result in those affected internalising the prohibitions and blaming themselves. For some, 'the sense of insecurity stemming from an exclusion order was so powerful that they had difficulty sleeping at all' (Beckett & Herbert, 2010, p. 132), whilst others 'felt that their exclusion was at least partly justified', for 'some noted that their problematic behaviour (to the extent that it existed) was in fact linked to the networks and opportunities afforded by particular places' (Beckett & Herbert, 2010, p. 135).

In *Homelessness, Citizenship, and Identity* we see Kathleen Arnold make a similar argument, in the sense that citizenship is critiqued as being 'defined by employment and economic independence', thus meaning that despite a narrative of equality, there are in fact 'varying degrees of citizenship based on these unexpressed norms' (Arnold, 2004, p. 6). She

claims that 'an examination of the power dynamics regarding the homeless' exposes that 'political equality in the liberal capitalist state' has not been achieved (Arnold, 2004, p. 5). Indeed, Arnold is scathing in the de facto reality of citizenship:

> When one can no longer inhabit public space, have one's possessions and shanty towns (home, by some definitions) burned or bulldozed, be arrested for one's status rather than a crime (hence signalling a loss of civil rights), and only exercise political power with extreme difficulty, one cannot be said to be a citizen' (Arnold, 2004, p. 1).

For Arnold, this reality of a secondary citizenship status that the homeless suffer is a 'political and not an individual problem' (Arnold, 2004, p. 2), for effectively the homeless are at the mercy not of a democratic power, but a 'prerogative' one (Arnold, 2004, p. 6). Because of the narrative of a welfare system and shelters which claim that there is help if needed, the 'homeless on the streets' are often 'treated as unassimilable and accordingly as criminals' (Arnold, 2004, p. 14). The home would therefore seem constitutive to modern citizenship. Therefore citizenship is not just premised on 'economic contribution', but the home appears as a symbol of that economic contribution and a 'homogenous norm of identity', leading Arnold to claim that the 'universal political equality and freedom' that is supposed to mark citizenship 'is a myth' (Arnold, 2004, p. 44). If the homeless are effectively criminalised through their status and not behaviour, because actions which are prohibited are essential to sustaining life, then 'like convicted criminals and illegal aliens, they are subjected to the authority of prerogative power' (Arnold, 2004, p. 104). This is prerogative because it is a power that is automatically 'punitive and disciplinary' and so 'treats these people not as citizens', but as 'subhumans deprived of political status' (Arnold, 2004, p. 8). This can be proven through the simple fact that 'many solutions for homelessness would not be acceptable to privileged, mainstream citizens' (Arnold, 2004, p. 131). Arnold even goes so far to say that if this is the case, the homeless exist permanently in a state of exception. For rough sleepers, 'the state of

exception – the exercise of prerogative power only in times of a national emergency' therefore 'becomes the rule' (Arnold, 2004, p. 8).

To help tackle this othering, Arnold urges us to examine our attachments to particular urban areas, rather than focussing on pluralizing citizenship to include the homeless. She believes such attachments provide a better 'model of coexistence of diversity as well as serving a the "real" basis of most citizen's loyalties' (Arnold, 2004, p. 15). Therefore the 'centrality of the nation-state' in solving the othering of the street homeless 'could be displaced in favour of the more complex and realistic urban landscape' (Arnold, 2004, p. 14). I think this is a promising shift from the other literature above focussed on re-energising citizenship. If 'occupying public space is no longer a right', consequently 'home does not merely signify a physical space' but 'the surrounding community, relationships, and work, which the homeless are viewed as invading or assaulting' (Arnold, 2004, p. 126). This being the case, it is the antagonism between these communities and their homeless that requires closer investigation, not between central government and the homeless. The one thing I do disagree with Arnold over is the nature of the power applied to the homeless. Prerogative it may be, but I am not so sure it is disciplinary. Arnold uses Foucault's idea of the Panopticon society to show how the homeless, as an 'uncanny Other' are subjected to 'efforts to mold, reform, repress, and even destroy' (Arnold, 2004, p. 128). I too use Foucault's panopticism, but beyond institutions such as shelters, and reimagine it as a paradigm for public space. Here, rather than punishment, I argue that we are seeing an abandonment more akin to a regulatory power than a disciplinary one. If the 'homeless become superfluous when they reject or fail to conform to disciplinary power' (Arnold, 2004, p. 127), then rough sleepers who do not have links to shelters or reform programs therefore exist within a *regulatory power.*

I agree that re-politicising a homeless status is key to challenging an *anti-homeless public space,* where 'even the act of panhandling can be a political one' (Arnold, 2004, p. 118).

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With the exception of Arnold's work, the main problem with most of this citizenship literature however, I think, is the presumption that emphasising a national sense of belonging will effectively translate to a local setting. The 'othering' of the homeless is framed always from the lens of citizenship, or the 'coercive power of the state' (Beckett & Herbert, 2010, p. 21). This overlooks the inevitably localised relationship between local authorities, inhabitants, and shoppers with the street homeless. I think their otherness therefore runs along a different dichotomy than citizen and non-citizen, or 'upstanding citizen/worker/consumer' (Feldman, 2004, p. 44) and *Citizens Without Shelter*. I think the reason that most theorists have framed this dichotomy within a citizenship narrative may be due to the fact that the political theorists who have examined homelessness have done so in an American context. This thesis will show that in the UK public space legislation has become de-centralised. Local councils have been empowered to implement their own legislation with their own definitions of what counts as anti-social behaviour. This highlights a need to examine the othering of the homeless in a different way. We have had political theory work which has analysed this othering in a national narrative of citizen / non-citizen or 'expressive citizenship' / *Citizens Without Shelter.* But if de facto criminalisation of a street homeless status has occurred in many towns and cities across the UK despite being legally recognised as citizens, then it is not a non-citizen narrative that is causing this outlaw status, but a narrative that appears distant to such national claims. In short, the case of the UK encourages us to examine the arena of *local politics.* The localised legislation and physicality of an anti-homeless space draws us towards such places as sites requiring political theory analysis, where we do not presume it is down to the 'coercive capacity of the state' (Beckett & Herbert, 2010, p. 21), or at least we consider that it might be more complex than that. This is not to say central government and local authorities are completely separate entities as such, but to consider a Foucauldian understanding of power in order to understand this contradiction Feldman has highlighted, between 'member' and 'outlaw':

Rather than looking for the single form or central point from which all forms of power derive, either by way of consequence or development, we must begin by letting them operate in their multiplicity, their differences, their specificity, and their reversibility; we must therefore study them as relations of force that intersect, refer to one another, converge, or, on the contrary, come into conflict and strive to negate one another. And finally, rather than privileging the law as manifestation of power, we would do better to try to identify the different techniques of constraint that it implements (Foucault, 2004, p. 266)

Foucault's analysis of power opens up a potential world of power as 'relays' and dispersed relations. In *Society Must be Defended* he claimed that power should be 'analyzed as something that circulates, or rather as something that functions only when it is part of a chain' (Foucault, 2004, p. 29). I still think this call to expand our political theory analyses to the edges of power, or localised sites thought of as 'relays', is relevant today, for despite a call to 'cut off the king's head in political theory' (Foucault, 1980, p. 121) there is little actual study on how local issues interact with the grander topics such as citizenship or sovereign power. In many ways, through examining the othering processes of local communities towards the street homeless and what this eventually means for citizenship, I am investigating a link in this 'chain'. By doing this, we can see if power indeed does function in the way Foucault claims, vaguely connected to some sovereign centre, or if that 'chain' is now operating on its own power that in fact contradicts the narrative of the state: in particular, its narrative on citizenship. In other words, do the homeless reveal that there is conflict within the 'chain' itself? Examining street homelessness as a localised problem first, rather than just a national one, helps us consider this relationship of power between central government, local authorities and community. This thesis shows how a *anti-homeless public spaces* in towns and cities across the UK seem to 'negate' citizenship rights and narrative. It also gives equal platform to 'different techniques of constraint' that are not simply law or legislation. This is what theorising within local politics enables. More issues, in my view, should receive such local scrutiny. Either citizenship claims are being bypassed by local authorities or citizenship is an empty promise

to the realities of everyday living for the homeless, because street homelessness is inevitably localised: moving from one city to another is a costly impracticality. This thesis therefore contributes a new voice in citizenship literature: a view of citizenship from a position of the local.

Thus, the localised nature of an *anti-homeless public space* encourages us to examine it in a Foucauldian manner of dispersed power relations, where the 'relays' of power are not just local authorities with their prohibitive legislation and architecture, but the shoppers and tourists who help establish the *norms* of public space. This means that to understand *how* the street homeless are constructed and othered in a *localised* setting and narrative, I use George Bataille's concept of *taboo.* I go into more detail within the thesis as to why taboo is a useful framework for examining the othering of the street homeless outside of the usual paradigm of citizenship, but here we can in fact pick up on the term *taboo* within the present literature that does focus on citizenship and wonder at the unexamined the use of it. I refer to Kohn's *Brave New Neighborhoods* discussed above: 'Much of the aversion that people feel towards the homeless has to do with the transgression of these taboos about appropriate public behaviour; many people feel disgust when they see someone sleeping, washing or relieving themselves in a park or alley' (Kohn, 2004, p. 130). I agree with this and I think it requires more investigation. There is more to taboo and transgression than just as convenient and casual descriptions of norms and the flouting of norms, hence this thesis offers *Non-Transgressor* as a way to understand the complexities of a process that others the street homeless into *local outlaw,* despite being *national member (citizen)*: the latter implied by the homeless having the right to vote. A taboo analysis therefore enables a modification on Feldman's definition of the homeless being *simultaneously* community members and outlaws, by seeing local communities as a place of non-belonging distinct to a national sense of belonging. I believe this relationship between local outlawing and national belonging ought to provoke further research beyond this

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thesis, because of two recent events: the Grenfell disaster and the Windrush scandal. The former seems to show an example where community members were ignored by their local authorities in life but recognised as national members in death, whereas the Windrush scandal implies the reverse – where people who are part of local communities, have not been considered citizens.

Othered statuses are not just about citizenship then, especially on a local scale, and can be framed in other ways. Carol Mcnaughton Nicholls criticises framing homelessness through negative freedom and basic rights with the capabilities approach, drawing from Martha Nussbaum. In *Creating Capabilities,* Nussbaum outlines ten central capabilities. First, 'Being able to live to the end of a human life of normal length; not dying prematurely, or before one's life is so reduced as to be not worth living'. Second, is *Bodily Health,* which includes 'reproductive health'. Third, *Bodily Integrity.* This involves 'being able to move freely from place to place; to be secure against violent assault, including sexual assault and domestic violence; having opportunities for sexual satisfaction and for choice in matters of reproduction'. Fourth is 'being able to use the senses, to imagine, think, and reason' which requires 'an adequate education'. This connects to being able to 'use one's own mind' for freedom of expression'. Fifth, are *Emotions*: 'Being able to have attachments to things and people outside ourselves'. To allow the full sense of emotions, 'to love, to grieve, to experience longing, gratitude, and justified anger'. Sixth, is 'Being able to form a conception of the good and to engage in critical reflection about the planning of one's life'. Seventh, is *Affiliation*. This includes 'Being able to live with and toward others' and to have 'the basis of self-respect and non-humiliation'. Eighth, is living 'with concern for and in relation to' *Other species.* The ninth capability is *Play.* The final prescription Nussbaum offers is *Control over One's Environment.* This is both *Political* and *Material.* The former being 'able to participate effectively in political choices that govern one's life' whilst the latter is 'Being able to hold property' and 'having a

property rights on an equal basis with others' (Nussbaum, 2011, pp. 33-34). From these lists of capabilities, we can clearly see the homeless suffer from a severe lack compared to the rest of us, resulting in an extreme othered status. Nicholls uses the capabilities approach to show how freedom and agency falls short and, in many cases, contributes to the problem, for it does not fully take into account the effect of 'social power and structures' (Nicholls, 2010, p. 36). Talking of shelters, Nicholls claims that although homeless individuals 'perhaps had more capacity for *bodily health* and *integrity',* they 'often had less capacity to attain other essential functions – they lost *control over their environment* and how they lived their life' (Nicholls, 2010, p. 32) (emphasis added). Services like shelters may be 'organized and run *for* the homeless, but the homeless were typically excluded from their governance or operation' (Kawash, 1998, p. 321). Hence, they had to 'choose *either* housing or freedom, but not both together' (Nicholls, 2010, p. 36). Furthermore, the 'isolation that the participants felt when they were housed and *no longer homeless* was often intense'. They 'felt that they no longer had the capacity to have *affiliations* and little opportunity for pleasure or recreation in their lives' (Nicholls, 2010, p. 34) (emphasis added).

What Nicholls' work does is create a strong normative foundation that is not reliant upon correcting citizenship. This is something I try to do also. However, the normative drive in this thesis could be criticised as not being ambitious enough and so contributing little. This has been a common problem of political theory literature on homelessness. In 'To the Edge of the Urban Landscape: Homelessness and the Politics of Care', Bart van Leeuwen criticises the 'difference approach' and the 'liberal approach' to homelessness, arguing that a 'care approach' is what we need for it 'focuses on the concrete and particular needs of the homeless' (Leeuwen, 2017, p. 586). Leeuwen tells us that the 'difference approach' calls for a 'more diverse conception of public space'. Essentially, a 'more accommodating system of laws and policies of what is allowed on the city streets' in order to alleviate the worst aspects of

homelessness (Leeuwen, 2017, p. 587). In this we can include Waldron's criticism of public space legislation and Feldman's encampments. The problem with this, argues Leeuwen, is that it presumes that such pluralist uses of public space are 'valued from the *internal* point of view by the minority group involved'. As such things as encampments typically fail 'to satisfy basic notions of human dignity and basic need fulfilment', this is always in doubt (Leeuwen, 2017, p. 588). Essentially, Leeuwen's point is that if inhabitants of an encampment or tent city were asked whether or not they would actually prefer a house on a street and the answer was yes, then it shows that this difference approach to public space does not actually go far enough in its ambition to help the homeless. It is all well and good recognising a difference between *living* in public space and trying to accommodate that difference in need, but if that fact of living is also not *valued* by the party involved, then more needs to be done. Similarly, the issue with the liberal approach of stressing agency is to miss 'the fact that most homeless persons are on the streets not because they want to be' (Leeuwen, 2017, p. 592) and 'simply seem out of touch with the dire needs of the homeless' (Leeuwen, 2017, p. 594).

In exposing an *anti-homeless public space* but not progressing into prescriptions on how to solve homelessness*,* similar charges could be levied at me: I am sure the homeless would prefer a house to a friendlier public space. However, I see this work as a story of street homelessness that makes ambitious solutions to homelessness in general seem more urgent and less unrealistic. In this sense it could be situated in the same realm of ambition as Nicholls article about capabilities: when presented with the lack of capabilities the homeless suffer from, it can serve to make us strive to do something more practical in terms of policy. The reality of what we do to people living in public space despite all our liberal values or sympathy is on show in this work. Solutions to actual homelessness, and not just critiques on how we treat them, inevitably involve structural overhauls, potential monetary cost, and even large ideological shifts. This not only requires huge political drive and public support, but a lot of

intricate research. This thesis does not attempt this research but does attempt to tell a story that makes those suggestions, numerous as they are (and will continue to be), seem more appealing and worth further discussion, investigation and implementation. This chimes with the limits of political philosophy discussed in chapter one: if political philosophy helps reframe the familiar, theorists generally tend to spend most of their time and energy trying to achieve that, not policy-making. But that does not mean it cannot be policy-informing, or policy-motivating. However, despite recognising these limits of political philosophy and the critique being the main aim, my realist sympathies prevent me from completely ignoring a practical 'modus vivendi' suggestion (Honnig & Stears, 2011, p. 178) in the meantime: an *anti-homelessness public space.* This is also an effect that looking at local politics has on political theory. The normative action suggested in this thesis is not to be taken as some kind of meta-solution, only something to 'alleviate the suffering of those individuals and families living on the streets *here and now*' (Leeuwen, 2017, p. 604).

Chapter 1 – Political Theory: What's in the Toolbox?
1.1 Theorising through 'Escape'

This chapter looks at the toolbox of political theory and what instruments we can use to form a method that helps us re-examine public space in a way that 1) investigates the possibility of an *anti-homeless public space,* including the physical shaping of it, and 2) explores our complicity in that shaping. It must be a method capable of immersing readers into the spaces I describe, particularly as a significant part of seeing an *anti-homeless public space* is understanding how one's *movement* through it is impeded, as well as how the *time* of day affects the ability to be present. Let us begin our rummage through the toolbox then.

To understand what is happening, why, and what we could perhaps do to improve the situation, often involves taking a step back. This is something political theory and philosophy regularly aims to do. 'Taking a step back' is a common term with a strong visual effect, but for sceptical minds its vagueness perhaps triggers an almost immediate question: a step back to where exactly? I introduce the term theorising through escape in order to bring together some approaches to political theory under a commonality. I define that commonality of 'theorising through escape' as methodological practices in which we remove ourselves, and any reader, away from the particular context of a problem we want to look at, in order to offer some clarification, reframing, exposing or defamiliarisation of the problem. This is in the hope that when we look back to the issue our way of thinking has been affected. Being that reframing certain features in public space is very much part of my intention in this project, any approach in political theory that emphasises reimagining a problem is a tool in our toolbox worth considering.

Ideal Theory and Idealisations

We see the most extreme example of this 'escape' in *ideal theory*, though as I will show, the extent of that escape can differ. In ideal theory we 'work out the principles of justice that should govern a society' (Robeyns, 2008, p. 343). Subsequently, much of the work about those

principles are in an idealised form, informed by the idea that idealisation is supposed to provide us with 'systematic grasp' of the 'more pressing problems' (Rawls, 1999, p. 31) in our respective societies. In this way, ideal theory helps us reframe existing issues from a point of view that starts from a principle, which can inform action, behaviour and perhaps even policies. Insofar as ideal theory is normative then, as Zofia Stemplowska asserts, it 'must contain (normative) principles, that is, normative statements expressing position(s) on one or more values'. She adds a further distinction to the idea of something normative, clearing up some potential vagueness over the term and the intentions of our work: 'Some normative theories, however, will contain an additional type of output, which I will refer to as recommendations. Recommendations are specific proposals for actions, policies, and/or institutional reforms that are able to achieve improvements as measured by the specified principle(s)' (Stemplowska, 2008, p. 323). According to Adam Swift, it is 'for the empirical, descriptive/explanatory, social scientific disciplines to (try to) tell us what states of the world can indeed be realized', but it is 'for philosophy to tell us which of those states and means of achieving them are better and worse than one another' (Swift, 2008, p. 369). The role of ideal theory in this then is to serve as a 'mythical *paradise island*'. It informs us on how we ought to behave in the face of personal interests and how our world should be. We 'dream of going there and ask ourselves how we could get there, and in which direction we should be moving in order to eventually reach Paradise Island' (Robeyns, 2008, p. 345). Presumably on this analogy, the social scientists are building the canoes. Personally, I would be careful over the use of such terms as 'paradise island' for this image does not do much to help the idea that ideal theory is detached and uninvolved (these criticisms will come later). For now, I will say that ideal theory is not just ambitious, but demanding, for by definition before we can consider a society just, our chosen principles of justice 'should be met' (Robeyns, 2008, p. 343).

Bringing an ideal principle to bear upon a problem to reframe it is not the only mountain to be moved: trying to *find* it is also an imposing task. There are all sorts of variables that interrupt our focus on the principle itself. One key component of the 'escape' is thus *idealisation*. Idealisations are 'forms of abstraction' that 'reduce the number of parameters' any principle has to contend with. In effect, we simplify 'some aspects of society' or 'persons' in order to focus on the correctness of any principle under consideration: to 'get a grip on the complex set of questions related to it' (Robeyns, 2008, p. 353), for we must know what principle is best prior to applying it to any reality, and reality is a distraction in the initial search.

Since Rawls, ideal theorists have had to consider the extent to which they will apply 'strict compliance' to their theorising. Essentially, how far they will assume that the principles of justice under consideration are complied with in our theorising? In a *Theory of Justice,* when Rawls initially went in search of 'the principles of justice that would regulate a well-ordered society' he presumed that everybody in it was acting 'justly' and would 'do his part in upholding just institutions' (Rawls, 1999, p. 8). In other words, there is no cheating the institutions that will guarantee the principles we propose. Once we have found our guiding moral value, there is no serious consideration given to the possibility of it being avoided, deflected or ignored. In contrast, 'partial compliance theory' takes such misbehaviour into account and focusses on the 'principles that govern how we are to deal with injustice'. In this Rawls includes punishment, 'just war' and civil disobedience (Rawls, 1999, p. 8). Thus, 'when defending and justifying *ideal* principles of justice, we assume full compliance with those principles' (Robeyns, 2008, p. 343), for it is the principles that equip us with the tools we need to resolve urgent problems in our societies. Having a full understanding of them is our priority. Therefore, this is in fact 'theorising through escape' in *two ways*. First, because we turn to a guiding principle theorised independently of the problem: the principle itself is a temporary escape, an abstracted viewing point. Second, because in order to find that principle in its most

perfect, ideal form, we often construct an environment that is simplified, and so removed, from the reality surrounding the problem.

The justification for such simplification in theorising has sparked some criticisms. Idealising may help us to discover the principle, but it makes more work for the supposed next step: the moment we, or social scientists, consider how it can be 'realized'. If this approach to a normative political theory is justifiable on the premise that it helps us get a more 'systematic grasp' on our 'more pressing problems' then is this not a contradiction? Much could be said about this, but Charles Mills makes a very stark observation that cuts straight to the point. If ideal theory does indeed give us a 'systematic grasp' of our 'pressing problems', why have we not seen a wholesale change in focus in political theory in more recent years? When exactly, will this 'promised shift of theoretical attention' occur? (Mills, 2005, p. 179). He refers to the paucity of work on race in political philosophy as 'evasions' of ideal theory. This may seem an argument which overlooks disciplinary distinctions or a more conservative understanding of normative, but there is some credit to it when Mills reminds us that a *Theory of Justice* was written in 1971. From this we might think that political philosophers seem guilty of 'never producing arguments capable of truly convincing other political philosophers, let alone wider publics' (Floyd, 2011, p. 54), and so are mired and stuck in abstract discussion over the ideal principle. Worse, that this discussion, because of the nature of idealisations, is built on 'making claims that are actually false' (Farrelly, 2007, p. 848). Hence, the problem with transferring it over to societal constraints. Is the ideal *too much* of a 'mythical paradise island' that translating it across to our world is in fact a greater and more time-consuming task than we might have first thought? Even perhaps, that by overlooking social and historical contexts in its theorising ideal theory since Rawls has pushed a certain ideological perspective?

Charles Mills certainly think so. He expands on idealisations as commonly employing five further assumptions on top of full compliance. First, an 'idealised social ontology of the

modern type'. Here Mills argues that ideal theory always theorises from the starting point of 'equal atomic individuals' and by doing so, overlooks 'relations of structural domination, exploitation, coercion and oppression' (Mills, 2005, p. 168). Seeing humans in this way is also a very limited understanding of their psychology and behaviour, and it reinforces liberal theory: we begin from the individual rather than the individual conceived within a community and its social relations. Second, idealisations result in generalising individuals into having 'idealized capacities'. Again, this is to overlook the effect of historical injustice, but the flaw runs deeper, for it also suspends the fact of human disability. We could argue that any theorising which fails to take into account disabilities is a failed approach as these are a fact of biological life, not a product of an unjust society. They are, at present, totally unavoidable. It is not a variable one could argue may or may not be present. How can we simply idealize away such a human constant? By doing so, one abstracts away human biology: I do not think it is an exaggeration to say it is similar to abstracting away reproduction. Third, 'it follows from the focus of ideal theory that little or nothing will be said on actual historic oppression' (Mills, 2005, p. 168). This would be especially concerning when we consider our historic oppressions continue to have after-effects in our present societies, which connects us to the first point. Furthermore, it presumes that we need idealisations in order to produce ideal principles, which subsequently presumes that actual historic oppression cannot be an equal in the production of concepts of justice. In many ways, we might think that the non-violent action of the civil rights movement was an idealised vision of political resistance and wonder whether this is an example of how historical oppression informed its idealistic production. Fourth, we have mentioned idealised individuals and full compliance, but ideal theory also idealises social institutions. How a family is idealised, and so a perspective of it normalised, exposes how this simplification may well lead us to falsehoods in the principles we propose, especially when it comes to overlooking feminist arguments. Fifth, there will most likely be an 'idealized cognitive sphere'. In essence,

if social oppression is idealised away, then so are the 'consequences *of* oppression' on the 'social cognition' of those subjected to it (Mills, 2005, p. 169). Considering this thesis will focus on an anti-*homeless* public space, this is something worth noting. This does not mean it is the job of theory to investigate that cognition, this is where ethnographic studies are useful, but one should at least not theorise away the information that those studies have gifted us.

More criticisms are to be found than just what Mills has to tell us, however. Colin Farrelly raises the presumption of a 'cost-blind' approach to theorising. Here he has Rawls in mind as assuming that the 'rights entailed in the equal basic liberties principle' are '*costless* rights' (Farrelly, 2007, p. 849). We can see this as being an issue with full compliance theory, for as Farrelly points out, 'a significant portion of the government's budget will need to be invested in protecting and promoting the first principle of justice' (Farrelly, 2007, p. 850). But as he refers to 'promoting', Farrelly is claiming this is not just about the money spent on stopping people breaking laws but educating the populace in the value of the principle of justice and ensuring it is achieved. This raises the issue of competing costs which emerge from competing principles, which may not be highlighted or ranked in idealisations.

Raymond Geuss is equally antagonistic to ideal theory. For him it is the 'systematic exclusion of sociology, real politics, and history in favour of an appeal to some kind of "normativity"' which is conceived as 'being contrasted' to such sources of knowledge (Geuss, 2016, p. 6). He claims this is a mistake, for there is no such thing as 'the purely normative' and so no such thing as a purely separate normative theory. What we should do and how one ought to live 'runs through all of human life', so we cannot make a 'fully autonomous, closed, fully rationally grounded' realm that implies a better normative practice. When we imply this, normative theory is at once thought of as distinctive and through this distinction tries to find prescriptive action 'for us in all important cases' (Geuss, 2016, p. 23). In short, the realm of the normative is not a pure, idealised realm better equipped for discovering ideals of justice,

for normative prescription pervades every aspect of life – and theory. It is in all types of political discussion, thus if it is not defined by a pure, idealised realm, our normative impulses are defined and informed by the contexts they emerge from or react to. Feminism for example, is normative theory in response to patriarchal oppression. We ought not say it is less pure in its normativity just because it emerges from closely examining the 'contingencies' of historical oppression. When ideal theory does this, it fails to recognise its 'own political dimension' (Geuss, 2016, p. 20).

The concern over some manner of reachable, pure normative realm is not just one we see from such harsh critics of ideal theory as Geuss. Amartya Sen distinguishes between a 'transcendental' approach to theorising justice and a 'comparative approach'. The former is one he equates with Rawls but even claims it 'can be traced at least to Thomas Hobbes', where we are focussed on 'identifying perfectly just societal arrangements'. The latter, we can understand as 'ranking alternative societal arrangements' (Sen, 2006, p. 216). The problem with the transcendental approach is in the difficulty we may face when having to compare competing principles of justice. For example, we may find that in helping to alleviate problem A, we exacerbate problem B. Idealisations may well mean that problem B has not been considered. Or we may have minimal resources to put into helping solve a problem, as Farrelly has emphasised. Thus, in reality, we need more work that compares and ranks normative values against each other: 'Investigation of different ways of advancing justice in society (or in the world), or of reducing manifest injustices that may exist, demands comparative judgements about justice' (Sen, 2006, p. 217)

Overall, the sticking point with ideal theory seems to be with presuming it is a practice where we can transfer ideals over to contextual guidance, action or policy: whether that be because *theorising through escape* makes it is impossible to transfer or because they are simply falsehoods. Geuss provides an example of how we may think idealisations are indeed often not

built on an informative ideal, but upon falsehoods, and how their lack of consideration for political realities can in fact become dangerous. He asks us to remember the political moment leading up to the Iraq war and parallels Tony Blair's 'moralizing intervention' with ideal theory. Blair's focus on the evil of Saddam Hussein was an 'arbitrarily limited political vision' which 'cut short inquiry in several respects'. First, it 'actively derailed discussion of the real situation in Iraq in all its complexity'. Furthermore, it 'diverted attention' from 'a discussion of what Blair's real motives might have been', and finally, by 'focussing on the individual moral attributes of the leaders in question' it barred further necessary discussion over complexities such as 'the institutional arrangements and the international context that constrained British foreign policy decisions at that time' (Geuss, 2016, p. 41). This example shows the actual gap that can exist between a political philosophy that ignores power and tries to reduce politics to moral decisions. In these critiques of ideal theory, we can see how 'abstracting away from realities crucial to our comprehension of the actual workings of injustice' is the reason why translating the ideal across to the reality becomes such a challenge, to the point where it 'will never be achieved' (Mills, 2005, p. 170), or worse in the case of this example, becomes something dangerous. *Theorising through escape* from the realities of a problem, when seen under this critical lens, appears to be a permanent escape that cannot tell us what we should do when we return to the problem. This begs the question: what if it is a permanent escape? Does it need to be justified on claims of affecting action? Insofar as I desire to be prescriptive in this work it does. This is a question which raises issues of moral expertise, something I intend to deal with later. However, to remind the reader, it is not my intention here to resolve debates over ideal theory. The purpose is to find a suitable method. But if these concerns that non-ideal theorists raise have purchase, then the use of *theorising through escape* in this project, in reference to the desire to be 'prescriptive' to the reality of the problem, starts to look minimal.

Thought Experiments and Reflective Equilibrium

Before I gauge whether that be the case or not, there are a few more things we must concern ourselves with regarding *theorising through escape*. I have already said that theorising through escape happens in two ways, the first being that we reframe a problem through an independent principle, the second being that we construct an idealised or simplified environment for the theorising of that principle. When we do this with the intention of applying it to a real environment afterwards, I have also said transferring that principle onto our reality is problematic, highlighting criticisms about idealisations. What makes this arguably more difficult is the actual way through which we construct this simplified environment. In essence, the extent of idealisation needed to get to the principle requires a method which in itself is another form of theorising through escape: *thought experiments.*

Thought experiments present us with an imaginary situation and ask us to make an evaluation over which course of action to take. In political theory we can thus understand thought experiments as 'involving making a judgement about what would be the case morally if the particular state of affairs described in the imaginary scenario were actual' (Walsh, 2007, p. 178). This is something Rawls did to great effect in *A Theory of Justice*, where we are asked to decide on a legitimate inequality gap in society, with the added complication of not knowing our own position in that society. A 'veil of ignorance' (Rawls, 1999, pp. 118-123) effectively puts us into what Rawls calls the 'original position' (Rawls, 1999, pp. 15-19). In this way, the 'effects of specific contingencies' which 'put men at odds' and encourage us to 'exploit social and natural circumstances' to our own advantage are nullified (Rawls, 1999, p. 118) and what is just can potentially come to the fore. So, when Rawls invokes this 'veil of ignorance' thought experiment, he does so to take us to a place where our moral judgement would result in an increase in inequality only on the condition that it would benefit the least well-off. This is ideal theorising because it suspends the knowledge of 'particular facts'. Those general things that are given are also idealisations: the parties to the thought experiment 'know that their society

is subject to the circumstances of justice and whatever that implies' (Rawls, 1999, p. 119).

Another example is G. A. Cohen's use of thought experiments in *Why Not Socialism?* Here we are asked to remove the particular details or 'contingencies' to the extent that initially we are not even engaged in the planning of society or ideologies that inform its structure. We are on a camping trip. Again, it begins from idealisations: 'there is no hierarchy among us; our common aim is that each of us should have a good time…We have facilities with which to carry out our enterprise…as is usual on camping trips, we avail ourselves of those facilities collectively' (Cohen, 2009, p. 14). It is not my intent to say that all thought experiments engage in these types of presumptions. For sure, they can be dystopian, post-apocalyptic or very cynical about human behaviour. Equally, they can involve real events, just in an imaginary setting. Therefore, as Kimberley Brownlee and Zofia Stemplowska claim in 'Thought Experiments', they are not exclusively and 'not purely abstract or formal operations of thought' (Stemplowska & Brownlee, 2017, p. 25). Thought experiments are perhaps better understood as 'simple' and 'complex' rather than idealised (Stemplowska & Brownlee, 2017, p. 28), where the 'simple' does often include idealisations, especially in ideal theory. Clearly some further categorisation is needed.

Adrian Walsh provides four distinct ways in which thought experiments are used. First of all, we can use them as 'clarificatory devices' (Walsh, 2007, p. 178). Here thought experiments help us to see when we have conflated two principles that are actually distinctive and different. This helps us deal with 'complicated normative issues' (Walsh, 2007, p. 179). Walsh gives Plato's *Ring of Gyges* as an example – the point of a ring in which we can appear invisible is not just to agree that we should act justly with such an item, but to clarify whether to do so is a 'rule of prudence or as a fundamental moral obligation' (Walsh, 2007, p. 179). Second, thought experiments are useful for 'reimagining': where we 'use a thought experiment as a device to reframe or refocus a debate'. This is an effective tool when there is 'over-

familiarity with an ethical issue' (Walsh, 2007, p. 179). Many cases may come to mind here, such as Brexit and concepts of democracy and sovereignty. A remain / leave opposition seems to have become so entrenched that 'over-familiarity' with the dispute prevents us from reflecting on the problem effectively. This is what Rawls attempts with the 'veil of ignorance'. Defamiliarising arguments about inequality and the welfare state was probably a good idea: in the very least, such tools can 'reopen the debate' when they become stale (Walsh, 2007, p. 179). When thought experiments work in this way, they can also be very effective at countering irrelevant points in a discussion. Walsh claims that philosophical arguments can often be 'sidetracked by debates over irrelevant legal, historical or technical detail'. This is a very contentious claim and one that nonideal theorists like Mills would probably dispute. However, the example Walsh gives can help us see the reason for this claim: when discussing the use of weapons of mass destruction, the historical event of Hiroshima does not necessarily translate to a 'normative legitimacy' for their use today (Walsh, 2007, p. 179). So, in fact, thought experiments are not there to replace historical events that may parallel, but to replace them when they do not. Third, thought experiments can be used as 'counter-examples'. Benjamin Constant's famous 'murderer at the door' thought experiment comes to mind. Although this perhaps misunderstood Kant's point – that when we cannot follow the 'categorical imperative' (Kant, 1970, p. 155) fully and try to evade it we are least paying homage to it, thus still reinforcing its place as a universal. Perhaps in that case the thought experiment then serves to highlight how removed categorical imperatives tend to be from actual life. If a murderer comes to your door asking the whereabouts of your friend, you are hardly going to have the mind, inclination or even concern that you must at least pay homage to it. Finally, Walsh claims that thought experiments can act as 'intuition pumps'. Here he means that we can come to some generalised conclusion or principle from our 'reaction to a thought experiment' (Walsh, 2007,

p. 179). So, our interactions with the 'veil of ignorance' may well have persuaded us that inequality does indeed have a just and moral limit that should be actively guarded against.

In this process, we are required to engage in *reflective equilibrium.* First coined by Rawls, reflective equilibrium 'focuses on the relationship between *principles* and *judgements'* (Knight, 2017, p. 46). Our judgements are informed by our principles: 'one might say that justice as fairness is the hypothesis that the principles which would be chosen in the original position are identical with those that match our considered judgements and so these principles describe our sense of justice' (Rawls, 1999, p. 42). But of course, it is not as simple as a one-way street. Judgements can be subjected to 'certain irregularities and distortions' (Rawls, 1999, p. 42). By revisiting our principles, we can correct these pressures. However, sometimes our judgements may be so strong that they actually force us to revaluate our principles. It is in this to-ing and fro-ing between principles and judgement that we can see the aim of 'reflective equilibrium': to bring principles and judgements into accord' (Knight, 2017, p. 46). So, considering the 'murderer at the door', if I hold the principle that it is wrong to lie, but judge that in this instance it would not be wrong to, then I can 'reach equilibrium by revising either the principle or the judgement' (Knight, 2017, p. 46). A thought experiment is a good tool for bringing reflective equilibrium into play. In fact, it completely relies upon it: what would be the point of a thought experiment, whether it be to clarify, re-imagine, act as a counter-example or pump intuitions, if the target of the experiment had no inclination for reflective equilibrium?

So, if the thought experiment aims to defamiliarise us, it can also defamiliarise our held principles, challenged by our judgements within a thought experiment. Having said that, I think reflective equilibrium emphasises the search for a principles-first approach to moral standards. What we see or witness may force us to question or revaluate those standards, but only to maintain their position as a guide to behaviour in the default. If we do not hold principles and a thought experiment is used it is to help us find principles, so they can inform our future

judgements. Put simply, we are in search of consistency and our principles are the way of achieving that. They do not dictate to us and they can be affected by events in reality as much as competing principles, but we will never cease to try and make a place for them as our overarching moral guide: as the supposed starting point from which we ought to look upon events, actions and behaviours, and judge.

Upon examining these distinctions, we see that thought experiments are a common tool for *theorising through escape*. In their 'mental visualization' there is a strong 'imaginative quality' (Stemplowska & Brownlee, 2017, p. 25) which can be used to remove us from reality in order to perceive it differently when we are returned to it. The thought experiment often involves guiding us towards a principle to affect a change in behaviour. What all thought experiments thus share is the idea that through imaginary scenarios we will come to some clarification or discussion over the principles we hold, or indeed should hold.

Tools for the Toolkit?

Examining these practices of *theorising through escape* have proved fruitful in clarifying, as a political theory thesis, both what this project requires and what it does not. Reframing is clearly a powerful and necessary tool to evaluate a problem in society and doing so through an 'escape' is effective. But do the criticisms levied at it make it a bad approach for this project? In regard to ideal theory's supposed problems with the normative prescription of translating ideals to practice, if we reduce ideal theory's normative intentions away from 'blueprints for society' or informing policy and focus it on the individual, idealisations seem to be less of a problem. As Adam Swift claims, we should not forget that the normative should also be conceived 'in terms of those actions we undertake as individuals' (Swift, 2008, p. 363). Smaller, 'micro-contributions to greater justice' (Swift, 2008, p. 379) ought not to be underestimated. In such cases, we acknowledge that individuals are differently placed in society, with different resources of wealth, energy and time, some above what we would consider average. It is hard to place 'real life' restrictions on an ideal with any meaningful consistency when we do not

know each person's situation. Furthermore, on an individual level, it does not really matter how realistic it is to follow a perfectible principle in reality. Even if we cannot abide by it all the time, it still remains in the back of our minds, exerting pressure upon our actions. So, in the context of this thesis, if it encourages one person to abandon a universal self-rule of never giving spare change to the homeless, but rather give when they deem the context is right, then I would consider that a normative success. Idealising within our theorising, I believe, does not make the possibility of transferring normative prescription into action on an *individual* basis, any less likely. In short, on an individual level, transferring the ideal into action can occur with less complication than on a grander scale.

Furthermore, ideal theory may still be necessary when it comes to deciding how values relate to each other, which is important if multiple perspectives are part of this project. If we wish to adopt a more comparative approach to theorising, as Sen advocates, then we still may need to on occasion pursue ideal theorising to be clear on the worth of any competing principles. Here, ideal theory can be used to get a grounding on that worth with 'Careful thinking', over the 'relative value of the different values that have to be traded off against each other' (Swift, 2008, p. 373). This is only going to complement comparative approaches. *Theorising through escape*, whether it be with a principle or a thought experiment to get to one, means philosophers 'explain what it is about their "ideal" that makes it such'. This is likely 'to be relevant to that comparative evaluation' (Swift, 2008, p. 372)

Mills' criticism of evasion is harder to ignore and when we consider other philosopher's attacks on idealisations through that criticism, for me, those attacks are strengthened. But, one thing that it is worth keeping in mind is Waldron's point about theorists losing nothing if they accept that their abstract theorising is driven by concerns 'in the first instance' about law and injustices. If it be that real-life concerns with institutions, issues of structural domination or exploitation took us to ideal theorising in the first place, it means we are doing the exact

opposite of ignoring these issues. So, although the 'promised theoretical shift' may not have occurred, *theorising through escape* may well continue *because* of worries over problems like racism: in some cases, idealisations can also be taken to be against forms of injustice that they do not explicitly discuss. A concern over wealth inequality, one would assume, is also a concern over wealth inequality related to racist structures. We must always remember that the philosopher is not exempt from their own historical conditions and are also situated beings. *Theorising through escape* may limit method but that does not necessarily mean it limits motivation. Mill's point remains though if we demand that political philosophy is affective, especially beyond the academy.

I said before that the extent to which *theorising through escape* actually 'escapes' context or reality can be varied. In order to avoid making a straw-man of idealisations, it is important to show how ideal theorists, as escape artists par excellence, can respond to criticisms not just with a reiteration of how perfectible principles *can* translate to reality, but also by taking a step down from ivory towers to a 'moderate idealizing position' (Farrelly, 2007, p. 846). When compliance is assumed, ideal theorists are not just assuming compliance with 'any kind of principles of justice', but principles that 'are morally required in order for society to be completely just' (Robeyns, 2008, p. 344). Therefore, ideal theory can tell us what to do in order that 'each and every instance of injustice is removed' (Robeyns, 2008, p. 344), but this is an extreme that even if practised, is by no means the only approach. Instead, Robeyns argues that ideal theory can also be partial in the sense that it lays out a *minimal* standard of justice, 'while leaving open the possibility that if these principles are met, further principles of justice would need to be achieved' (Robeyns, 2008, p. 344). There is then a 'moderate idealizing position' and that is an important distinction. Even Rawls took 'certain non-ideal considerations (e.g. human nature) seriously' (Farrelly, 2007, p. 846) but Jeremy Waldron is a more obvious example of this. With Waldron, we have something a little more nuanced, even being described

as a 'type of non-ideal theory' (Leeuwen, 2018, p. 591). I can understand this interpretation in terms of the ambitions of Waldron's homelessness paper. Whilst highlighting injustice in public space there is a definite silence over what the street homeless 'need most', specifically 'a place where they feel at home and that provides a sense of safety and privacy' (Leeuwen, 2018, p. 591). However, I would not call it a 'type of non-ideal theory' myself, at least methodologically, for we are still being taken to the idealised principle of negative freedom in order to affect a change in our view upon the reality of street homelessness. To be sure, this 'escape' through theorising is a much smaller one. There is no thought experiment to reframe the reality: it is not the vehicle that takes us to the principle. The principle is there from the beginning. We are taken directly to it, in order to see street homelessness and legislative changes in public space differently. The lack of idealisations and ambition to propose anything beyond how we think of public space and legislate over it, perhaps means this cannot really be considered an *extensive* 'theorising through escape', and is a step closer to the reality. Following that train of thought, if like Waldron I am focussing on the injustice of an anti-homeless public space yet do not focus on the economic and social structures that contribute to homelessness, one could see my work as partially idealised. Ideal theory can also be partial by focussing on limited geographical areas like western Europe, or specific domains, such as gender justice. (Robeyns, 2008, p. 344). So, considering the narrowness of this thesis in that it looks at anti-homeless initiatives in public space in the UK only, and that it is concerned with how the homeless are targeted, a partial ideal theory approach begins to sound more apt. Nevertheless, to repeat, although I acknowledge that the commonality between Waldron's approach and the previously mentioned idealisations and thought experiments is much thinner, I do still see it as a form of *theorising through escape.* This is because we go to a *principle* to reframe, not multiple perspectives. The latter is directly engaged with viewing from the context, whereas the principle is for gazing *onto* the problem, because we have escaped to the

principle for our normative answer: 'even if their being homeless cannot be laid at anyone's door or attributed to anything over and above their own choices or the impersonal workings of the market, my point remains. Their homelessness *consists* in unfreedom' (Waldron, 1991, p. 306). Essentially, a perspective is already part of the ideal.

As I have said, I am not here to solve the ideal theory debate, but to examine when points for and against can inform my choices for forming a method suited to the project's aims. Are these various forms and approaches for *theorising through escape* what I need then? Exposing a problem through reframing what we see, or defamiliarisation, is a key point to take away from this investigation into ideal theory, thought experiments, reflective equilibrium and partial theory. Yet I think it is the wrong kind of reframing for this project. In order to *immerse* the reader into what an anti-homeless public space feels like I rely upon the particular context of what is happening being *present* in the theorising, not absent: its presence *is* the unfamiliar or reframing. This is particularly the case when trying to provide the 'second immersion' of *movement* and *time*: if we have never been homeless, we will not be thinking of public space in terms of obstacles or an increasing hostility dependant on the time of day. Removing the reader from this context to any extent would endanger that immersion. Likewise, I cannot get the reader to consider the localised nature of this problem and how it interacts with grander meta topics like citizenship and sovereignty by removing them from the specific context of public space in UK towns and cities in the early 21st century, because again, this localised setting is not how we usually theorise politics. And, finally, how can I make the reader picture their own *complicity* in this shaping of public space by asking them to imagine anything but that very shaping first? As I have previously said, I do not think most readers will in fact be explicitly familiar with these changes in the first place: not to the same extent as this thesis will show. Yes, street homelessness is very visible, but anti-homeless legislation and its relationship with architecture perhaps not always so. As pointed out, thought experiments are very useful

to expose a problem, reframe a debate or defamiliarise an issue, as is an ideal principle. I am not contesting this. However, I believe I can present the problem of public space in a way that reimagines the problem of street homelessness, without having to defer to some parallel analogy, fantastical world or singular principle. I think this is preferable. For me, a thought experiment is a tool to go to only when one is unable to re-frame the problem itself: if we can reimagine the issue by looking more closely at it, or in a way we have not yet looked at it, then that is better than looking at it mirrored in another context. A 'veil of ignorance' approach cannot explore this in the same depth because our complicity in such issues is theorised away. In essence, I am not asking the reader to step back from the experience of an anti-homeless public space in order to realise it, but to delve in, head first. This means understanding how normative impulses can come from what we see and experience rather than beginning in abstract thought. On that note, we turn to realism.

1.2 Theorising *in* the Problem

In the ideal theory section of the toolbox we have picked up on the idea of reframing or reimagining a problem. However, I have said it is the wrong kind of reframing. The issue of an anti-homeless public space is not familiar enough for a step back, but in fact requires a step closer. Reimagining *ourselves within* our streets and town centres is what is needed to defamiliarise and reimagine. The actual context is there, just waiting to be read in a certain way, from certain perspectives or gazes. As I said at the close of the previous section, I want the problem to be present in my theorising. Such a thought would first direct us towards non-ideal theory and realism. As it is from these camps that the criticisms of ideal theory came, criticisms which helped us see what was not suitable for this project, then that seems appropriate.

Non-Ideal Theory to Realism

Charles Mills' criticisms of racialised ideal theory lead us to a clear stance on what we should be doing with political theory: 'certainly black Americans, and others of the racially oppressed, have always operated on the assumption that the natural and most illuminating starting point is the *actual* conditions of nonwhites, and the discrepancy between them and the vaunted American ideals' (Mills, 2005, p. 170). As I have said, I think Waldron effectively demonstrates how political theorising can be provoked by concerns with '*actual* conditions' of citizens, but Mills' point here is those conditions should be investigated and described in detail more often. Furthermore, that it is these stories that ought to be how we *start* our theorising, not just why: 'it may be that the nonideal perspective of the socially subordinated is necessary to generate certain critical evaluative concepts in the first place', because the 'experience of social reality of the privileged provides no phenomenological basis for them' (Mills, 2005, p. 177). Abstractions are a privilege which conveniently overlook actual historical injustices and facts. It is a lot easier, for example, to justify the existence of a state as a necessary neutral third party in the abstract, as it is to begin such a justification with the history of statehood, where

the idea of such political machinery as 'neutral' is at best, a presumption, and at worst, ideology. This is not to deny abstractions though. Mills accepts we need these for 'making theoretical statements of one's own' (Mills, 2005, p. 173). The issue is that the abstractions which dominate ideal theory are of the 'ideal-as-idealized-model kind'. What Mills means by this is that rather than capturing the 'essentials of the situation' in a descriptive model, this type of theorising abstracts away from them. Mills calls for abstractions that '*do* reflect the specificities of group experience'. If we do this, we can resolve the supposed evasions of ideal theory, such as racism or sexism, 'thereby potentially generating categories and principles that illuminate rather than obfuscate the reality of different kinds of subordination' (Mills, 2005, p. 173). Practicing this is necessary, for when we are idealising, we cannot guarantee our own impartiality: 'one has to be self-conscious about the concepts that "spontaneously" occur to one, since many of these concepts will not arise naturally but as the result of the social structures and hegemonic ideational patterns' (Mills, 2005, p. 175). Thus, this view leads us to accept that concepts 'crystallize' at least 'in part from experience, rather than being apriori' (Mills, 2005, p. 177). If this is acknowledged, we need to pay particular attention to that experience, especially when it is one of subordination. This attention means the formation of principles will be more rounded and formed from a larger pool of knowledge.

Farrelly's criticisms regarding ideal theory as cost-blind leads us to a demand that political theory become more attentive to cost-benefit analysis: political philosophers will therefore be 'better positioned to make a substantive contribution to this field and will also be better placed to relate their theory to real politics and the challenges that real societies face' (Farrelly, 2007, p. 860). This way, we reject the presumption that political philosophers have 'privileged access to what constitutes the best possible conditions', which in the face of it, does seem a rather problematic assumption. In an ideal theory, *apriori* approach, exactly what forms of knowledge are informing us in conceiving of the 'best possible conditions', other than

political philosophy itself? This is not very inter-disciplinary. Surely there are other disciplines which could make such a claim, especially with the rise of big data. The idea of including cost-benefit analysis in our theorising therefore pushes us in the direction of a comparative approach. With Sen, a comparative approach that focusses on 'advancement, not transcendence' (Sen, 2006, p. 238) supposedly means we take more time and effort to examine different institutions, legal systems and social structures, in order to consider what may be best and most achievable within the given circumstances. Presumably, this opens up non-ideal theory to anthropology, where the search for justice can also be something that is not conceived of in narrow geographical or cultural terms. Sensitivity about normative judgements held within one culture and prescribed to another would need to be at the forefront of our theorising, but it does mean that non-ideal theorising need not completely give up on the idea of moral principles that may stretch beyond localised norms. This means we can theorise 'beyond the contracting parties in a nation state' (Sen, 2006, p. 231). This seems prudent, for in the international, global world we live in, how we behave in our own countries often affects those who live outside of it: 'national policies on "global warming", or for that matter what is called the "war against terror"' (Sen, 2006, p. 231) spring to mind. It may seem that this opens up a potential for post-colonial arrogance, where comparisons between societies are possible, but this approach can also provide a 'distant challenge' to the 'local parochialism' we may have. Furthermore, it demands 'additional knowledge about what is feasible' within varying contexts, so if done well it would not preach from a place of ignorance or presumption (Sen, 2006, p. 231).

With Geuss, we have perhaps the most realist of non-ideal approaches. We can understand what realism is in an antagonistic sense from the attacks he levies at ideal theory. Realism denies universality. As we have seen, the idea of a 'pure normative realm' where we can find a one-size-fits-all principle, even in a more localised sense like Rawls', is a false-start.

Geuss turns Swift's positive regard for political philosophy as guiding individual action on its head: precisely the problem with '*individual* decision making' is 'it seems completely unclear' how such theorising 'can be used to understand and explain some large and important domains of politics, social action, and international relations, given that these are collective phenomena in sometimes highly institutionalised settings' (Geuss, 2016, p. 38). It cannot hope to apply much beyond individual guidance and individual action is always at the mercy of 'institutionalised settings'. It is not just that realism claims to be more 'realistic' in offering actual achievable guidance then, but that it is in fact a broader scholarly exercise: it requires learning about and examining these institutions. As action is often performed within and formed from 'collective phenomena'. When ideal theorists investigate how we behave they can spot inconsistencies. For Geuss, this is a moralist way of doing political theory: 'Moralism means, roughly speaking, a kind of moralized preaching and an associated assumption about the causal efficacy and cognitive significance of making moral judgements' (Geuss, 2016, p. 31). So, when we see something in our societies that contradicts a moral principle, the reaction would be to turn to reflective equilibrium. Geuss attacks this reflective approach. As the triggered response when judgements seem to conflict with our values, it may be too simplistic. When we theorise in a context we can see how there are many considerations other than morality that may affect our decisions and that they are sometimes necessary: 'if one thinks there are complex factors that explain why one did in fact act on Z, even after one saw that Z was the moral thing to do, one has already positioned oneself outside the paradigm of moralism'. Hence, one feature of realism is that there are other motivations of why people do things than just morality alone, or 'nontheological explanations', and they exist in the context of 'collective phenomena'. Rather than trying to purge ourselves of these other decision-making factors active within our context, we should expore them. Guess tells us: it is 'always worth discovering' and investigating them (Geuss, 2016, pp. 38-39).

This does not risk a fall to relativism: investigations can still uncover the consistency of some moral thought as much as they can expose inconsistency through emphasising alternative, situated views. Consistency can be regarded as having positive results on how society functions, which can therefore develop into a sort of truth or normative claim. For example, Jonathan Floyd argues that we consider measuring the merit of liberal democracy by its 'comparative performance' regarding 'political collapse', 'political resistance' and 'violent crime' (Floyd, 2011, p. 60). Hence, there may well be 'complex factors' why we did Z, but we can also recognise the moral value of doing such a thing through seeing the results it can achieve. But this consistency of results *relies* upon historical contingency, rather than being a principle that tries to avoid this. This means it is always open to 'investigation'. Thus, in realism's disregard for 'moralist' first ways of thinking is a very clear philosophical mindset: '"realism" ought to be committed to a certain kind of open-endedness, indeterminacy, and context-dependence of judgement, or at any rate to agnosticism about absolute and categorical claims' (Geuss, 2016, p. 33). This begins to sound promising because this project is very context-dependent and I want my tailore my theorising to it. I also acknowledge a certain open-endedness, hence the idea that there must be multiple views of what is happening in public space. But what in a practical sense is there for us in the political toolbox for this type of approach? What can we find that actually offers a way of doing what it preaches (against)?

Methods in Analytical Political Theory contains an instructive realist piece describing what a realist approach is: 'at last!' comments Adrian Blau, the editor. (Blau, 2017, p. 3). We can all appreciate his point. There is not much practical guidance on how to actually do political theory in a realist or nonideal way. There are suggestions, but when it comes to a method, we are left trying to build one from *criticisms* and *paradigms*, not guideance or example. This is perhaps where we first run into problems, or more optimistically, opportunity.

The respective article, by Robert Jubb, gives us specific 'guidelines' to follow for a realist theory: in these guidelines, perhaps we will find useful tools. First, there must be an account of the 'political situation' in which any theory of the good is 'to be realized' (Jubb, 2017, p. 126): in effect, the theory is 'fitted' to the particulars (Jubb, 2017, p. 118). This means a method that 'captures' the 'specificities' of a problem rather than trying to mute them. Second, the theory must reject 'utopian hope' and 'unremitting despair' (Jubb, 2017, p. 126). In this sense, realism's optimism is in achievable goals. This links to the third guideline. Any value that a philosopher theorises must be one that 'agents can be expected to respect' without having to become 'moral saints' (Jubb, 2017, p. 126). For me, this means a method that speaks from within human constraints, with a human voice, rather than as an impartial observer or from some pure normative realm. Third, readers must be able to see aspects of their own 'aspirations' in the theory that is offered. For example, when presenting an *anti-homeless public space,* I ought to evoke a desire in the reader for a public space that does not target the homeless exponentially so. A method that presents other perspectives aimed at immersion, as I intend to achieve, is therefore compatible with this guideline (Jubb, 2017, p. 126). Fourth, any realist theory should not 'rely on' or 'appeal to' 'values or interpretations' (Jubb, 2017, pp. 124-126) which remain excessively controversial. So, for example, Rawls's *A Theory of Justice* with its egalitarian presumptions would be an example of how realism should not proceed. As a method, *apriori* principles would likely be frowned upon in general for this reason, for 'different intuitions can be produced in one and the same person – not to mention different intuitions in different people – simply by framing any dilemma in multiple ways' (Floyd, 2011, p. 50). Finally, any evaluative and prescriptive claims must be based on 'how human life actually operates' (Jubb, 2017, p. 126). This I assume would mean that if I am to construct a method along a realist paradigm that it should eschew fantastical thought experiments in favour of a more realistic account, something I have already concluded from looking at our ideal

theory toolbox. On these guidelines then, it would seem a method that can focus on the specificities of an anti-homeless public space, with enough interpretations to remain open-ended and upset 'local parochialism', would be considered 'non-ideal' or 'realist'. Similarly, something that has achievable goals without being completely devoid of ambition.

Tools for the Toolkit?

Non-ideal theory and realism approach political theorising trying to focus on the specifics of an issue. Mills speaks of abstractions that capture the problem and allow us to generalise a theory from this. This is something I feel is good guidance for this project: as I have said before, with this particular issue I do not think we need to remove ourselves from it to reframe it. To me, the important question here is how one actually goes about this reframing within a context. It would seem to me that this depends upon the problem in question. For example, when Farrelly talks of cost-benefit analysis this may mean in certain contexts theorists ought to become more attentive to data collection. When one is theorising about egalitarian principles within a nation-state, presenting the effects of mass inequality within that political culture would strengthen any abstract argument in favour of equality: 'The answer to Nozick is not Aristotle or Augustine or Kant, but, for example, the writings of William Julius Wilson, and the autobiographies of kids who grew up in urban ghettos' (Rorty, 1998, p. 121). Data and evidence collection for an anti-homeless public space comes in very specific forms, especially when one talks of the physical architecture. In this case, sensitivity to data would involve creating images of this architecture. But of course, empirical evidence does not just speak for itself: this is political theory, so it requires a theory to be wrapped around it.

Sen's desire for political theory to focus on 'advancement not transcendence' tempers my approach to normative prescriptions. This makes us consider realism. If there is no pure normative realm, as Geuss claims, then there is no universal set of guidelines, and no universal theory. What this leaves us with is perspectives: the next best alternative to trying to find the

right thing to do from a place supposedly removed of contingencies, is gaze from different perspectives on an anti-homeless public space.

When Jubb explains that a realist approach must not give in to 'unremitting despair' nor a false utopian hope, the implication is that a realist political theory is underpinned by a belief in actually affecting society. As with Geuss, 'political theorists' longstanding quest for justice' is to be put aside in favour of the 'less ambitious, supposedly more realistic end of modus vivendi arrangements' (Honnig & Stears, 2011, p. 178) . Yet, here there is an element of naivety perhaps equal to that of ideal theorists. Put simply, if you think that by looking at the everyday realities of politics and how humans '*do* behave' as opposed to 'how they *should* behave' (Floyd, 2011, p. 58) is better because it is geared towards relevance, and potential impact, then there is a potential contradiction. Is it not as equally optimistic to think that a more realist way of doing theory is actually going to influence politics, as the idea that one can find an ideal? There is also a little naivety in the ambition, some would even say fantasy, in believing you are doing realism, if your basis for doing it is to improve on ideal theory's apparent impotence or irrelevance outside the academy. This is not to deny completely the chances of such an achievement, only to be more self-aware about what can be done to the form the method takes to improve those chances of having effect and reaching beyond the academy. Importantly for this thesis and its prescriptive element, it means I must consider the accessibility of the work. It should be engaging and interesting. It should provide an analysis of the problem which reframes and makes unfamiliar – for that is what philosophy is for – but it ought to guide and provoke thought, not confuse.

Yet realism seems a paradoxical approach. Surely it must recognise these limitations of impact in order to remain realist? For me, those limitations mean that one has to accept that a wide-spread effect, like informing policy, remains unlikely. That does not mean one should not write to try and achieve some impact, but work can have both ambitious and realistic

suggestions to improve these chances. This takes us back to Swift's point about affecting individual actions, which leads us into a recurring theme in the formation of this method: to offer not just one perspective, or at least one perspective that goes unchallenged. I have said that I think this is the way to reach any reader and provoke thought. But readers are different, so the views of an anti-homeless public space must have subtle differences. Hence, if there is to be an account of the particulars of the situation, for me, it must not be a singular one without inconvenient interruptions. Does this mean simply providing alternative stories? Ultimately, storytelling is an effective disruptor. To refer back to 'Television Characterizations of Homeless People in the United Kingdom', media representations and 'news constitutes a shared symbolic resource for establishing who is homeless, why people are homeless, what happens when a person is homeless, who the experts are, what can be done about this social phenomenon, and who should respond' (Hodgetts, et al., 2005, p. 31). In short, media craft an overarching narrative about an issue and those involved in it in their individual news reports. The idea of 'providing alternative stories' then, as something that can try and speak beyond the academy, is to disrupt such narratives with a counter-story. On that thought, we turn to genealogy.

Genealogy

In *Society Must be Defended,* Michel Foucault describes genealogies as being 'antisciences' (Foucault, 2004, p. 9). This is not necessarily to deny science the soundness of its 'verification procedures', or an attack on its methodology (Foucault, 2004, p. 10). Genealogy does not seek to 'be ignorant' or 'reject knowledge' (Foucault, 2004, p. 9). Rather, it is anti-science in the sense that it exposes the 'aspiration to power that is inherent in the claim to being a science' (Foucault, 2004, p. 10). It is to show that when one makes an assertion that something is a science or exists within a scientific discourse, our captivity to the idea of science as legitimising a knowledge, renders us unable to see the power-effects one is exerting through labelling something as scientific.

In any claim to science we make then, there is a power at work, a process of 'selection, normalization, hierarchicalization and centralization' (Foucault, 2004, p. 181). First, by declaring something is a science, it is selected as being true, eradicating other forms of knowledge that are not accepted as being within a scientific discourse as 'false-knowledge' (Foucault, 2004, pp. 182-183). Second, proponents of other 'knowledges' then seek to legitimise their own knowledge, and so follow suit in clambering to be known as a science. Thus, normalisation occurs. Third, these knowledges are then placed in a hierarchy, of 'subordinated knowledges' (Foucault, 2004, p. 180) which require no specific expertise, and those more elevated that do. This expertise is then acquired in certain centres or institutions, like universities, and so the final process of centralisation occurs. A doctor has built his or her expertise on medical knowledge, a manager by studying human resources, and so on.

Our knowledges are thus built on the idea of searching for conclusive answers, results or truth, through their selection: 'For centuries, Western literature has sought to base itself on such notions as nature, verisimilitude, sincerity, even science itself – in short, on true discourse' (Sheridan, 1980, p. 124). Thus, what underpins a scientific discourse and science as an authoritative knowledge, ordering and 'heirarchicalizing' other knowledges, is the belief in conclusive answers, 'getting to the non-distorted view' (Owen, 2002, p. 227). As the scientific discourse is our great legitimiser so this idea of 'utter certainties' (Bevir, 2008, p. 269) and true discourse permeates our other knowledges, such as philosophy. Notions of universal truths, and the ability to discover them, the pursuit of searching for '*the* truth, and not merely the truth for their times' (Strauss, 1988, p. 68) arise. That one could step outside of the prejudices of their time and place and seek the truth for everyone, for all eras, emphasises and gives birth to a belief in 'pure reason' (Kant, 1970, p. 174), the existence of it, and its attainability.

Genealogy, in a sense, puts the history back into this idea of truth and a true discourse, shows that these beliefs in truths can indeed be found to be lurking in history, and so are

products of their time and culture. As such, they cannot be universal, but specifically borne from a certain way of thinking, that will be bias, dismissive of the history of its own development, and its *historicity*. Genealogy's claim is that nothing can be 'rendered neutral' through 'scientificity' (Foucault, 2004, p. 39) or reason, things which we value as such cannot be understood as an a-historical 'quest for universal knowledge' (Strauss, 1988, p. 11). There is always theorising in a situated context with situated truths.

Of course, Nietzsche's deconstruction of morality remains a foremost example of genealogy. Rather than engage in debate over what is 'good' and what is 'bad', he instead asked the question 'under what conditions did man invent the value judgements good and evil? *And what value do they themselves have?'* (Nietzsche, 1994, p. 5) Nietzsche looked for the historicity of morality, not a universal 'truth'. This requires us to remove ourselves from the idea of certainties and therefore any attachment we may have to a view of the world. From our understanding of genealogy as an anti-science then, we can see it is there to offer us 'the possibility of other pictures or perspectives' (Owen, 2002, p. 221): a different way of viewing something to better make sense not only of what it is we are viewing, but the manner in which we are viewing it. To 'make sense of ourselves' (Owen, 2002, p. 223) while we are making sense of something.

According to David Owen, critical theory offers us the tools to question a particular ideology. We may for example, free ourselves from a socially conservative position by presenting a liberal replacement, yet our framework, our perspective remains the same, to do what would be considered 'true' or 'right' within a question. This picture contrasts ideologies, yet both ideologies are still 'held captive' (Owen, 2002, p. 226) to the idea of 'true' or 'right' as 'the only possible picture or perspective open to them'. Owen calls this 'apsectival captivity' (Owen, 2002, p. 221). Nietzsche therefore presents not just a way for us to 'make sense of ourselves', but how we can understand why we have been *failing* to 'make sense of ourselves

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– as moral agents' up until his *Genealogy of Morality* (Owen, 2002, p. 223)*.* This frees us from the captivity that morality has had over us, whatever ideology we have previously engaged with. This is why, in Nietzsche's eyes, the scientist and the priest are cut from similar cloth: 'the self-control of the religious man was a preparatory school for the scientific character' (Nietzsche, 1910, p. 3).

Genealogy therefore allows us to conjure alternatives formed within a different perspective entirely, offering a genuine 'alternative', which enables us to see the 'dangers' (Foucault, 1991, p. 249) of being chained to truth, science or pure reason. To be able to see and understand that alternative picture genealogy can offer us, we must undermine the picture or perception of the very thing we have been held captive to, through recognising its emergence from a historical condition. This is genealogy's first task.

Once we have done this, genealogy can still offer us more, however. Mark Bevir claims that it is in the relationship between genealogy and 'truth claims' (Bevir, 2008, p. 269) that 'Radical historicism' becomes a fruitful endeavour, in its ability to unmask theories and philosophies which 'masquerade as utter certainties based on a pure reason or pure experience' (Bevir, 2008, p. 269). Genealogy forces us to accept that truths are learnt and adapted through 'interactions with our environment' (Bevir, 1999, p. 126), but this does not necessarily mean they are worthless. They can be stronger from being moveable, identified by comparisons and contrasts and changeable with what the thoughts of the time require of them. The *contingent* truth then, becomes something with which we regulate and evaluate all other claims, and it is genealogy which in turn challenges the truth. This enables us to reform it as easily as we would do away with it. Truth becomes something which is utilised as long as it remains the 'best account of the world currently on offer' (Bevir, 2008, p. 269). Without genealogy, it would simply remain unchallenged, and therefore unimproved. In a sense, genealogy puts the contingency intro truth. For Bevir, to expose the historicity of a picture or perspective is not to

reject it outright, or necessarily 'deny its validity' (Bevir, 2008, p. 270). In some ways, genealogy can be understood to be in a partnership with a truth discourse then, with truth being the 'regulative ideal' (Bevir, 1999, p. 126), remaining so as long as it is able to stand up to genealogy's scrutiny and endure. Thus, genealogy's second task becomes one of providing 'theory choice' (Bevir, 2008, p. 269).

Essentially, genealogy does not necessarily result in a complete 'doing away' with the 'best account', but forces reappraisal in the face of new confrontations, assessing its validity through any new amalgamations or developments that come from the encounters it has, and the scathing attacks it survives. This is because genealogy may well have similar interests to the thing it attacks yet offers a different picture of it.

Tools for the Toolkit?

It is easy to see what genealogy offers us here: the vision of an alternative picture of public space and the subsequent search for its historical condition, because of a concern over a lack of freedom there for the homeless. If society is held captive to the same 'culture, law or physical barriers' (Parkinson, 2012, pp. 56, 61) which make up how we behave and expect others to behave in public space, then genealogy can reframe this. Public space, being a realm where it is often difficult to give 'explicit consent' to people 'entering into close interaction' with us, (Geuss, 2003, p. 13), means we often require people to behave in 'expected ways' (Parkinson, 2012, p. 55) to alleviate any concerns one may have over interactions strangers, for we cannot prevent them as effectively as we can in private property. In contrast, in our homes we choose who is and who is not present, and can therefore acquire a physical, spatial privacy relatively easily there. The potential for interacting with strangers is lessened in our homes, with this power to remove someone else's presence, inherent in private property ownership. In public spaces, where we do not have this power without state intervention, we require reassurance that strangers are safe.

A genealogy can thus help us investigate public space as something more targeted and othering. Essentially, by giving us a perspective which seeks out the historicity of something, genealogy allows us to see approaches to public spaces which are not just a protective measure to create an environment of 'recreation and face-to-face communication' (Ellickson, 1996, p. 1168), or as a consequent enabling of spatial privacy, but as a set of punitive measures or taboos to '*eliminate the homeless*' 'other' rather than *'eliminate homelessness'* (Feldman, 2004, p. 6). We can be freed from a perspective that this is merely an attempt at preventing anti-social behaviour, view it less as an enabling form of legislation, and more akin to an exerting of a power relation. We can then identify what kind of power that is.

This is a fitting approach for a method that seeks to reframe, but if a genealogical approach is to be present in this method, then it needs to be normative. Genealogy must at some point state its interest and it need not conflict with its project or contradict its language: as Owen says, 'to say that genealogy does not provide normative criteria is not to say it isn't motivated by specific normative interests' (Owen, 2002, p. 225). Indeed, as Owen points out, when Foucault said that an individual lacking access to the 'means of modifying' change is 'intolerable' (Foucault, 1988, p. 224), he was 'motivated by an interest in freedom, or more accurately, self-government' (Owen, 2002, p. 225). Yet I have already said that I wish to be quite explicit with the 'prescriptive' aspect of political theory, albeit with normative ambitions tempered by realism. Genealogy leaves us just at the moment we require such explicit normative guidance. So, whilst its alternative gaze, with its focus on a historical emergence of an idea – for us now, anti-social behaviour – is an ingredient that will go into our method, it is not all of that method.

Genealogy also suffers the same problem as most theory approaches: although an alternative view of reframing, the view is still singular, and so potentially polemic. Genealogy is an 'unmasking' approach to truth, though David Hoy also tells us it can be 'vindicatory'

(Hoy, 2008, p. 276): the recognition that something historically contingent can still have value attributed to it through philosophical analysis. Historicists must accept this notion of a vindicatory genealogy for otherwise they could not believe their own 'empirical content' (Bevir, 2008, p. 274) and value their own historical method. If what defines a genealogy at its base is the original premise of the historical contingency of all things, then genealogy itself is open to this denaturalizing process. By acknowledging the idea of a vindicatory genealogy, the philosopher-historian has 'no reason' to 'not believe both that radical historicism arose contingently, perhaps even accidentally, and that it is true' (Bevir, 2008, p. 275). Although I do not wish to be too polemic in my 'unmasking', in no way do I wish my presentation of an anti-homeless public space to be 'vindicatory'. What I want to achieve are multiple views or at least inconvenient interruptions. As I have said before, if a contingent-free truth is rejected, then the presentation of such interruptions is my attempt at some form of detachment from my own situated view. In this way, the idea of interruptions is not trying to claim an impartiality, but an actual methodological way of checking or trying to balance-off one's own unavoidable bias. Reframing and exposing anti-homeless initiatives is definitely my intention, but not without understanding and trying to empathise with the motivations behind those initiatives as well. To quote Michael Frazer, 'We may ultimately conclude that some current practice – modern policing, for example – is indeed oppressive, but doing so impartially requires that we consider the point of view of the police as well as the policed' (Frazer, 2017, p. 104). On such a thought, of empathising with the culprit as much as the victim, we turn to the idea of *Telling Stories.*

1.3 Telling Stories

The idea of theory as storytelling opens us up to some other parts of the toolbox and makes us reconsider what we think we are doing when we do normative work. If the role of philosophy is to reframe a problem, we may think this typically supports the idea that we need to remove particulars or emotion in order to see clearly with reason. As we have seen, this often means idealisations that reduce and simplify or thought experiments which present us with an alternative analogy. These elements of creating a narrative are not just for building a simplified model to make the right, rational decision, however. Stories deliver characters and characters evoke feelings. Can this take us somewhere?

Moral Sentimentalism

In *A Defense of Minimalist Liberalism,* Richard Rorty writes: 'I reject the Kantian suggestion that sentiment is too low down on the scale of human faculties to impose moral obligations. I entirely agree that we have obligations which spring from solidarity, but I think that solidarity is created by educating our sentiments' (Rorty, 1998, p. 121). This approach begets a political theory that describes, imagines and evaluates people's experiences: an argument of 'this is what it is like to be in her situation' rather than one over independent principles (Rorty, 1998, p. 185). This does not mean there is a lack of grounding for the 'right' normative choice, only that it is found not solely in rationality, but moral sentimentalism.

Michael Frazer traces the path of moral sentimentalism in *The Enlightenment of Sympathy.* In it, he claims that the idea of educating our sentiments was generally rejected by 'Enlightenment rationalists' who instead 'maintained that I must think of my true self as purely rational' (Frazer, 2010, p. 16). Essentially, where the passions are bridled with reason. Hence, subsequent theorists who are beginning to reconsider the role of emotion in our moral judgements are 'led to believe that they are refuting the philosophy of the Enlightenment' rather than 'lending support' to another, alternative 'popular eighteenth-century view of reflective autonomy' (Frazer, 2010, p. 14). Frazer recognises this belief from common interpretations of

Hume, particularly in *Of the Influencing Motives of the Will,* where he appears as an opponent of reason. He famously writes: 'Reason is, and ought only to be the slave of the passions, and can never pretend to any other office than to serve and obey them' (Hume, 2016, p. 366). However, according to Frazer this view of Hume is narrow, for on closer inspection we find his denial of reason is in fact calling for an 'entire mind in harmony with itself, the faculty of reason included' (Frazer, 2010, p. 50). To achieve this 'harmony', such enlightenment sentimentalists 'placed particular emphasis on the power of individuals to share each other's emotions imaginatively through the faculty they call "sympathy"' (Frazer, 2010, p. 179). In a more modern understanding, Michael Slote refocuses moral sentimentalism around empathy rather than sympathy, the latter being when we are 'feeling (sorry) for someone who is in pain' whilst the former is actually '*feeling their pain'* (Slote, 2010, p. 5). Nevertheless, this idea of being able to share other's emotions imaginatively is a promising thought for my project.

Slote provides a good thought experiment to show how some moral sentiments can be better than others, and so how 'correct' moral sentiments can be used to tackle poor ones and guide behaviour, rather than reason alone. He asks us to imagine a son who has to look after his mother who is ill. Eventually, the son reaches 'compassion fatigue' (Slote, 2010, p. 84) and says to himself 'To heck with this! I think I will just go and see a good movie'. Slote's point is that if the son does not succumb to this desire, it is unlikely to be because of some reasoned moral imperative or duty, but because his 'warm or affectionate feelings' for his mother will 'reawaken' when he imagines her sitting alone whilst he enjoys the cinema (Slote, 2010, p. 85). This is not to say reasoned, 'categorical imperatives' never help us tackle instinctive or emotional thoughts, but that emotions can also be cultivated to tackle other emotional responses. Thus, we do not just learn how to empathize with what people are feeling, but with what 'they will feel or what they would feel' (Slote, 2010, p. 17), and so are more able to guide our future behaviour and form an overall moral outlook from our sentiments: 'it is worth noting

that differences in (the strength of) our emphatic reactions (or tendencies to react) to various situations correspond pretty well to differences in the (normative) moral evaluations we tend to make' (Slote, 2010, p. 21).

This gives us something capable of normative prescription and an approach that couples with immersion: empathy is a strong form of immersion. It does not require *apriori* principles, can help us develop a normative response, and aids us in reimagining public space through our empathy with those who sleep in it. Thus, as 'all evaluation contains an affective component, sentimentalist theory cannot be consistently normative without being impassioned' (Frazer, 2017, p. 95). This may well cause issues with objectivity, but as Frazer argues, 'it is no more despotic, coercive or manipulative for members of a political community to share emotions with one another than it is for them to provide rational arguments to one another' (Frazer, 2017, p. 99). With this then, a sentimentalist normative guidance prioritises a storytelling approach rather than an analytical one based upon finding truths purged of emotion: 'Sentimentalist theory should be filled with interesting stories, ones in which we sympathetically engage with the characters, allowing their needs and interests to become our own' (Frazer, 2017, pp. 100-101). But in this, sentimentalists should 'refrain from telling their readers how to feel, letting their stories speak for themselves' (Frazer, 2017, p. 101). Thus, in telling a story, objections to our narrative should be considered so we do not 'fail to capture the experience of others' (Frazer, 2017, p. 103). As moral knowledge also equates to understanding and feeling what others feel, then to have a narrow capture of experience would be to deny important moral knowledge that we need to decide what is right. But also for me, this is doubly important, for in my opinion the impassioned writing that moral sentimentalism requires should be tempered by the 'open-endedness' from the realist toolbox, especially when 'groups with radically different experiences of a given situation are in conflict' (Frazer, 2017, p. 104). This is certainly the case with the street homeless and other users of public space. Multiple characters therefore

function a little like opponents in a Socratic dialogue, where character's thoughts and opinions are like Socrates' opponents continually pressing their 'objections' (Bell, 1993, p. 21).

So, we have moral sentimentalism with its focus on empathy encouraging a storytelling approach to normative theorising. What would be the order of things then? Moral sentimentalism should begin with 'empathetic consideration of particulars' first, in order to extract 'more general principles' (Frazer, 2017, p. 102) – the emphatic considerations create the general principles. Thus, we start with a story, focussing on the specifics of the issue at hand, before any normative or principled discussion. Furthermore, if the moral sentiments explored through the use of characters are to be effective in raising that discussion, then the story itself must be 'psychologically realistic' (Frazer, 2017, p. 104). This does not mean one cannot explore a fantastical world, but the people themselves must be believable and realistic, otherwise their moral reactions are unlikely to invoke anything in the reader. A story with realistic characters where the aim is to produce a normative response from evoking empathy with those characters, begins to sound like a very apt approach for this project.

Tools for the Toolkit?

These guidelines for a storytelling moral sentimentalist approach match well with the idea of immersion in this project. Getting readers to understand a particular view of public space through provoking empathy with those who suffer from its shaping is a very effective form of immersion and one that reimagines public space. But this is not just for one perspective. To repeat a quote used earlier, Frazer also tells us we need to 'consider the point of view of the police as well as the policed' (Frazer, 2017, p. 104). This is exactly the point of trying to get readers to picture their own *complicity*, and the complicity of others, in the shaping of an anti-homeless public space. What moral sentimentalism thus seems to encourage as an approach to political theorising, is stories told that contain multiple perspectives. This allows us to try and achieve some form of impartiality without giving up on impassioned, and hence normative, writing, through ensuring we acknowledge the views of characters that may conflict with what

we are trying to do. In effect, to repeat, we should not ignore inconvenient perspectives to what we are trying to say. This is especially true when it comes to presenting to our own communities how we are treating the street homeless: most rough sleepers will not be in a position to exert political power or pressure themselves. This means that any normative prescription that is to occur will most likely be an appeal to those who do have more power or status to affect some kind of change. It should therefore attempt to be reconciliatory in its criticism. Indeed, according to Rorty this is very much what a philosophy focussed on cultivating moral sentiments is based on: a 'softening' of the 'self-satisfied hearts of a leisure class', rather than the idea that the 'Enlightenment project lies in the depths' – and so agency – 'of every human soul' (Rorty, 1998, p. 182). Although he admits this top-down hope is 'revolting to think' (Rorty, 1998, p. 182), changes such as the 'emergence of human rights culture' appear to 'owe nothing to increased moral knowledge' within each individual, and 'everything to hearing sad and sentimental stories' (Rorty, 1998, p. 172). This manner of thinking has more recently been taken up by Chris Horsell in his claims over the effectiveness of 'discourses of compassion' (Horsell, 2017, p. 966). Horsell argues that such discourses can 'disrupt contemporary, taken-for-granted assumptions regarding welfare dependency' and even 'challenge these policy agendas' (Horsell, 2017, pp. 967, 968). He refers to Nussbaum's *Compassion: The Basic Human Emotion* as a basis for these claims. In this article, Nussbaum tells us that if we want a 'compassionate nation' we must practice imagining ourselves as 'tragic spectators' of those who are 'are hungry, and oppressed, and in pain' (Nussbaum, 1996, p. 58). By pointing out that compassion is a 'moral sentiment, not a political principle' (Horsell, 2017, p. 968), Horsell reinforces the idea that sentimentalist 'sob stories' are indeed the responses we need in political theory.

Yet, this emphasises one issue. Reframing public space through immersion and trying to get the reader to consider their complicity as a shopper, local and commuter, as well as the

responsibility of the local authorities they elect, does not focus explicitly and solely on a homeless character, who is surely the main source of any empathetic or compassionate response. For a purely moral sentimentalist approach, we would want a homeless individual to be our central character or focus in the narrative. However, the story of realisation that I wish to tell is visual and self-reflecting, not simply a collection of 'sob stories' (Rorty, 1998, p. 121). Moral sentimentalism is not 'simply' this either. Empathy does not always equate to action and involves a range of other feelings, such as shame or guilt. We can also empathise with someone in a bad situation without changing our minds about how we deal with that situation: 'compassion does not require a recipient's innocence' (Horsell, 2017, p. 970). Moreover, we can feel empathy for a character we create in our minds from seeing the *situation* they live in, rather than hearing their 'sob story' directly. Indeed, a story that was focussed on the victim as a present character runs the risk of provoking 'public sympathy' that is 'individualized', with 'individualized' solutions, such as 'individual rehabilitation', potentially overlooking other structural causes (Hodgetts, et al., 2005, pp. 38, 42). Furthermore, if Frazer is right, in that the rule 'show, don't tell' can actually 'maximize emotional impact' more so than 'direct appeals' (Frazer, 2017, p. 102), exposing the hostility of the space in which the street homeless live in without bringing direct testimony and 'sob story' into the story itself, may be more effective. As we will see, the ghostly absence of the rough sleepers also seeks to highlight the dispersive nature of an anti-homeless public space currently. The point I wish to make here though is that empathy is an ingredient in exposing an *anti-homeless public space,* but not the whole. As I said at the beginning of the chapter in regard to the street homeless, 'it is not *their* story'. So, although empathy is a strong form of immersion, it cannot be the overriding one. The story here is about realisation. This can be had in ways other than empathy too. It is not *just* about telling a sad story then, but one of power, and othering processes. To remember Geuss: there are often many reasons why we do things that are not motivated by morality, whether that be a

rational imperative or a sentiment. I do not wish to reduce or overwhelm this with a sob story. My thoughts here are that there must be a balance between emotion and reason. Thought experiments that remove us from the particulars of homelessness push us too close to a detached reason, whilst a purely moral sentimentalist approach risks taking us too close to emotional impulses without reason, where we are not 'in harmony'. In a sense, as I wish to 'evaluate' our shaping of public space in a very theoretical way – for example, it is also about theorising citizenship with a localised focus – these aspects must be part of the storytelling. In short, whilst the storytelling elements are very much aligned, moral sentimentalism, I think, remains another influence on the approach rather than being all of it, because the main focus of an *anti-homeless public space* is *complicity*. It is, however, the final piece of the puzzle necessary to form a method for this project.

A Three-Part Method of Storytelling

In *Philosophy as Cultural Politics* Rorty writes: 'literature began to set itself up as a rival to philosophy when people like Cervantes and Shakespeare began to suspect that human beings were, and ought to be, so diverse that there is no point in pretending that they all carry a single truth deep in their bosoms' (Rorty, 2007, p. 93). In this, I disagree with Rorty in one specific sense: literature is not a rival of philosophy, but a way of doing it. As we have seen from Frazer, and Rorty himself for that matter, storytelling is very much part of moral sentimentalism. But it is not limited to this alone. When Hobbes told us of a hypothetical world that was 'nasty, brutish' and short' (Hobbes, 1985, p. 45) he was setting up the first Act. When Rousseau told us about the origins of inequality, he was weaving a story. Whilst paying attention to the facts, in the sense of undergoing 'anthropological and zoological research', he also put 'aside all the facts, for they have no bearing on the question' (Rousseau, 1992, p. 17). When Nietzsche asked 'under what conditions did man invent the value judgements good and evil? *And what value do they themselves have?'* (Nietzsche, 1994, p. 5), we were invited to listen to a tale.

Thought experiments are like short stories. Good ones get to the heart of the issue but sometimes the problem requires a little more narrative and scene-setting. Stories give us an opportunity for characters to be 'the masks worn by moral philosophies' displaying the 'moral and metaphysical ideas and theories' in our culture (MacIntyre, 2007, p. 28). As Frazer advises, if we want to 'evoke sentiments' in our readers, 'writers should use a style of prose continuous with the ordinary language that is the normal vehicle of emotional communication in everyday life' (Frazer, 2017, p. 107). Turning philosophies, with their potential jargon and calls to authority, into characters, is surely one effective way of doing this. In this way, stories encourage the feeling of a 'paired activity' where both writer and reader are 'sharing the experience' (Maggio, 2014, pp. 95, 94), rather than a moral lecture. I believe this paradigm of storytelling is one example of how a conversation can be realised, and not just talking past each other: 'In a sense, the number of counter-stories is limitless' (Abbot, 1991, p. 370). Stories in reply to each other would be an interesting philosophical engagement. In fact, it already has been. The history of Russian literature, at least in part, is political theory told in literature and through literary criticism because it was the only way to get past the censors: Pushkin, Belinsky, Turgenev, Chernyshevksy, Dostoyevsky ... What is more, that does not just go for 'us' within the academy, but for 'them' without: 'storytelling can do more than to increase the engagement of academics … It can make it relevant also for a much wider public' (Maggio, 2014, p. 96). This has value, for as academics we are vulnerable to looking 'only in the writings of philosophers and theorists instead of those intricate bodies of theory and practice which constitute human cultures' (MacIntyre, 2007, p. 10). It is not only true that 'without the story we often cannot see the theory at all' (Abbot, 1991, p. 394), but we might not even be able to produce it. Similarly, looking beyond philosophy and finding its theories in stories, reminds us to consider whether they were stories in the first place. Hence, literature is a way of doing philosophy, not a rival or betrayal of it. The '"literary intellectual"' substitutes 'self-

examination and self-knowledge' with 'enlarging the self by becoming acquainted with still more ways of being human' (Rorty, 2007, p. 94). Exploring ourselves, our thoughts and behaviours, in characters – the things that we recognise as similar within us and the things that we see as wholly different – is a way of doing this. If moral principles 'emerge from our encounters with our surroundings' (Rorty, 2007, p. 192) then a story that recreates those encounters and surroundings could help tease out moral principles. With that in mind, and this paradigm of telling stories emerging at the end of our rummage through the toolbox, how can I explicitly adopt a storytelling method, formed from bits of method I have kept in the toolkit?

First, the order of events should be telling the story itself and this should be the problem I want to turn political theory to. This I have called *A Reframing Story.* This ought to reframe how we see the problem currently, as ideal theory and thought experiments often do, only by going into the story more deeply, looking more closely and with a suspicious eye. This is reminiscent of genealogy. But the perspective should not be singular. This has been a common assertion throughout rummaging through the toolbox, for multiple views allow us to check our own impartiality and retain the 'open-endedness' realism asserts. About ethnography, Desmond tells us that first person has become 'the chosen mule' for delivering research, and I think the same is probably true for political theory, for it seems the natural thing to do when writing to argue or persuade, especially in journal articles or compendiums. But, 'first-person narration is not the only technique available to us' (Desmond, 2017, p. 301). We live in a modern pluralistic setting. Third-person narration with multiple characters provides us with practice in understanding 'alternative moral identities' (Rorty, 2007, p. 200). What makes Rawls' reflective equilibrium of 'back and forth' effective is a 'detailed comparison of imagined selves, situations and communities', not 'argument from principles' (Rorty, 2007, p. 201). A third-person storytelling gives us an even more detailed comparison of imagined selves, situations and communities. This also helps us get comparative views of progress or

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justice. Philosophical concepts and ideals may be present, but in a context where they are seen to be in practice – a character's thoughts and opinions about our problem. Such an approach does not apply independent principles to a problem but seeks to tease out guiding action, with the potential for actual solutions, again in a realist mode. *A Reframing Story* is not ethnography, but it can be factual, or as Mills requests of abstractions, highlight the specific difficulties specific groups face rather than idealise them away. Furthermore, as characters are delivering the problem to us, this gives us a chance to evoke empathy in the reader – this is a strong form of immersion and so part of it but ought not be all of the method. Power and othering processes require a more reasoned outlook, and reason must be brought in harmony with emotional responses, not dominated by them. *Complicity* also demands we explore our view of public space, not the homeless view per se, but with a perspectival analysis of how hostile architecture and legislation affect them.

After presenting the actual problem in a storytelling prose, I think a section that explicitly brings theoretical work into the evaluation to help us understand what we have just read in the characters will help. Sometimes it is helpful to be more explicit in our theorising. *A Genealogy of Morality* was commentary on *Thus Spoke Zarathustra.* In effect, a second section of explicit philosophical reflection upon the story narrative. If we have had the perspectives of the characters and how they interact and see the problem, what can philosophers tell us about why that problem is happening? Asking thhis is not to lose sight of our 'show, don't tell' mantra: there is no normative prescription yet, but if normative prescription is to come, we must try and have as full an understanding as possible of what we witness. This is the *Theoretical Analysis.*

Finally, *A Normative Epilogue* criticises normative suggestions from other theorists before offering my own and situating it amongst these suggestions. After this, for the normative prescription itself, I return to story form in order to return to a 'show, don't tell' tone. This is

basically an extended thought experiment where the anti-homeless features in public space are reversed to help rough sleepers survive and be present, to basically ensure that what lies underneath the safety net of shelters is not punishment and othering. There is another merit to presenting normative guidance in this way: it forces the theorist seriously to think about the actual, real world implications and consequences of their prescriptions. This, I think, would be a boon for other theoretical work: essentially, delivering the normative in this way is not just to say what we should be doing, but what it might look like were we to follow this normative guidance.

At this point, I think anymore explanation would be superfluous, for I cannot make it more explicit without just doing it. In this sense, I appreciate the reading of *An Anti-Homeless Public Space* is in many ways exploratory for the reader, as it was exploratory to write. But, as Rorty says, if philosophy is cultural politics and we have all turned into 'literary intellectuals' (Rorty, 2007, p. 103) who see Philosophical progress not as 'a matter of problems being solved, but of descriptions being improved' (Rorty, 2007, p. 132), or 'imaginative suggestions for a redescription' of the human situation', then a mindset of it 'might be worth a try' (Rorty, 2007, p. 87) is in my view, a good one for a theorist to have. If not now, in the word limits of a journal article? Or, the marketing constraints of a book? Thesis writing is an exploratory art.

To summarise the storytelling method then,

1. it is composed of an actual story designed to deliver the context (which can begin from facts) but interrupted with different perspectives. Thus, *immersion* into characters achieves familiarity with a problem but also in a way that is less singularly understood;

2. it includes section a which looks back on the problem(s) and *theorises* it/them using philosophical concepts, ideas and narratives. What are the ideologies and principles we see at play in the story? Which one(s), if any, are the possible cause of the problem(s)?

Have we had to reconsider a particular concept because of this story? Is our conceptual security thus reinforced or undermined?

3. it concludes with a reflection on impact: what opportunities for doing something about the problem(s) present itself or themselves? What principles do these solutions rest upon? This is once again to return to a story-form.

A Comment on Moral Expertise/Situating the Author

At the close of this methodological discussion which signals the beginning of the substantive work in this thesis, one might ask, is this predominantly a project exploring methods in political theory or an investigation of street homelessness? I do not see why it cannot be both. What we want to examine informs the tools we need. The tools we need affect what the end product is. Therefore, the construction of method, how we came to whatever approach we are using, should less often be silent in substantive work. I am not an impartial observer, but I can be upfront and transparent about how I approached a problem, so the readers can decide for themselves how my method affected my results. Or seen from the other side, discussions over method should more often present actual examples of what is proposed. So, whichever direction you come at it, there is still the same point: bringing the two together. This is not to say that all theorists have got it wrong when they do not do this. When the project is new, but the method stays the same, there would be little point in repetition. Journals, accompanied with word restrictions, are our masters. A thesis, however, can have more scope.

The method discussion thus reminds us how the theorist is never absent in substantive work. There is always a story that situates the analyst, as much as there is a story about the problem being examined. We therefore impose our view on a problem. It is misleading when 'method' is used in the restrictive meaning of 'neutral decision procedure', for there is 'no such thing as either philosophical or scientific method. There are only local and specific agreements on procedure within such specific expert cultures' (Rorty, 2007, p. 143). 'Toolbox', I think, got across the idea of *choosing* an approach relevant to the problem, not a universal, scientific

outlook on method. I do not think this contradicts my earlier aim of seeing if this was a method that other theorists could use to investigate similar problems: for me political philosophy in general is a local and specific expert culture. Perhaps this storytelling method could be used to highlight the issues with sweat shops and high-street fashion. Being a story and not ethnography also means we are not limited to current events: for example, one could imagine this storytelling method being used as an argument for basic income in a world where automation and AI have colonised the working world. In my opinion, basic income ought to be argued for in the context of such impending technological changes, and this requires fiction.

This prescriptive bias brings me onto the other aspect that situates the author: the idea of a normative or moral expertise. When we write there is always a reader. We cannot really know the reader, even if we know who will read it. We have a perception of them in our mind, but it is our creation, though it be made up of our knowledge about that person or stereotype. This PhD began in an environment where university funding decisions are increasingly made based around the concept of impact. I have included a list of criteria from both the Economic and Social Research Council and Arts and Humanities Research Council in regards to this in the appendix, but they generally revolve around the following claims:

'We support world leading research that makes a difference to lives' (Economic and Social Research Council, 2017)

'demonstrating the value of arts and humanities research; why it should be funded by the taxpayer; and what 'added value' the Arts and Humanities Research Council as an organisation delivers' (Arts and Humanities Research Council, 2015)

Furthermore, impact is increasingly measured through collaboration with non-academic organisations: *'Collaborating partners can be private sector companies, public sector bodies or voluntary organisations'* (Economic and Social Research Council, 2016).

How political theory can achieve such relevance beyond the academy is not just a conversation had within it then. Thus, something briefly mentioned earlier but saved till this point, must be confronted: 'Does it [political theory] need to be justified on claims of affecting action?' This is a separate thesis in itself, and as this thesis does presume relevance for beyond the academy, what I wish to tackle here is the potential issue of moral expertise, and how a storytelling approach manages this.

I am sure many theorists share a concern with the idea that they are moral experts. Rorty for one, was clear: 'The idea that either literary criticism or philosophy should become an expert culture is a result of unfortunate attempts to squeeze these areas of culture into a university system tailored to the needs of lawyers, physicians, and natural scientists' (Rorty, 2007, p. 125). Robert Lamb even says it is to overlook philosophy as a 'human activity' and exaggerate it as 'specialised academic enquiry' (Lamb, 2018, pp. 4, 3). If normative theorising is not something we do exclusively, then it is everywhere else too. There is no reason why it cannot occur in a chat over tea or coffee or a pint, where two friends are putting the world to rights. It is therefore, 'the lack of deadline for decisions, and consequent luxury of time, that defines the political theorist and *not* her expertise on the subject matter about which she writes' (Lamb, 2018, p. 5). This is not to deny that the academic culture within which discussions take place is not different or distinct – they involve a 'high level of philosophical abstraction' and are 'expressed in more demotic terminology', for example (Lamb, 2018, p. 4). What this does suggest however, is that when we transfer the normative element in these debates beyond the academy into moral instruction we should be very wary of the premise that we are 'world leading academic researchers' (Economic and Social Research Council, 2017), for, however light a touch we may apply, we still imply a moral authority which is misplaced. We are not in fact giving expert advice but reproducing a certain way engaging in normative discussion. Essentially, we are reproducing a particular culture of 'having conversations about the same

issues' (Lamb, 2018, p. 4). This therefore cannot have the weight of moral expertise, and so cannot be asked to justify itself in the manner that say an impact discourse seemingly, and increasingly, demands. Or, if we seek not to simply impose and reproduce our academic traditions of debate, and moderate this in order to have the conversation in the same language with our 'non-academic partners', then to put it crudely, what is the point in us being there? What do we bring to the table? What are we co-producing? This is particularly pertinent when we consider that in our current times 'political argument takes place within an unspecialised, demotic linguistic field' and so is mostly 'conducted through rhetoric' (Hampsher-Monk, 2011, pp. 112, 113).

For Rorty, an expert culture can be acquired 'if you agree on what you want to get'. So, for example, we can have science as an expert culture because 'We know what purposes scientific theories are supposed to serve'. When it comes to philosophy or political theory however, especially when framed as some manner of literary criticism or storytelling approach, 'we are not now, and never will be, in a position to say what purposes novels, poems, and plays are supposed to serve' (Rorty, 2007, p. 101). For philosophy then, expertise becomes a localised thing: 'a matter of familiarity with the course of a previous conversation, not a matter of ability to bring that conversation to a conclusion by attaining general agreement' (Rorty, 2007, p. 144). Without 'general agreement', how can we offer normative guidance beyond the academy? Thus, 'The *purpose* of our theorizing is – ironically to be sure, but not regrettably – not to direct the action of others, whether politicians or ordinary citizens' (Lamb, 2018, p. 15). Does this mean a political theory only concerned with its own conversations? This worries me as much, if not more so, than the issue of moral expertise. The consequences of withdrawing that critical eye of which the normative is an ingredient means the use of political concepts merely for political gain, without any spotlight on the contradictions involved. For example, a conservative party plying the line that we must follow the will of the majority, or a presumption

of what democracy means in relation to a referendum. I agree with Rorty that 'When there is no longer an audience outside the discipline that displays interest in a philosophical problem, that problem should be viewed with suspicion' (Rorty, 2007, p. 151). Philosophy therefore should sometimes take an interest in problems of the 'outside'. This implies a relationship where theorists can offer some clarification or guidance. If they do so, they 'need to claim an ability to see more deeply into matters of right and wrong than most people' (Rorty, 2007, p. 184). This, however, can be a different claim: to present, skilfully, how people think about right and wrong. To reframe and reimagine. To show, not tell.

The idea that some forms of political theory can speak beyond the academy is not to presume an ideal-type non-academic ready to receive, just that it is possible for certain people, because of their life experiences or professions, to know a concept that we do, by a different name, and so there is something to say to them that may be of interest. For example, I am sure many police officers know what a 'broken windows theory' is without having read Kelling or Coles (Coles & Kelling, 1997, p. 20), or a nurse would have been educated in concepts of negative and positive freedom through care management. As philosophers with more time and probably motivation to reflect on concepts (it is after all what puts the bread on the table), we may have a deeper understanding of freedom – as a concept. This could inform the practical use of it. This is not a universal claim. I just mean that people mostly think about these concepts in relation to their jobs, so for the police officer, broken windows theory is, most of the time, going to be thought about in the context of policing. However, for philosophers, our job is (or should be) to think about concepts, theories and the principles that inform them in a myriad of ways, contexts and perspectives. But it is important to remember this job-related understanding of concepts is also not presented as 'worse' in quality than a philosopher's way of thinking per se: just the latter is considered responsible for offering more perspectives, which is thus more likely to reach a more considered conclusion. And, of course, this again is not a lawlike claim:

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the practical use of a theory can also inform the philosopher. Let us consider a nurse taking care of someone whose basic capabilities are in question, and through this experience, he begins to second-guess what he has been taught about freedom in the ethics of care. This, in a narrower context admittedly, mimics what we do as theorists when we strip back the layers that have been applied to the concept of freedom over the years, and try to think of it in simple, emergent terms: when we ask, are we right to think of freedom in this or that way? Thus, there is not necessarily a 'hierarchicalization of knowledge' (Foucault, 2004, p. 10) going on here when we turn to the philosophers for descriptions of what is going on, but perhaps there is a 'division of labour' (Waldron, 1995, p. 167). Our job then, is to tell stories. This involves guidance, but stories, I think, lean less on the idea of a moral expertise, and more on the skill of presentation and persuasion. Put simply, they encourage a theory.

Conclusion

Through exploring literature in ethnography, law and political theory, I set up this thesis to **Investigate the Constitution of an Anti-Homeless Public Space** in our local towns and cities**.** I want to **Explore** our **Complicity** in this constitution. These things combined mean a thesis that will **Theorise an Anti-Homeless Public Space within *Local* Politics.** In this chapter, I began the process of looking through the 'toolbox' of methods to **Offer a Storytelling Method for Political Theory**, resulting in a thesis that would **Integrate the Methodological and Substantive Work in One.**

To *Offer a Storytelling Method for Political Theory* I examined the approach of *Theorising through Escape*: essentially, ideal theory and its tools. Two important conclusions came from this. First, a strong reminder that defamiliarisation was a key component. Second, that for this particular project, defamiliarising the reader was best achieved by *Theorising in the Problem*. Essentially, public space is a familiar arena. By looking closer into its construction, rather than conjuring an imaginary environment, we in fact achieve a defamiliarisation more suited to this issue. This brought forward an opposing approach of *Theorising in the Problem.* Initially, this referred to realism. By theorising an *Anti-Homeless Public Space* within evidence found in actual public spaces, we can make a broader scholarly contribution that includes real data. Furthermore, realism makes us pursue 'modus vivendi arrangements', which means its influence in this thesis is to balance normative suggestions between 'utopian hope' and 'unremitting despair'. This requires a political theory that may contradict itself: the idea of such 'modus vivendi arrangements' is surely motivated by a belief in having an actual impact beyond the academy, perhaps a 'utopian hope' in itself. This leads to a demand that any method which tries to expose the constitution of an anti-homeless public space, would need its reframing and normative parts to be accessible beyond the narrow confines of our discipline.

I also included genealogy in this section, for genealogy looks *within* history and events. Genealogy therefore offered us the idea of alternative, disrupting narratives. This is very important when it comes to the homeless and the depiction of them in our society, especially the media. However, one would have to consider the extent to which one could marry a genealogy with normative ambitions. Furthermore, genealogical approaches also required us to consider the danger of being the polemicist. An alternative narrative would thus also have to include thoughts from the mainstream view.

This took us to examining the political theory approach of *Telling Stories.* The influence of moral sentimentalism was explored. Empathy was recognised as an excellent form of immersion, and therefore helpful in activating our complicity in an anti-homeless public space. I took cue from Michael Frazer however: that one should tell stories in a 'show, don't tell manner'. This means looking at the construction of public space, emphasising the physical and legislative, so a 'sob story' does not individualise the homeless struggle and risk overlooking the application of power. In addition, Frazer's version of using stories was one that did not avoid inconvenient truths or objections, tempering a genealogical polemic. This results in an approach that attempts an affective narrative: one that tries to achieve some form of balance or consideration, without giving up on its persuasiveness.

Chapter 2 – A Reframing Story: An Anti-Homeless Public Space
2.1 Prologue

In *Discipline and Punish* Foucault gave a graphic description of an execution. It allowed him to tell a story about deviancy which enabled people to re-think power. Here I begin in a similar way. Rather than talk about a long and tense walk to a scaffold however, I talk about a detective's walk through public space.

To say that architecture in public spaces 'speaks to us' might sound like an aesthetic claim, but I simply mean it contains a message which is part of a wider narrative. This chapter is an attempt to read it and find out what it says, but also, to set us up to reflect on how we choose to read it: to consider under what theoretical framing we should discuss homelessness. The aim here then is to shake loose any presumptions and immerse ourselves instead into the characters that live in th story, done in the belief that through this immersion, we achieve the necessary distance from a singular viewpoint, or internal monologue. The leading question here is therefore this: *what does the organisation of public space in reaction to a homeless presence tell us?*

The anti-homeless strategies presented here come from places that do exist and are referenced. They are not invented or hypothetical, but researched and collected, and in the case of most of the images, taken by me. However, the detective comes across them within one city, not several. Thus, what I present here maintains a foot in story. Why do this? Is it for mere stylistic prose? A story collecting anti-homeless initiatives from places that do exist together in one imaginary place that technically does not, not only serves to show that a trend is occurring across our towns and cities but acts as an extreme portend to where such policies may well be heading. In essence, it is important to remember that much of the legislation and architectural changes presented here are repeated: they are not isolated cases only happening in one city, so there is nothing insincere in the way I have exhibited them. By referencing where they are actually from at the same time as delivering them in a story where they are all

transpiring in one city, I am simultaneously able to show the reader what is occurring now (and where), and the extreme that could occur in the future if this trend continues without it actively being highlighted.

Although other characters are present, as promised, the one constant throughout that we return to is the detective in the story. This may at first appear somewhat surprising and disappointing after my repeated point about multiple perspectives. In some ways, he is the closest we come to an explicitly authorial voice, but the main reason for his continuous presence is he drives the narrative of the research. The detective is forced into viewing this parallel world of architectural features and legislation. Other characters interact with it in a far less intense and frequent way, and though they give us differing perspectives on dispersal architecture and legislative prohibitions, it is through the detective that we realise the consistency of them, and so realise an anti-homeless public space. Thus, the other characters are insistent or inconvenient questions in the overarching case of the narrative. I do not think we need to delve deeply into every character we meet, more than a paragraph or two, for they are provocative responses to the predominant message in this story. They stop and make us think and they show, not tell. Furthermore, the detective himself, being self-reflecting and questioning at points, flitters from one view to another as well.

2.2 A Story of an Anti-Homeless Public Space

Let us begin with this detective who is looking for somebody. He immediately catches our attention because he is standing stock still amidst a place of constant movement, in fact he seems to have more in common with the granite statues around him. This is exaggerated by the grey trench coat he wears, cutting a silhouette from the blurred images that pass by. He is not in motion yet because he is thinking, drawing on a cigarette. As the orange glow from its end ebbs away he goes to throw it on the floor, then checks himself, and puts it in a little metal disposal box, attached to the wall. He has been leaning against the smoothed cement of a building, which has been carefully designed to make it look older than it actually is. It is a bank and it is not yet open. He takes a deep breath before he propels himself into the white-water rush of the street.

Now he is walking, fast and with purpose, like everybody else. He weaves in and out, navigating through the crowd with twists and turns. He passes market stands setting up their wares for the morning, council workers fixing electrical boxes, and commercial boards that make a sound like an elevator as they shift from one advert to another in repetitions every sixty seconds or so. He takes no notice of all of it. He has an important job to do. A fugitive is on the run and he has been tasked with finding them, but unfortunately the evidence is thin on the ground. Luckily, there is one lead: a witness. The detective has an artist's interpretation of her. Normal procedure would be to match that picture with visual records and find an address. From there he could visit the witness, take a statement, and follow up on anything that arose from it. This time is different however, hence why he has been put on the assignment: our detective has an intimate knowledge of the city from the days before he got a desk job. This is helpful, for in this case the witness is homeless and sleeping rough. Despite his senior position, he does not mind that he has been asked to take to the streets again. It provides a nice refreshing change.

The detective has already prepared his plan of action: that was why he was thinking whilst partaking in a smoke a moment ago, to go over everything one last time in his mind. He

has considered what a day in the life of the witness involves and constructed his search accordingly. As such, he has focused his attentions upon the *centre of town.* He has decided on this for a few reasons. First, he is certain there will be more instances of public space architecture here that could be used by a rough sleeper, like benches and chairs. They will attract our witness because they provide a semblance of comfort, not just in a physical sense, but with a sentiment of the familiar: somewhere one goes to sit and lay down after a long day, or before it begins. The bridges and bus shelters nearby can be used in this way too but can also cover one from the rain. Second, facilities like public toilets are more likely to be found here than in residential areas, again, not only offering physical comforts but a feeling that one is a person who goes to the bathroom like anyone else and not a rogue who urinates anywhere. Third, the commercial square and parks are places of motion, people moving from one shop to another, from a café to the bank. Consequently, it is a good base for a homeless person, even early in the morning: as commuters pass by there will be more opportunities to acquire money, either from asking for spare change or performing some street entertainment. Finally, he assumes someone who sleeps rough would like to do so in a fairly public place, to ward against any potential dangers being alone in the middle of the night may present, or in the very least, reduce the overwhelming sense of vulnerability such an act may evoke. CCTV cameras keep an eye on these people, in all senses.

On top of all this, he has acted on the old saying that has made his career such a success – 'the early bird catches the worm' – by getting up at the crack of dawn along with the commuters. The logic is simple: the witness cannot hide behind doors or locks (which would mean the detective obtaining a warrant) so if he should find her still sleeping, he can begin his questioning immediately. All he has to do then is look for somewhere that a homeless person could sleep around here.

With this in mind, he begins by heading to those park benches: as mentioned, a sensible initial step in our enquiry. As if noticing for the first time, he realises something new. Whether it be through the modification of old benches or the introduction of new ones with a different design, it is impossible to lay down on them. The result is strange-looking. In some there is still that attempt to look older than they actually are, harking back to a bygone age with quaint Victorian or Georgian curves masquerading as arm rests (see figures 2, 15 and 16). Others try to look sleeker and more modern (see figures 3-14). He supposes they are designed to blend into their surroundings. One of these is different, not separated by physical obstructions, but with space, a gentler method of organization (see figure 7). They are more like a grouping of chairs than a bench. The detective smiles wryly, for this reminds him of the change in prison cells, from a single room forcibly divided by bars to separate rooms in themselves. After a brief search coupled with such musing, it becomes apparent that he will not find her sleeping here. It is still early though. He has many more places to look so he is not at all anxious. He decides to sit for a bit and take the opportunity to grab a quick takeaway coffee from across the road.

Once back outside, he gently places his cup on the arm rest. Someone else is sitting on the bench too now, and the arm rests also serve to provide a comfortable zone of personal space. He smiles at the person, who nods knowingly, seeing the coffee. 'Don't worry' she says, 'I won't knock it off'.

She gestures to the arm rests: 'you know I'm quite grateful to the council for installing them to be honest, they stop people lounging about on the bench, taking up all the room. Forgive me, but most men are particularly bad at that, stretching their legs out as if what's in between is made of porcelain'.

The detective laughs. Indeed. Though a thought occurs to him: 'don't you think they are a bit, I don't know, regulatory? What if someone is a bit overweight and needs the space?' The woman slightly inclines her head as if to acknowledge his reasoning, but at the same time

politely suggest she is not in agreement. She puts the newspaper she was reading down gently on her lap. 'Oh come now, I really don't think they are *that* restrictive', she says.

He does see her point, so he decides to tell her about his search today. 'I'm actually looking for a homeless person. Well, someone who sleeps rough. That's why I came here you see. Benches seem a logical first place to look, but I wasn't aware they had been changed so much. You can't really sleep on them now'.

The woman scratches her nose. 'I hadn't really thought of that to be honest. Does seem a bit harsh. But then again, I have children – you've caught me on one of my rare days off – I normally bring them down here to play in the morning. I wouldn't really want to expose them to people sleeping on benches. I don't mean to make presumptions, I mean I'm sure most rough sleepers are friendly, but what if some aren't? What if some are homeless because they're addicts or alcoholics? When it comes to children, in order to protect them you do find yourself being a little unreasonable. But, the urge to keep your children safe trumps that, I'm afraid to say'.

The detective nods, of course. He has two children also and cannot help but agree. What a sad thought, he says to himself, then laughs. How did he get onto speaking about this? He makes to leave.

'Well, I guess I better get on with it anyway. Enjoy your day off!'

Figure 2 This picture (above) was taken by me at Holloway in London, on 14/9/16

Figure 3 A bench (above) near King's Cross underground station (image taken by me 15/10/16)

Figure 4 The anti-homeless benches at the newly 'regenerated' area around Kings Cross old warehouse canal seem to almost hide their sinister intentions behind sleek designs reminiscent of modern art (image taken by me 18/11/18).
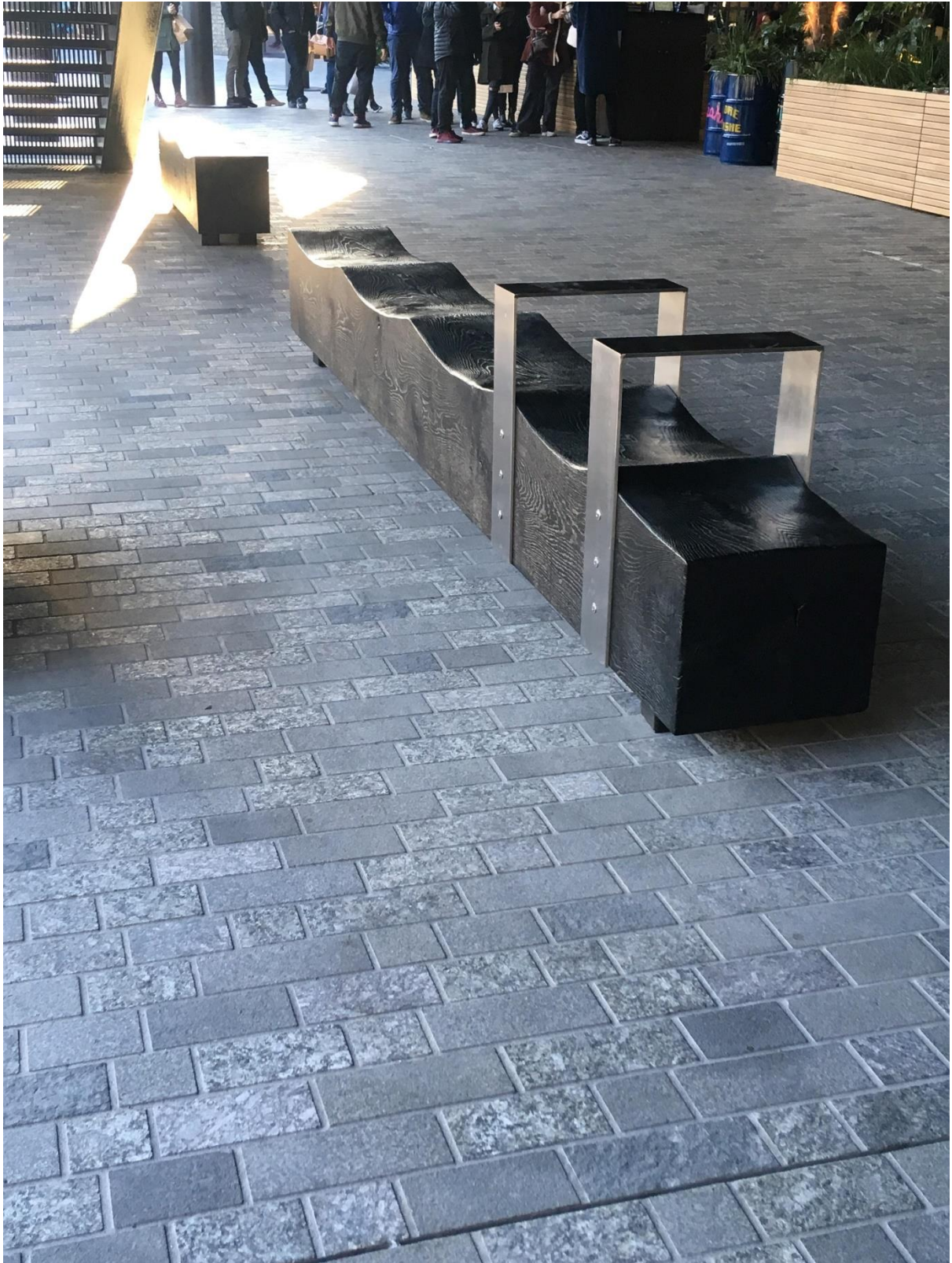
Figure 5 (taken by me 18/11/18)

Figure 6 (taken by me 18/11/18)

Figure 7 Image taken by me in Bournemouth town centre, near the multi-storey car park which plays bagpipes music to disperse rough sleepers

Figure 8 Granby Street in Leicester (17/1/18)

Figure 9 Belvoir Street, Leicester (17/1/18)

Figure 10 Lower Marsh Street, near Waterloo Station (12/2/18)

Figure 11 Exeter town centre (14/4/18)

Figure 12 The travel interchange in Reading (20/4/18)

Figure 13 Kings Cross St Pancras station (1/9/18)

Figure 14 Kings Cross St Pancras Station (1/9/18)

Figure 15 Bath town centre, popular tourist spot (19/8/18)

Figure 16 Bath town centre, near the famous baths (19/8/18)

As he is walking, he stretches his legs and shoulders and decides to look into the bus shelters, for they too have seats and the extra bonus of a roof cover. It is also still early, and he doubts whether the timetable has started yet, so there shouldn't be too many bus-goers to interrupt him. When he gets there, he finds that in a similar fashion these have been modified to better organize its use, this time perhaps to emphasise the shelter is as a place of motion. Again, he realises he never noticed this before, just as he had never thought about how the bus shelter frames are now windows, allowing all eyes in. From his perspective that is a good thing; anything from sexual harassment to drug-taking can go on in the darkened corners of an old-fashioned shelter. He sits in a rehearsed, almost meditative manner, trying to imagine her coming here the previous evening and re-enacting her actions in a kind of hunting ritual, now seeing night whilst everyone else is currently still living in the day. He does not hurry, taking this opportunity to once again stop, think, and allow movement to pass around him: it helps him achieve the sense of dislocation he needs to get into his prey's mind-set. In her position now, thinking as he presumes she would be, he sees things a little differently. There is streetlight pouring in through the bus shelter window frames, forcing her to huddle up and hide her face from the glare. Like a secret onlooker, he observes her past ghost trying to get comfortable. He imitates her and soon realises that after a while one begins to slip off the seats as they have been angled slightly downwards, threatening to drop him back into the moving current of the street. His legs begin to ache as he pushes against gravity, until he relents and gets up, once more back with everyone else in the daytime. This is not a place to make anchor. She must be sleeping somewhere else (see figures 17-22).

Just as he decides this somebody walking by notices his inability to get too comfortable on the bench. 'Stops the teenagers from loitering, or other such anti-social behaviour' a man

says, by way of explanation. Fair enough, the detective thinks, but now he has immersed himself into his witness, he is inclined to wonder whether there are other targets.

'Stops people sleeping here too' he replies. The man sneers, obviously deciding the detective's behaviour is a bit weird, apparently inspecting the bus stop – not knowing of course his profession and what he is pursuing. Bill remembers the big old brick ones from before, and how they became intimidating places where people would hang around, drink and smoke. He'll take uncomfortable seats over that any day: it's a bus stop, not a hotel, and shouldn't become the latter when it disturbs the former purpose.

'Well of course it does' Bill responds. 'Listen, I used to live over the road, in one of those flats opposite. I was doing shift work at the time, see, and I often got home late. I'd walk down this road and feel a little threatened by people hanging about in there, and yes, sleeping too. I knew an old couple nearby who used to get the early bus and sometimes there were people still sleeping in there when they approached. They were so put-off by it that when that happened, they'd either go back home and wait for the people to wake up and leave or pay for a taxi. That's not exactly fair is it? Don't get me wrong, I've every sympathy with anyone sleeping rough, and also the kids who are just bored, but a bus stop is a bus stop. You can't have people doing what they like everywhere, whenever they want'.

Figure 17 Like most bus shelter seats, this one on Liverpool Street in London is designed with a slight downward curve that puts pressure on the lower leg when sitting for long periods (image taken by me 19/9/16)

Figure 18 Bournemouth town centre bus stop (17/8/18)

Figure 19 Bournemouth again, near the Royal Bath Hotel (taken by me 8/12/18)

Figure 20 Tintagel high street. A few metres away are pay-as-you-use toilets (18/8/18)

Figure 21 Loughborough bus stop, outside the train station (1/8/18)

Figure 22 Eversholt St bus stop in Camden (5/9/17)

As the detective wanders away, he considers what the man said. Places have functions in public space and the street homeless disrupt those functions, so things get modified and changed to mitigate that. On that thought he heads to the train station, another place that would have initially seemed to make sense for the pursuit. Sure enough, benches have been designed here too to prevent laying down, brown wooden planks or metal poles cleanly placed at exact intervals. The second wave of commuters are arriving to the calming sound of classical music played over the station tanoy, washing all before them as they flood though barriers and into carriages. It is only when he comes across a discarded newspaper that he learns that during the night, from midnight to 6.30am, the soothing strains of Mozart are replaced by bagpipe recordings, played loudly, on a constant loop (Durkin, 2015). The detective glances across the story, picking out the key points: 'Earlier this year the Echo reported how commuters felt intimidated by the growing numbers of rough sleepers congregating at the travel interchange'. Then, further down the article: 'One coach station worker, who asked not to be named, said: "Basically, the council has been playing bagpipe music through the night and it seems to be doing the job. They just cannot stand it, you try getting any sleep with that going on". He

continues to read, noticing with some interest, a local MP had been interviewed for the article. 'Rough sleepers have rights' he is reported to have said, 'so do the other citizens, workers and businesses': they 'have the right not to be intimidated or to have to face the daily ordeal of belongings left in doorways when they arrive for work' (Exeter City Council, 2015).

The detective suddenly starts to look around him a bit more warily, looking for less visible forms of hostility towards the homeless. That might require closer inspection. For now, sure enough, he sees more bench modifications around the train station, just as he did in the bus stops (See figures 23-26) The detective tries to put himself into the perspective of someone travelling to work every day, being disrupted and feeling slightly unnerved by dishevelled rough sleepers: especially at night, in the winter. What's more, as someone who is also forced into seeing the bigger picture regarding standardised approaches and procedures to law-breaking and anti-social behaviour, the detective understands the councillor's perspective. 'Train stations are for travel and commuting to work is a vital part of what keeps a local economy going' he imagines him saying. What is more, the local council are obligated to the upkeep of the city: that is what they are elected to do. And homeless people hanging around *is* intimidating…but, he suddenly wonders, why? He doesn't think he has ever been attacked by a rough sleeper? He puts that question away for later. It seems the tanoy provides a dual purpose and function, organizing the inside of the station into day and then night, first a space for gathering, then a space for dispersing. He will not find her here.

Figure 23 London Liverpool Street station (image taken by me 19/9/16

Figure 24 Near London Liverpool Street Station, where commuters walk to work (image taken by myself 19/09/16)

Figure 25 St Pancras square near the station, recently refurbished, with a google office and YouTube space adjacent (7/9/17)

Beginning to get annoyed at having found no concrete leads he does not sit to think on his next step but ponders whilst on the move. Luckily, the architecture around him offers a helping hand. Hope flares when he sees a bridge, safely taking cars over the heads of pedestrians without disturbing the flow of traffic with red lights or crossings. Surely, this will prove fruitful. His pace increases, impatient now to complete his task. At the beginning of the morning it was refreshing, but now it is becoming irritating. Yet, when he arrives his hope is crushed: under the bridge are cemented shapes and blocks that make all but standing there for a few minutes painful (see figure 27). In a passing consideration, this hostile architecture brings to his mind the image of the anti-pigeon spikes used to keep pests away. He remembers something about homeless spikes being placed outside businesses a while back (see figures 28-

30). Still, no one wants their comfort constantly assaulted by homeless people sitting there, let alone encamping themselves: it would only lead to littering. He is sure the street cleaners would have something to say about that. As he is pondering a council employee arrives and asks him what he is doing. The detective explains, and the worker relaxes. She is looking for any graffiti to clean off.

'Used to be a right mess down here' she says as she looks around corners and under arches. 'Homeless types would sleep here and do their business too. How anyone can sleep in the same place they shit is beyond me, excuse my language. Someone got raped here too, so I heard. Terrible that. Now it's like this no one stays here, so hopefully that won't happen again'.

The detective looks sadly on, remembering hearing about that case. 'Yes, but it's not as simple as that. If rough sleepers didn't feel so forced out of other more visible areas they might well not have come here as much anyway – '.

He stops himself. What made him presume the rape involved homeless people? Before he can voice such a thing, the woman replies.

'Fair point' she says. 'I don't know the answers, but well, it's just sad really isn't it?' The detective agrees but does not stay to talk more. The pressing issue now, for him, is that she could not have slept here either.

Figure 27 Riverside, Stratford-upon-Avon
https://witness.theguardian.com/assignment/53985e5be4b0bd395f66c659/1024586

Figure 28 Spikes outside Selfridges in Manchester (photo taken by Christopher Thomond for the Guardian -

https://www.theguardian.com/society/2015/feb/18/defensive-architecture-keeps-poverty-undeen-and-makes-us-more-

hostile#img-4

Figure 29 Fleet Street, London (Image taken by Linda Nylind for the Guardian -

https://www.theguardian.com/society/2015/feb/18/defensive-architecture-keeps-poverty-undeen-and-makes-us-more-
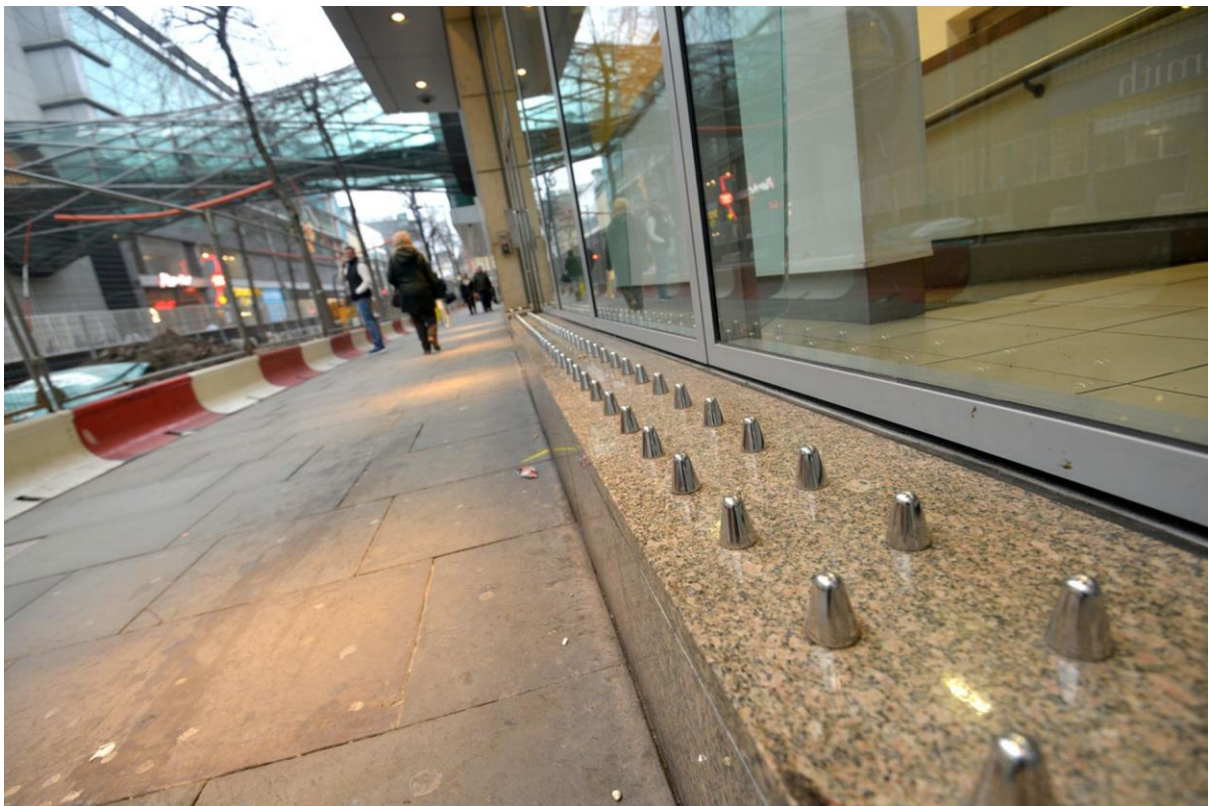
hostile#img-2)

Figure 30 Installed in Shoreditch - http://www.mirror.co.uk/news/uk-news/campaigners-invent-brilliant-way-fight-6089905

The search continues onto the public toilets. Hardly a place suitable for sleeping, but he is getting desperate and frustrated. It is quieter here, but the absence of people around the bathrooms is understandable: it is still very early. Perhaps a good place to have a thorough look after all, if he can stand the smell. Like many localities however, the smell is not coming from the toilets right now, for when he arrives to the entrance, he finds them not yet open from being locked overnight. Locked toilets seem to be on the increase these days, some permanently (see figures 31-33). Well, he cannot complain at having another place crossed off his list: graffiti sprayed across the lavatory doors seems to justify such measures. A man working in the car park is sweeping and notices the detective. 'They're thinking about having pay-as-you-use toilets installed, so I've heard. Makes more sense to me than locking it I guess, contributes to the cost of the upkeep. Still, shutting it up is better than nothing, you just can't keep an eye on it in the middle of the night. Wouldn't want to either if I'm honest, we used to find all sorts of things in there in the mornings. Needles sometimes'.

'But what if someone wants to use it?' he says, without thinking. The man frowns in response. 'Who's going to want to use a toilet in the middle of the night except drunks? And worse!' he says. 'And if they do, well, make 'em pay for it, especially with the mess they often leave it in. I'm a cleaner, but I shouldn't have to clean up cans of booze and allsorts'. He chuckles to himself and goes back to his work, probably remembering some bygone time when he used to stay out late and drink, getting up to similar mischief.

Figure 31 Locked toilets in Richmond Hill multi-storey car park in Bournemouth (above), like the train station, also accompanied by bagpipes music played on repeat (image taken by me 15/5/16)

Figure 32 These toilets near Regent's Park are permanently closed (image taken by me 23/11/16)

Figure 33 Bath city council also seems to have closed free public toilets and transitioned to pay-as-you-use bathrooms

The detective moves on to the more commercial side of the high street but realises he

should have come here first: it is now past 9am and shoppers and tourists have fallen in with

the flow, though in more meandering and slower currents than the commuters. He feels he should be able to quickly pick out any homeless people from their appearance and conduct. Most easily spotted though, are the community support officers maintaining a leisurely ambience of 'casual, accidental encounters' (Parkinson, 2012, p. 147) as they look to move rough sleepers on from the crevasses and doorways lining the streets: especially those near to ATM machines. Some stragglers remain but they are being woken up and sent on their way: duvets discarded or carried with them. This complicates the detective's search. He quizzes one of the officers, stopping her work. She protests. She tells him a Public Spaces Protection Order has recently been implemented in this area to prevent anti-social behaviour, and she is simply carrying out her duty to disperse and confiscate (Home Office, 2014, pp. 32-38) (Hackney Borough Council, 2015, p. 1), as well as prevent 'aggressive begging' (Chelmsford City Council, 2015).

The community support officer is a bit perturbed, however. This questioning has made her feel uneasy: it is a new, inquisitive, fresh mindset intruding upon what has become for her a dull routine. It's always the same with a 'desk-job', they just see a wannabe police-officer out to prove themselves by following everything, all the regulation, to the letter. But she's not a robot; it's like they don't recognise she is a person underneath all that too, who disagrees, sympathises, understands and feels shame, like her uniform covers all that, hides her humanity. She is not cruel, she had the same reservations when she started here, but she has to deal with these people every day, whilst this detective is just a tourist. She feels the need to justify herself further as the homeless people leave, even though he has not asked her to. 'It's even more of an issue now with anti-terrorism laws' she says, 'people don't like seeing bags and the like just sitting there. Besides, they don't have to be here, they can go somewhere where they are less of a nuisance. They're not shopping, so they're just clogging up the high street. The space is supposed to be public, communal, not open to sectioning off for personal use. It makes people

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feel anxious too, waiting to be asked for spare change. When someone you don't know engages in contact with you without asking your consent, that makes you feel a little vulnerable. And it's not particularly hygienic is it, having all this stuff lying about. When it rains the cardboard gets wet and disintegrates into brown mush, and the duvets are all covered in dirt. You don't come out shopping for that'.

As if on cue, an elderly person with a bag chips in: they must have been standing there listening to the conversation. 'Aye, that's right' they say, 'we just want to be able to go about our business in peace, without having to clamber over all this stuff, or worry about people loitering (see figure 34). We're not as steady on our feet as we used to be. Besides, it's almost ten o'clock, they should have got up and cleared away by now. What if they're still here come midday, when people go on their lunchbreaks? Stuck in those offices all day, the folk who work around here need to get out and stretch their legs, grab something to eat'.

He empathises and relents: the officer is only doing her job after all, to maintain a town centre with a welcoming atmosphere for members of the public, the commuter rush, and the lunchtime break. Even so, it does nothing to calm his increasing exasperation and the beginnings of an uncomfortable voice scratching away at him that he cannot quite yet grasp. She is right and yet this is wrong.

He wonders over something she said: 'they're not shopping'. He starts to think not just about the issue of bodily survival on the streets, but also the boredom of wandering around all day without any money and minimal possessions. Feeling himself being pulled into distracting thoughts he shakes his head to re-focus: he can always pick these musings up and ponder over their abrasive emergence again later anyway, in his own time. There are more immediate problems right now. Urgency overcomes all contenders.

Figure 34 Signs such as this display the legislation currently in force, creating a sense of being watched (Image taken from *https://hackneyrenters.org/2015/06/05/hackney-council-back-down-on-plans-to-fine-rough-sleepers/)*

He wanders to the church that sits nestled in between more modern, mundane buildings. There is a modest churchyard at the back. Sleeping amidst the dead is likely to be a more peaceful place, that could be considered less obtrusive. It just so happens that the vicar is standing outside, drinking a tea. She waves to the detective and beckons him over.

'Good morning officer' she says, 'how can I help you?' The detective makes small talk, he knows that is part of the ritual, even though he is in a rush – it's like a trade; people want to hear your life-story before they'll give you anything! Skilfully, he gets to the matter at hand. He mentions his search, and immediately notices the vicar's face change, somewhere etched between sadness and annoyance. Perhaps he made his move too early?

'We used to get a lot of rough sleepers hanging around the cemetery' she says, 'but I had to ask them to move on. They were disturbing family members coming to visit graves, and unfortunately, they were urinating in the bushes, which was a little disrespectful to be honest'. The detective nods. 'Are their toilets in the church?' he enquires. The vicar looks at him a little suspiciously, wondering if he is making a point. Just as she is about to explain to the detective that they offer free tea and biscuits, and a nice little chat, every Wednesday, and look, it's a place of worship for everyone not a shelter for the homeless, the detective explains: 'My morning coffee has just started to do its work'. The vicar smiles in relief and hurries him inside.

Shaking water from his hands, the detective says his thanks to the vicar, walking away from the church. He leaves the woman of God somewhat troubled. She did not particularly enjoy moving the homeless people on, but she had little choice. Cemeteries are for the dead to rest, not the living.

The detective fumbles in his pocket, feeling for another cigarette, then decides against it: he has a job to do. But where now? He realises he may have made a grave error: he has discovered that sleeping in the most public of public spaces – the town centre and around it – is a difficult task to perform and it is likely the homeless witness found a place hidden away, or perhaps further out where they would not be a bother. He walks absent-mindedly back to the square, where the community support officers are still clearing away some homeless people who have overstayed their welcome. He looks across the whitewashed paving stones glaring in the sunlight, his quick mind already adapting to this new line of thinking and begins to trace

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a likely route out of the centre in his mind's eye. Almost immediately he pauses and goes to get a closer look at this new group of homeless individuals being dispersed. Something is stirring in his detective senses once more. She is not amongst them, he knows this from a quick glance. Like the others, they too have been moved on because they violated the PSPO the community officer was talking about. If his witness slept outside of the town centre however, beyond the reach of the order or at least out of sight of those who enforce it, she will not have been 'guilty' in the same way, so presumably could come here now. He is certain she would indeed want to: she will return in daytime because she is as much bound to the town centre as anyone else is, if not more so. Her very survival relies upon consumption, in a way that is even more pressing than the people already here shopping. Similarly, the activity of acquiring money for consumptive capability, in an immediate sense at least, requires individual acts of charity from those shoppers, particularly since taking food waste from supermarket bins has been repackaged as a crime (Gentleman, 2014). Food waste seems such a terrible thing to him, but he accepts this is an unfortunate consequence of food expiration laws, and 'no-win-no-fee' style legal firms. Supermarkets simply have no choice but to lock their bins. He was told as much once by a shop manager.

It is obvious to him by now that not being able to freely access the centre would make the life of his homeless witness extremely more difficult, so staying away at night, or at least leaving early enough to avoid the community support officers so she can come back during the day without much hassle, would be a sensible tactic. His mind working this through, he decides to take a different tack and rather than go looking for her, position himself in a place where *she* is likely to find *him*. He has a kind face and quite often gives food to homeless people. This could work in his favour.

He finds a refuge from the busy streets, in the form of a café. It has nice little seats outside it, spilling out a regulated distance into the square. This is good, on two points. First,

he will have a view of everyone that passes by, and so will likely catch a glimpse of her if she is indeed heading into town. Second, although a homeless person is not likely to come inside and ask customers for change (the explicit sign informing everyone that the toilet here is for customers only reinforces that presumption), if he sits right on the very edge of the seating arrangement, he might be far enough from the glares of the waiters to catch the attention of a beggar: perhaps even her.

Because he is now doing something that demands patience, the detective goes over the witness profile again to himself. As a homeless person, he knows she can only be in public space, for this is a physical space that allows for access where one does not have to immediately 'secure the permission of anybody' (Waldron, 1991, p. 297) to be present, and allows for a 'fairly indeterminate range of uses' (Waldron, 1991, p. 298). If she was trespassing private space, there would have been a call to the office: one cannot just camp on someone else's property. Yet as soon as he thinks this, he begins to consider what he has seen with the PSPO. Effectively, its use has impacted upon his understanding of public space by refining what activities one can do here under the justification of anti-social behaviour. Never one afraid of accepting when he has made a mistake, he realises he needs to know more regarding exactly what this PSPO prohibits, if his latest plan is to be successful: if sleeping disturbs the tranquillity of public space, then it is quite probable begging might be included in the PSPO also.

Luckily this café has Wi-Fi, so he need not go back to the office. He reaches into his bag for his tablet. A quick browse reveals that the PSPO was part of the 2014 *Anti-social Behaviour, Crime and Policing Act*. It enabled council boroughs to introduce penalties to forms of behaviour they deem to have a 'detrimental effect on the quality of life of those in the locality' and are 'persistent' (Crown Court, 2014, p. 33). He was right to listen to his instincts regarding this then. He reads on. Once in place the PSPO can have its jurisdiction range

'increased' (Crown Court, 2014, p. 33) to cover a wider or previously unaffected area. This is important to know, for it appears to be legislation which prevents the performance of anti-social behaviour by imposing geographical prohibitions. It seems simple enough, but his brow furrows as his practiced eye catches something which complicates matters. A PSPO can be brought in if 'it is *likely* that such activities will be carried on' and that 'they *will* have such an effect' (emphasis added): it is therefore able to impede someone on the premise that they *may* cause a disturbance in the affected area. This is good: crime prevention is always better than crime.

The detective grows concerned though, for right now this could be problematic for him. If the PSPO can be implemented on the basis that someone could do something anti-social then this is a game-changer: should something in the PSPOs list of misbehaviours include an activity his witness cannot really avoid, then her presence here at any time can be called into question. He has already seen that resting here is problematic – often interpreted as loitering or sleeping – and, given resting (or sleeping for that matter) is something a homeless person will definitely have to do at some point in the day, does this mean his 'quarry' can, potentially, always be removed from the town centre simply on the premise that she is 'likely' to rest?

His mind working overtime now, he catches his own thoughts: 'at some point in the *day'.* He hadn't considered that when he saw the homeless people trying to sleep through the community support officer's interruptions. Sleeping of course is a physical necessity, but perhaps sleeping in the actual daytime, in public, is an added security measure they take, not just something they do to try and catch up on an uncomfortable, failed sleep[3]. Maybe his homeless witness is a loner and sleeping alone at night outside may well be a frightening ordeal, let alone the other considerations of weather and discomfort. He must think about such things:

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[3] Beckett and Herbert's ethnographic study seem to confirm this: 'For many, the fact that parks meant other people being around was crucial to their sense of security' (Beckett & Herbert, 2010, p. 121).

the conflict between what is flagged up as anti-social behaviour and what are for her, almost unavoidable acts. Especially if they require a much bigger effort to achieve if she did indeed abide by the PSPO. She will also, for instance, have to at some point urinate and if other toilets are still locked, or as the man sweeping in the multi-storey suggested have been converted to pay-to-use even when open (see figures 35-38), then he is more likely to have luck looking in the dark corners and alleyways of the town – a homeless person is hardly going to want to spend spare change they may have acquired on urinating. Again, his mind stops with a jolt, a sudden intruding thought regarding this kind of toilet closure: she is, after all, a woman, with an additional consideration to take into account. He looks at the profile in his bag again to check something…yes, still of that age. He forces his mind passed such concerns and the awkwardness of profiling, back onto the practicalities of his task at hand. At the very least, he should conduct his search ahead of the march of the community support officers, lest they scare away his target. The constant threat of their presence adds a significant stress to his pursuits.
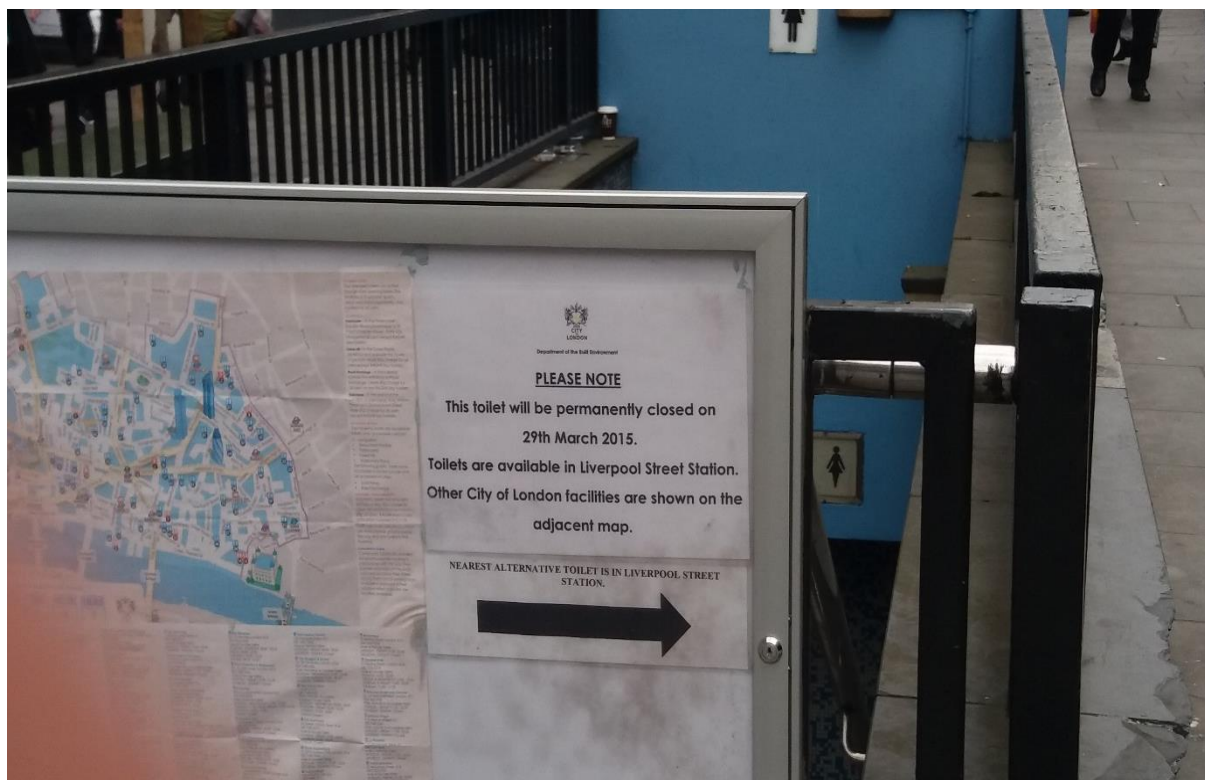
Figure 35 This closed toilet on Liverpool Street helpfully informs that toilets are available at the station…

Figure 36 …but London Liverpool Street Station, like most London travel interchanges, charge for toilet use (both images taken by me 19/09/16)

Figure 37 Pay to use toilet on Gracechurch St near Bank tube station (06/06/17)

Figure 38 Pay to use toilet on Gracechurch St near Bank tube station (06/06/17)

He has come to realise the PSPO could thwart this new 'bait' approach he is conducting at the café. If she could potentially be dispersed before she has even done anything considered 'anti-social' she may be prevented from stepping into his trap. In this agitated frame of mind – who wouldn't be in his current predicament – he scrolls down his internet browser findings to learn more. He discovers that should a 'new issue' arise where a 'PSPO is in force', the council can 'vary the terms of the order at any time' (Home Office, 2014, p. 51). A PSPOs remit can therefore be expanded to include new misbehaviours as they present themselves as a 'persistent' problem. This could mean that the community support officers may have been told to keep an eye on current culprits of anti-social behaviour, defined by the PSPO, to see if the order has left anything out. A kind of anti-social behaviour profiling of potential offenders whose constructed 'anti-social' identity dictates, to some extent, what is considered an offence: her identity becomes a 'series of probable events' (Foucault, 2009, p. 20) which will occur unless actively prevented or moved on. In either case, he uncomfortably acknowledges, she is further exposed to the difficulties of street survival.

As if confirming this thought he learns that a PSPO 'can be targeted against certain behaviours by certain groups at certain times' (Home Office, 2014, p. 46): it is thus capable of *singling out* specific types of people, like the homeless witness. This confuses the detective a little, as he first presumed the PSPO was a geographical prohibition, focused on misbehaviours and not identities. Seeing an aspect of it moving more toward the latter, he is increasingly irritated at himself for not looking into this before he left the office this morning. He summarises what he has discovered: if her presence is a signal that anti-social behaviour will occur, and she cannot avoid doing whatever is prohibited – like the choice between *urinating* down an alley or *begging* for the money for a pay-to-use toilet – she is at a constant risk of being apprehended. He wonders if the council has maps pointing out where these prohibitions

are, like some kind of battle-map (see figure 39). He has read enough regarding its implementation, it is now imperative that he learn what else is covered in this specific PSPO.
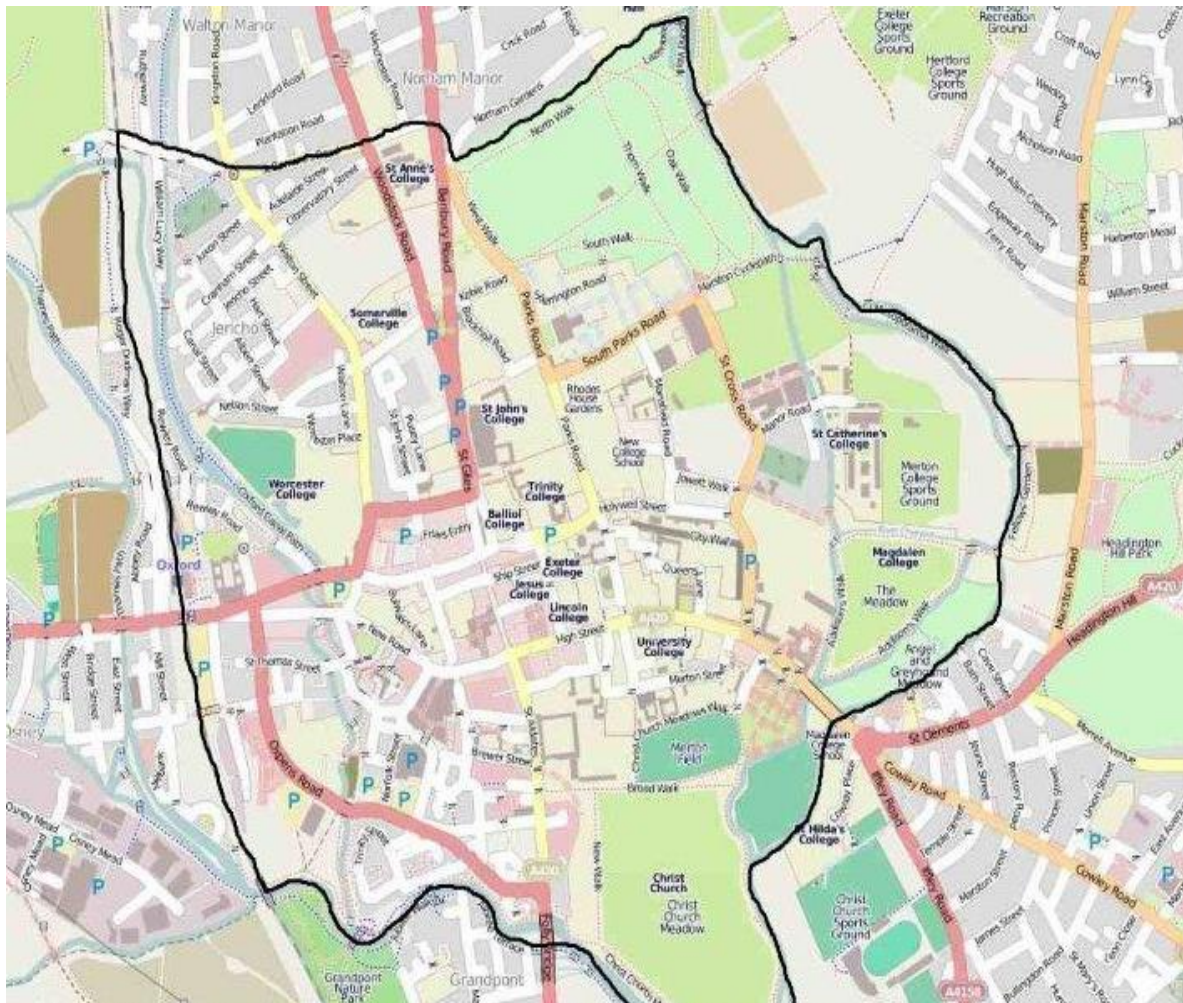

Figure 39 A map of the PSPO implemented in Oxford City Centre safely insulating the public pathways to the university colleges, which includes 'aggressive begging' and the very specific 'No person shall remain in a public toilet without reasonable excuse' (Oxford City Council, 2016) (Image taken from https://www.oxford.gov.uk/downloads/file/2264/oxford_city_centre_pspo)

The waiter is hovering around, implicitly suggesting the detective has been here longer than a single cup of coffee would allow. He orders another and the waiter looks at him a little apologetically. 'People often sit here for hours only having paid for one cup of coffee' he says. 'It's an expensive spot the town centre, for rents, and we get busy. One coffee over three hours could have been three couples ordering food. Sometimes, when the homeless people manage to get enough change together to come in, they also use the toilets like their own personal

bathroom, cleaning themselves up. They're in there for ages, making a mess and stopping *customers* from using the loo'.

The detective is not really listening but makes a show of agreeing all the same. He is too busy now to show any real effort towards the man. He is not yet prepared enough to re-enter the streets. In truth, he acknowledges to himself the PSPO caught him unawares. It has been quite some time since he was on the beat, doing the rounds as a police officer. But even then, he has to admit, there were signs, and he should have taken some time considering this before he came out this morning. There is a recent history to this that is in need of tracing. A short trip down memory lane would have saved him time. He takes it now: better late than never.

He distantly recalls the 2003 Anti-social Behaviour Act, introduced to refine exactly what anti-social behaviour was as the previous reference to it in the 1994 Crime and Disorder Act, he remembers, was particularly vague, defined as 'Acting in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household (as the defendant)' (Crown Court, 1998, p. 2). As a junior officer, on the few occasions he had been sent out to anti-social calls, he had experienced problems with this definition himself, as it seemed to imply a relational aspect to it which then awkwardly translated as locational: if people involved must not be of the same household, anti-social behaviour occurred outside of the home. This was not to say one could not experience it whilst inside their own houses, but that the place where misbehaviour occurred must be beyond the site of the 'power of decision' (understood as the power to determine who can and cannot be present that comes with being in our own private property) (Waldron, 1991, p. 297). Secondly, it gave a very weak categorisation of what might be termed anti-social, by placing it in the feelings and emotions of the individual who was supposedly suffering it. Unlike our private property, as individuals in public space, we exist in an area where both people we are familiar with and people we 'do

not know personally', may enter into 'close interaction' with us without our 'explicit consent' (Geuss, 2003, p. 13). As we do not have 'power of decision' to remove them here, instead, we rely upon public space legislation to replace, as far as possible, this lost power, so individuals are limited to behave in a way that does not force them self 'on anyone's attention' (Geuss, 2003, p. 14). If they did, that was when he, as a junior officer on the beat, was told to intervene.

Being young, ambitious and astute, he had quickly realised this did little for actively defining anything officially as anti-social: his critical view of it sharpened by that political theory module he did when he was still at university. Rather, it placed such an understanding completely into a changeable context: an organizing 'script' of behaviours shaped by 'culture, law or physical barriers' (Parkinson, 2012, pp. 56, 61). What *specifically,* in terms of actual actions and not feelings, would cause alarm, or should be considered as such? Understanding that had been important, for anti-social behaviour was considered a 'quality of life' issue for local communities and perceived as adding to an environment of 'disorder, fear of crime and more serious crime' (Home Office, 2000, pp. 1-2). He remembered his superior telling him as much. As a concept anti-social behaviour had previously been linked to traveller communities, ravers and disaffected youths[4].

By being posited in individual responses and emotions rather than concentrating more on the types of activity which would elicit such reactions, acting on anti-social behaviour had caused him and his colleagues 'practical difficulties' in regards to both identifying and dealing with it on a local level (Home Office, 2000, p. iii). Since he had ascended to the desk, things had apparently changed. The balance had tipped to specifying the forms of activity on the presumption of the feelings it elicited. The detective realises what the challenge had been: to

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[4] In part V of the Criminal Justice and Public Order Act 1994 can be found 'Powers to remove unauthorized campers' and 'Powers in relation to raves' (Crown Court, 1994). In regards to the anti-social 'youth', anti-social behaviour as an identity profiling was introduced into urban life. These remnants remain: Oxford City Council's 2015 PSPO includes a prohibition on 'Young people under the age of 21 years not legally resident in Foresters Tower' from 'entering (or having entered, remaining within) Foresters Tower, Woodfarm, Oxford unless visiting a named legal resident of Foresters Tower' (Oxford City Council, 2014)

maintain a flexibility to the definition so that it may be utilised to deal with localised problems, yet not allow that very flexibility to disempower the (now 'community') police officer when confronted with something potentially 'anti-social'.

Logging into the local e-library, he finds a research paper that was published by the Home Office, linking anti-social behaviour to the 'Broken Windows' theory (Kelling & Wilson, 1982). This theory, conceptualised by Wilson and Kelling in 1982, argued that 'high levels of disorder' would lead residents to 'assume that crime, especially violent crime, is rising' (Home Office, 2000, p. 3). The resulting feelings of fear and insecurity, of the assumption that no one cares about an area, would make it 'vulnerable to crime' (Home Office, 2000, p. 3). The Anti-social Behaviour Act was part of the continuing efforts to narrow the concept down then; and was a progression on the previous definition of anti-social behaviour in that it was an attempt to identify not only what it could be specifically, but what it could cause, to enable effective policing of an area. The intent of the Home Office was to offer a 'practical framework' to categorise anti-social behaviours (Home Office, 2004, p. 4), enabling and encouraging a 'range of approaches' to be enforced at a 'local level' (Home Office, 2004, p. 1). Yet, what also seems to be happening, is forging a direct association between a homeless presence and crime, and what is more, in the consequent dispersal strategies, constructing that into readable signs: legislation may exist like a hidden text, but the presence of a community support officer makes it visible, and alongside the *physical* changes – a modified park bench for example – the anti-social profiling is there for all to see and interpret. Anti-social behaviour discourse begins to take the homeless presence into consideration.

Sure enough, more suggestive refining of legislation appears here. 'Setting fires', 'indecent exposure' or 'inappropriate sexual conduct', make it a problem for a homeless individual to have a warming fire on a freezing morning, or an intimate, sexual relationship, at all (Home Office, 2004, p. 4). He realises there are some interesting aspects to this typology,

particularly that the setting of fires is 'not directed at specific persons or property' (Home Office, 2004, p. 4). Although this may seem odd at first glance it is what is to be expected within an anti-social behaviour remit: should such a fire be started with the intent of damaging someone's property, it becomes a criminal offence, and the province of the legislation should not be to punish crime, but to prevent our 'discomfort' and 'alarm'. This is a significant distinction, for the destruction of someone's property in such a manner has no connection to protecting oneself from the cold: he indeed would definitely dismiss any claim made in this way. Punishing an individual for burning down another person's house is most likely going to be justifiable, regardless of the circumstances, not only because of the result of the act but its inherent threat: the implied intention. However, the implication here is that making a fire for making a fire's sake should be prohibited, because it causes alarm, now that street braziers are not such a familiar sight. He agrees, but unlike a fire which *is* 'directed at specific persons or property', there is no further qualification on what this 'anti-social' fire is for, only what it is not. Would (and should) the response of the community officer be the same then, if he or she knew that the setting of a particular fire was to stave off hypothermia at 7am on a freezing January morning? Would the 'alarm' and 'distress' of commuters seeing this still be considered qualitatively more important than the physical discomfort of the homeless individual? One hopes not, but then this would imply that the fire was an autonomous act in terms of it being rational, but not in terms of it being a choice, for surely enduring a freezing January morning is an act within a paradigm of involuntary homelessness: if it is not vandalism or a provocative threat then such actions are 'survival strategies' (Feldman, 2004, p. 41) in response to a homeless situation, which therefore cannot be a voluntary choice. He thinks to himself: no one would choose this specific set of circumstances and therefore should not be punished for it?

Surely this changes everything – not just the fire, but the benches, the bagpipes and the PSPO itself – certainly these 'behaviours' are not something to be 'punished away' from public

space if we consider them as one among many 'survival strategies'. His questioning goes a step further: should a survival strategy be the measure by which we allow 'misbehaviours'? Is this our only yardstick or criteria? Does this mean there is a point where survival strategy blends into autonomous act, disqualifying its performance? Considering this, he wonders, is the 'right' to not be essentially prevented from having sexual partners less important than the discomfort of a shopper who witnesses such activity in the street? He remembers the locked toilets. Sex confuses him. Its prohibition here is not because it is an illegal act in itself, but because it is a taboo of place, but then, much of what is prevented could also be judged in the same way.

When he considers the initiatives and the *physical* modifications he has seen, he realises that with these kinds of changes there is absolutely no room for flexibility regarding 'survival' acts (and the grey areas such as sex) – a concrete arm rest cannot 'turn a blind eye' to a homeless body. As these physical alterations seem to complement the atmospheric dispersal tactics and the less immediately tangible legislation, then he can only assume that the PSPO is an example of the legislation too undergoing a transition from flexibility to rigidity, where the uncompromising methods of the anti-homeless benches have begun to inform the public ordinances: public space architecture effectively 'talking' to legislation of its effectiveness.

The detective feels the uncomfortable voice within again: that cannot be the purpose of this shaping and making of public space he is witnessing. The growing sense that he has been pursuing not a witness but a criminal all along begins to invade his mind. He fumbles for a cigarette again, to regain composure, and this time does not resist: being in the sanctioned seating area outside the four walls of the café, he can smoke. Reasserting his single-mindedness and dedication to the job at hand once again through a few long drags, he realises he still needs to know the answers to these questions in a practical sense, not for his own conscience but because what the legislation advises the officer to do in these circumstances, is going to affect whether the detective continues to look here or not. For the moment, he can only conclude that

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whatever a PSPO specifies is to be prohibited regardless of the situation, otherwise the whole point of giving clearer and workable categorisations of anti-social behaviour would be undone.

He tries to think again on what the witness would do on an average day or having learnt a bit more about public space in a PSPO area, what she is not prohibited from doing. He realises he has gotten a little distracted by the history of the order and decides to make a summarised list of all the activities he has discovered are considered anti-social, jotting them down like bullet points. Once he has completed this, he does a little more research. He uncovers legislation guarding against 'inappropriate use of public toilets' (Oxford City Council, 2016), reinforcing the physical closure he has witnessed, but the obvious prohibition of 'urinating in public' (Home Office, 2004, p. 4) means that if she is going to perform biological functions like defecation, or again even physical desires like 'sexual conduct', she is likely going to be loitering somewhere most people do not go, and even then, with the threat of discovery she could not lurk long. Another rogue but insistent thought begins to mutter away at the back of his mind. Perhaps she has moved on? Not in the immediate sense implied by the PSPO, but actually moved town, become a refugee of public space, to somewhere that has not utilised a PSPO, or anything in the Anti-Social Behaviour, Crime and Policing Act. The detective scours through local news websites to see if a PSPO is something that is commonly implemented or considered. Is his own town a unique case?

Committed now to fully informing himself of the context to his search in the hope it will make it more effective and efficient when he does eventually set off again, he discovers these measures are indeed occurring in other places. Oxford have specified 'aggressive begging' under a PSPO implemented in March 2016: 'aggressive', defined as 'begging near a cash machine' (Oxford City Council, 2015). Chelmsford have also followed suit (Chelmsford City Council, 2015). 'Begging is an offence under Section 3 of the Vagrancy Act 1824' (Cromarty & Strickland, 2018) reads a government report entitled 'Rough sleepers and anti-

social behaviour', on the parliament website. This is no theoretical crime either, an idiosyncrasy resulting from archaic, unrepealed laws: in Cambridge from 2015 – 2016 the Vagrancy Act was responsible for 92 arrests for begging in a public space (Cambridgeshire Constabulary, 2016). On top of this, as well as covering all forms of begging in their recent PSPO, Swindon council have also added 'peddling' and 'marking surfaces' to their list of prohibited behaviours (Swindon Borough Council, 2015). Concerning the last two, this has been done despite the majority of responses to peddling and chalking the pavement for money being positive (in a public engagement survey prior to the PSPO 63.94% of people said 'no' to prohibiting peddling, whilst 67.89% answered no to banning 'chalking' (Swindon Borough Council, 2015).

Regardless, it is unlikely the witness has found the will (or the money considering the above) to move on: she is confined to this locale, a camp where the fences are increasingly not only formed from private property, but a concept of anti-social behaviour. In theory, this should help the detective in his search for it narrows down the potential areas, but in reality, all of what he has discovered, he must accept, is a big blow to his chances of success. He stayed in the town centre on the premise she would *need* to be here at some point, but he is now stumped: if she cannot beg for money or find a free to use public toilet here, where else can she pursue these things, in the immediate sense? It is as if there is an attempt to push her out into unobservable corners, whilst her needs pull her back into sight again, risking the attentions of the community support officers.

He has been sat here a while researching. He is beyond vexed now, in fact a little worried. Realising that the day is drawing closer to evening does not help but increases his anxiety. Learning about the PSPO is taking time from actually walking around and looking, but it is also leading his search in circles: the legislation and architecture is drawing him far from the town centre, but everything that he has presumed in his homeless profile directs him

right back here. It would be more than a little humiliating to return to the office to report his failure. It is not as if homeless people are invisible, indeed they seem everywhere these days: but what they are, he realises in a flash of inspiration, is in constant threat of motion. He ponders on the idea of being pushed out until they are unobservable in relation to this new thought. Perhaps it is not just about *clearing* the homeless out of view but forcing them *into* the 'perfect' picture of public space the PSPO wants to create, or, airbrushing them out. Effectively, disguising their presence through movement. That is what public space has become: a place where motion and dispersal at once conceal and highlight a problem-person. It is when a hunched figure rears its head in any noticeable way, such as breaking out from the current to ask for money or to lay down and sleep, that it is then surrounded, cordoned off and safely moved away, but maybe also, something he had not considered: reinserted into the stream. He has mostly been searching for clusters of homeless individuals sitting or camped somewhere (in a more figurative sense), even with his 'beggar trap' he assumed there would be a noticeable base in sight, but he should have been looking for homeless individuals living *on the move* as well. This realisation does little to help him. The issue is he cannot make any reliable, predictable estimates that will inevitably lead him to her: he is depending on blind luck and this makes him feel uncomfortable. As such, it is impossible to maintain an effective schedule.

He deflects the annoyance and concern away from a personal mistake. He can be forgiven for making this error in judgement, because these days he usually does not have much to do with legislation, only criminal law – it is not his fault if he was not made aware of the policy changes, and in truth, he is a little annoyed that he was not informed considering the situation he was being put into. These alterations just seemingly happened around him and he only noticed them by being affected in his work and by then it was too late. He could make that point to the council, or his superiors, but he is sure no one would really care, because it has not affected enough people to be a problem: it is not like this is a common pursuit for a detective.

Or perhaps they would blame him for not working hard enough: he should have done his research. He is shocked then, to learn that breaking a PSPO is a 'level four *criminal* offence' (Home Office, 2014, p. 46) (emphasis added). Similarly, refusing to obey a dispersal order can result in a 'level 4 fine and/or up to three months in prison', whilst 'Failure to hand over items' is 'a level 2 fine' (Home Office, 2014, p. 32). Well, that makes sense, he supposes. They need to discourage re-offending, otherwise the legislation will simply be ignored.

Being a detective, something in the wording of the PSPO immediately draws his attention though. The 'Penalty on breach' is imposed by 'Enforcement officers' (Home Office, 2014, p. 46). The qualification of 'enforcement' seems suspicious. As he delves further, he finds out why: 'Section 71 ensures that bodies other than local authorities can make PSPOs in certain circumstances by order of the Secretary of State' (Home Office, 2014, p. 47). This would mean that 'if a private security guard, potentially employed by a property developer, thinks you may have violated the PSPO, you must pay the fine or face prosecution' (Garrett, 2015), for they can be authorised to do so. This has made his job all the more difficult. Now he must consider private security companies and private land developers that surround the town centre and look into the potential conflicts they may have with homeless people, to see if that affects her whereabouts. As he considering this, he imagines what his brother in law would say. He works for google as a security guard and has often complained about people begging near the office. 'It's bad for business, people don't like to be interrupted, and it doesn't fit with the clean, purified image of google space' he had said once before. A quick internet search on his phone reveals something else: privately-owned public spaces. According to one news article, 'Pseudo-public spaces – large squares, parks and thoroughfares that appear to be public but are actually owned and controlled by developers and their private backers' are on the increase, as 'as local authorities argue they cannot afford to create or maintain such spaces themselves'. These spaces are therefore regulated by the companies that own them, meaning

they 'are allowed to draw up their own rules for "acceptable behaviour" on their sites and alter them at will'. People can be moved on by private security guards 'for protesting, taking photos ... or just looking scruffy' (Shenker, 2017).

Although it was in 2014 that the Public Spaces Protection Order came into being, it did so in the backdrop of increasing specification of what anti-social behaviour was, of reports claiming to be 'measuring' such things (Home Office, 2004, p. 1): thus, why it can be found within the Anti-Social Behaviour, Crime and Policing Act. Here was now state legislation which retained the earlier vagueness of targeting 'unreasonable' conduct, but by being something where the 'Restrictions and requirements' suggested in the 2004 report were 'set by the [local] council' (Home Office, 2014, p. 46) (or as the detective now knows, authorised others as well), specific and therefore practical categorisation was also assured. In fact, the PSPO could only come into existence through doing just that: certain localised misbehaviours being identified as relevant to its use. Yet this 'backdrop' was not just one of legislative organization, but also physical, architectural. When modifications occur and then one is told by supporting discourse that these are in response to a homeless 'problem', one is suddenly acutely aware of the lingering threat, even when there seem to be none present. On this note, the detective wonders exactly when these physical changes happened. He does not remember thinking one day 'oh, the park bench now has arm rests', but of course, his witness would: or rather, as he now does having been so told by local newspaper articles, she would perhaps think 'oh, the park bench now has an anti-sleeping feature'. At first perhaps, people do not notice these changes, but when they do, the effects seem to reproduce a narrative on which they were initially brought in for: it is when people do notice them that they are subsequently convinced of their need, and from which they form an image of the anti-social homeless, spectres lounging on benches, aggressively begging, or interrupting commuters. One day she is welcome, or at least tolerated and pitied, the next she is an irritant, even a danger to be warded away. He

wonders briefly, what does that do to her perception of these places of last refuge, their atmospheres, and even of herself?

The detective therefore concludes that the use of PSPOs and the shaping of the public space architecture around him, seems to be part of a discourse which says that the homeless who do not have access to places to defecate or money to buy food *right now*, consequently have no defence against accusations of misbehaviour: 'Your council must help if you're legally homeless, but how much depends on your eligibility, your level of need and if your homelessness is your fault' (Home Office, 2016). He notes this down: is homelessness her fault? If so, anti-social behaviour is also, and the prohibitions justified. This realisation could definitely affect his search, for to fall outside of this notion of deserving poor, is to be immediately anti-socialised, until, for the very people who 'must help', anti-social behaviour and anti-social homeless are barely separable: 'Council bosses and police have been working together to tackle *antisocial behaviour* and the growing numbers of *rough sleepers* at the interchange' (Durkin, 2015) (emphasis added). He realises that here 'anti-social behaviour' and 'rough sleepers' are presented synonymously, or at least, the latter is the direct cause of the former. Hence, the power to disperse which is causing the detective all these problems. He can sympathise with legislators. It is not easy writing up such things. They will always be generalised and this causes problems and makes legislation appear cold and dehumanising. It is hard to take into account the individual story when one is designing legislation. He remembers chatting to a legal expert before about this kind of thing. 'There's only so much you can predict', she had said, 'in regards to the consequences of any legislation you've drafted'.

He suddenly notices how late it is, the evening is closing in, speaking to him of his failure. Reluctantly accepting he has done all he can for today (what more could he do?), he decides to go home. It has been a hard day, but a good night's rest will refresh him enough to

start again, if he decides to come out again tomorrow. He gets up, leaves a tip for the waiter, and jumps back into the rush of people: it's got busy again because commuters are now on their way home. It should be a prime opportunity to find her, for more commuters means increased chances of spare change; but then again, commuter discomfort has changed that. This time however, as he walks, he is keeping a keen eye and attentive ear on the physicality of what is around him, for if today has taught him anything, it is that public space is indeed talking to him. Some of it is a whisper, legislation and acts one must actually investigate in order to be aware of them, but much of it is also right in front of him. Enough at least, to arouse one's suspicions and lead into inquiries regarding the legislative 'fog sweeping in' (Garrett, 2015). It indeed worked that way for him, and he is grateful for this lesson learnt today, but he is too hungry to reflect on it anymore at this very moment.

He runs the final gauntlet as he nears the car park. He notices posters on the way to his car warning not to give spare change to beggars. A few even go so far as to explicitly say things like 'watch your money go up in smoke', or 'go to a fraud' (Allegretti, 2016), with pictures depicting a homeless person partaking in a cannabis joint (see figures 41-44). Other signs have been put up for the evening warning that beggars 'operate' in this area (see figure 45). The detective grimaces. That's the kind of language he has used to describe thieves and criminals. He has often thought it unimportant whether or not a beggar actually lies about their situation to get spare change. Surely if anyone is desperate enough to perform such a degrading act, the success of which is based upon another's arbitrary whim, is enough of a reason to at least consider giving? He looks away. Nearby, a man is talking to a homeless woman. The detective, too tired now to interact in actual conversation, decides to eavesdrop.

'Why don't you find a shelter?' he says to the woman.

'I don't like those places' she says. 'There's no privacy – you can't even stay with someone, if you want to, you know, overnight. And they throw you out if you break their rules'.

The man looks down, paternally. 'We have to have rules Annie, they're not drug dens'.

Annie looks up; 'is this a rehab centre or a shelter?' she snaps back, 'they can't be both'.

But this is not the only conversation going on. Nearby, he sees another homeless person being talked to. This man is being given an ASBO, for begging: he has been making pavement art with chalk and collecting money for it (Gregory, 2018). This exchange is a little more heated. The detective decides he has heard enough, zones out the conversation and looks at the poster's more closely. He suddenly realises something about them: in their reduction of the homeless individual down to bad, yet conscious choices, none of the pictures portray the homeless 'culprit' as a woman, or in fact, any ethnic minority, completely forgetting claims that homelessness is structurally caused, and can be a gender or racial issue too. Or, perhaps the omission was intentional, for such framings of street homelessness are somewhat harder, and more controversial, to deal with in this way. Even, he wonders, could it be that presenting a homeless individual as a woman or a minority ethnicity, *reminds* us of the structural causes of homelessness, and that does not fit the current narrative in public space? Would the presentation of a racialised homelessness expose something inconvenient?

Under these current messages, the modified benches seem less clandestine in their intentions but therefore more necessary, Indeed, he notes with interest the beggar is sitting, *sedentary*, which somehow adds to the intrusion. He sees more images, this time in a newspaper that blows along the street, which also tells us not to give money to beggars, for it only feeds a harmful addiction (see figure 44). The autonomy, wants, and desires of the homeless figure is reduced to the status of a child, whose wishes are to be constantly questioned by local councils, and even charities. Also, does this narrative that there is help out there and not applying for it is a choice add to the blame discourse when we do actually see a rough-sleeper? As the woman that he passed said, being that shelters currently sit somewhere between rehab centres and beds, we begin to see all rough-sleepers as addicts refusing aid. Even when we must know, deep

down, that there isn't actually enough help for everyone. With public space being made hostile to the homeless seemingly on the presumption that there is, what happens to those people?

As he walks passed the local church again, on his way back to his car, there is a sign outside informing homeless people they can register there to vote in the upcoming election. He did not notice this before. Finally, he is pleasantly surprised and a bit relieved: just as his walk through the parks and streets today had begun to unsettle him, here at the very end, faith is restored. The detective is pleased to finish the day on a positive note: at least their situation does not rob them of the rights of a citizen, as it should be. The premise of liberal democracy – the autonomy to choose political representation – is not undone and is present even here, amongst the homeless. There is a problem he has to admit, with the failure of the state to provide an existence for the street homeless beyond this however, which he finds odd. If people like his witness can vote, like him, they are agents who make choices, and therefore, as long as 'choices' appear available – like shelter – do they also implicitly consent to these public space prohibitions? He cannot deny that certain 'rights' are seemingly becoming dormant in the face of their status … Is this foundation of autonomy that the liberal state relies upon being picked up on by local councils and repackaged into a localised context?

But that would make the apparent gift of citizenship a weapon to be aware of, not a protective artifice. There are messages there, of a-sorts, encoded into public space, a hovering question mark over the involuntariness and belonging of the homeless: anti-social behaviour thus injected with agency and choice, but not to the point of the ridiculous. As many equally could not accept that anyone would 'choose' to sleep outside, an interloper appears to mystify the contradictions: drug addiction, the impossible madness of the homeless, and a loitering threat. All clash together to confuse the homeless voice. A contradiction exists then. Rough sleepers seemingly possess enough autonomy to vote (Cabinet Office, 2016), choose a

government and exist as justification for prohibitive measures, but not enough to decide how to spend spare change that they are given.

This political autonomy is what separates the homeless from the refugee. The latter's status is reliant upon a state's decision (acknowledging the pressure of international bodies). It seems the homeless however, because they do qualify as 'citizens', are at the mercy of *local* authorities. This must be a mistake: he needs to think on it more – a *lot* more. That will be for later, when he is at home. It does not mean that he is unable to think it through, but that his thoughts will require sifting, organising, looking for a moral to this story. Right now, however, he needs a break from the noise and bombardment. He decides to walk back through the park for some peace, but when he gets there, he finds that it is actually closed for the evening, depriving homeless people of yet more space to find somewhere to spend the night (see figure 40).

Figure 40 St Regents Park, like many parks in London and other cities, impose a curfew at night and lock the gates

He'll have to walk through the street after all and as the presence of the anti-homeless strategies continue to present themselves to him, he cannot switch his brain off. He decides to head to a bar to get some food and a drink: it has been a difficult day after all, and a pint would help ease some of his stress.

Hours later, he re-emerges, a little tipsy. Some of his work colleagues happened to be in the bar and he felt a cathartic need to complain about his day. They were sympathetic, which made all the difference. He feels a bit better for it. Sometimes you just need some comforting words, even if it does mean he might be a bit hangover tomorrow. Thinking of how he'll appear to his superiors, he shrugs off the worry. *Oh well,* he says to himself, *it happens sometimes.*

He'll have to get a bus home and leave his car here. He looks at his watch and sees how late it is now: 12am. *Never mind, I can get a taxi.* He heads back to his car to pick up his bag. When he climbs up the stairs of the multi-storey car park, a distant wailing sound greets his

ears. It is the bagpipes again, also playing here. He hums along to a tune he does not know, as it tells the story of a parallel world in which spaces create dual statuses. On his way home now, it is hard to forget that other place within the same space that he has visited, like a tourist. In spite of his tiredness he is surprised to find the music a pleasant accompaniment in the time it takes for him to get his bag and buy another ticket for the morning. But then he is passing through and not looking for shelter. If he stayed a little longer, he would realise the same three songs were being played on repeat, until 6am.

Figure 41 The City of London, in partnership with the Metropolitan police, produce a poster discouraging giving money to beggars: http://www.thamesreach.org.uk/news-and-views/campaigns/giving-to-beggars/

Figure 42 Ipswich joins the campaign against kindness: https://www.opendemocracy.net/ourkingdom/ric-lander-amie-robertson/how-did-it-come-to-this-help-homeless-posters-tell-public-that-
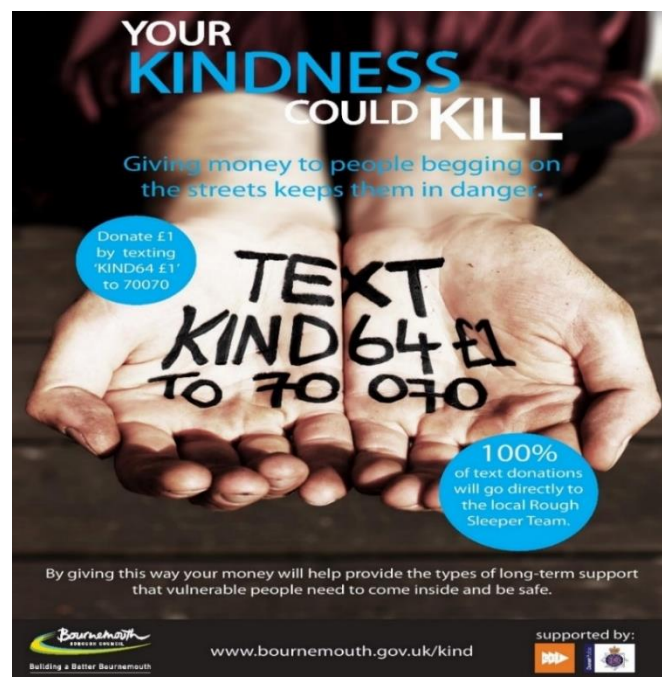
:

Figure 43 Bournemouth follows suit, albeit with a slightly less abrasive message:
http://www.bournemouthecho.co.uk/news/11370091._Your_kindness_could_kill___don_t_hand_cash_over_to_beggars_on_the_street__public_%20urged/

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Figure 44 Nottingham council show a harder blame discourse (image taken from:

https://www.theguardian.com/media/2016/sep/28/anti-begging-posters-banned-nottingham-city-council

Figure 45 The use of the word 'operate' presents a criminalising language - taken from
https://www.theargus.co.uk/news/16412688.commuters-are-asked-not-to-give-money-to-beggars-at-brighton-station/

Chapter 3 – A Theoretical Analysis: A Power Examination of an *Anti-Homeless Public Space*
3.1 From Disciplinary Power to Regulatory Dispersal

We have had the evidence for an *anti-homeless public space,* now it is time to examine it. From the political theory literature on homelessness we have seen a plethora of work framing the othering of the homeless through the lens of citizenship. This has led to multiple suggestions to re-politicise a street homeless status through various re-imaginings of citizenship. My issue with this, as I briefly wrote in the *Introduction* and evidenced in the previous chapter, is that a citizenship narrative of the homeless being citizens already exists and has not prevented their localised marginalisation. This means we have an othering process that is able to bypass citizenship themes of belonging with a local narrative of outlaw, which needs to be investigated. This contradiction of belonging highlights a disconnect between the messages of belonging from central government implicit in voting rights and the messages of non-belonging implicit in local authorities approaches to the street homeless. As such, this analysis of the street homeless and the story of *An Anti-Homeless Public Space* takes on a Foucauldian focus of studying power at the fringes of society. Citizenship is critiqued from a position of local politics.

A good place for a Foucauldian analysis of power to begin is with disciplinary coercion, particularly as the legislation itself points us in this direction, with the use of the 1824 Vagrancy Act:

Begging is an offence under Section 3 of the Vagrancy Act 1824' (Cromarty & Strickland, 2018) reads a government report entitled 'Rough sleepers and anti-social behaviour', on the parliament website. This is no theoretical crime either, an idiosyncrasy resulting from archaic, unrepealed laws: in Cambridge from 2015 – 2016 the Vagrancy Act was responsible for 92 arrests for begging in a public space (Cambridgeshire Constabulary, 2016)

As our detective's search took him to this piece of legislation in 1824 that is still active, we have to wonder, are the anti-homeless initiatives we are seeing, dressed up in an anti-social

behaviour narrative, necessarily a new story, or is this simply a continuation of earlier concerns? Is the citing and use of it an appropriation of an *old* law for a *new* deviant – where its historical contingencies are overlooked in the pursuit of the homeless today? This would support Baker's argument, presented in the *Introduction*, that there is thus a disproportionality with the Vagrancy Act when it comes to its application upon the street homeless. In short, the homeless do not present the same issues and dangers as the 19th Century vagrant. To recall here:

every Person pretending or profession to tell Fortunes, or using any subtle Craft, Means or Device, by Palmistry or otherwise, to deceive or impose on any of His Majesty's Subjects; every Person wandering abroad and lodging in any Barn or Outhouse, or in any deserted or unoccupied Building, or in the open Air, or under a Tent, or in any Cart or Waggon, not having any visible means of Subsistence…wilfully exposing to view…any obscene Print, Picture or other indecent Exhibition…lewdly, and obscenely exposing his Person…Intent to insult any Female; Exposure of Wounds or Deformities…every Person running away, and leaving his Wife or his or her Child or Children…with any Table or Instrument of gaming…Possession any Picklock Key, Crow, Jack, Bit or other Implement, with Intent feloniously to break into any Dwelling House…Being armed with a Gun, Hanger, Cutlass, Bludgeon, or other offensive Weapon…every suspected Person or reputed Thief…every Person apprehended as and idle and disorderly Person, and violently resisting any Constable or other Peace Officer so apprehending him or her…shall be deemed a Rogue and Vagabond (Crown Court, 1824, pp. 698-700)

The presence of the Act in anti-homeless discourse and the reference to it to explain and justify arrests, requires us to investigate this implied connection between vagrants and the homeless further. This being the case, should we view the other tactics of an *anti-homeless public space* – the modified arm-rests, PSPOs and anti-homeless spikes – as part of the same narrative as vagrancy? The Vagrancy Act appears to be about discipline, where 'every Petty Chapman or Pedlar wandering abroad', or 'ever Person wandering abroad to beg or gather Alms' is to be 'convicted' to 'the House of Correction, there to be kept to Hard Labour for any Time not exceeding Three Calendar Months' (Crown Court, 1824, pp. 698-700). Thus, is our modern day *anti-homeless space* simply a retelling of *discipline* against a deviant?

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There are in fact archaic vagrancy laws that even 'stretch back to fourteenth-century England' (Feldman, 2004, p. 27). Foucault of course, In *Madness and Civilisation* (though not exclusively so), spoke of 'The Great Confinement' (Foucault, 1988, pp. 38-65), where in the context of a 'demographic explosion and industrialization' (Foucault, 2004, p. 249) the unemployed or vagrant were 'taken in charge, at the expense of the nation but at the cost of his individual liberty' (Foucault, 1991, p. 130). Here was a 'disciplinary coercion' (Foucault, 1995, p. 138) that ruled a 'multiplicity of men' through individuality: 'to the extent that their multiplicity can and must be dissolved into individual bodies that can be kept under surveillance, trained, used, and, if need be, punished' (Foucault, 2004, p. 242). The emphasis on the individual enabled this process and 'coercion', insofar as each person could be conditioned to the needs of the state to be 'rendered both useful and docile' (Foucault, 2004, p. 249), for a 'controlled insertion' 'into the machinery of production' (Foucault, 1991, p. 263) – a machinery that industrialisation was creating. When this 'insertion' did not occur, and a body was neither 'trained' nor 'used' properly or effectively, each miscreant 'receives as his status' this 'individuality', for which he is 'linked by his status to the features, the measurements, the gaps, the 'marks' that characterize him and make him a 'case' (Foucault, 1995, p. 192). A 'case' therefore being someone who is neither 'useful' nor particularly 'docile'. A 'case' that therefore demands correction, in order for 'insertion' into this working, industrial machine, to take place.

In a Foucauldian framing, the emphasis of all this is very much on seeking out those guilty of wrongdoings that were a threat to the nation's development, as a consequence of idleness. These people's subsequent misbehaviours are perceived as damaging to society as a whole, but easily fallen into: both economically and socially. Public space is where one was under threat from both the guilty-idle themselves, but also idleness as a temptation, in contrast to an increasingly upstanding industrial society. Certain areas became dens where the idle were

defined, sub-categorised into various undesirables, and caught, to be disciplined into our 'great ethical pact of human existence' and discover its 'moral guarantee' (Foucault, 1991, pp. 136-137): *work*. Those who were wilfully refusing or neglecting so to do' (Crown Court, 1824, p. 698) were reabsorbed. The fact that 'every Person running away, and leaving his Wife or his or her Child or Children' (Crown Court, 1824, p. 700) is found in the description of the street-dwelling vagrant, in a way, reveals to us this conflation of a non-working status and a 'weakening of discipline' and 'relaxation of morals' (Foucault, 1991, p. 136). Such dens of public space echo an element of the missionary going to wild, pagan lands. In a story of discipline, this Act appears to be about national productivity, work as a moral guarantee, and social order, through constructing a quite literally *catch*-all term: vagrant.

But of course, though both 'idle' in the sense of not in employment, the term 'vagrant' is not the modern term 'street homeless' or 'rough sleeper'. Yet, when we delve into the Vagrancy Act we see in section 20 that a 'disorderly person', 'Rogue' or 'Vagabond' is 'actually chargeable to the Parish, Township or Place in which such person shall reside', and so is 'liable to be removed to the Parish of his or her last legal settlement' (Crown Court, 1824, p. 705): presumably to prevent the 'wandering abroad'. Within this then, is an *association*, and it is association which forms the first step to profiling. In this case, idleness and a lack of home status corrupts the individual morally, where such a person needs immediate re-positing to their last 'legal settlement' lest they engage in questionable pursuits or 'vagrancy'. In 1935 the act was amended to pardon those who actively sought and accepted 'a place of shelter' when it was offered, consequently further condemning those who refused shelter (Crown Court, 1935). Thus, idleness can be related to moral misconduct as a pre-requisite to it and a lack of home status as a cause of it: the two appear linked in the Vagrancy Act. So, when compared to our modern-day homeless-fraudster posters the profiling as a deviant due to a homeless state seems similar.

However, the approaches to dealing with the street homeless and the reason for this profiling are not a clear-cut reflection. Anti-social behaviour, as a modern expression, does not necessarily talk of 'insertion'. As Burkhart argues, 'communities no longer house all of their poor residents' (Burkhart, 2003, p. 267). Here is thus a discontinuity which disrupts the idea of a continuous narrative, from vagrancy to anti-social behaviour, of 'bringing in' the deviant. Anti-homeless architecture and public space initiatives are not focussed on the same 'disciplinary coercion'. The profiling seems similar, but even here there are subtle differences. I think there is less of the moral panic to the posters that line Nottingham's streets today, as there was in regard to the deviances described in the Vagrancy Act. Smoking marijuana for example, is hardly a shocking and uncommon behaviour. But, just as drinking in the hands of the homeless it becomes something else: a confirmation of a suspicion. So rather than profile them with things we would not do most of the time, we also see things that we might do, appearing different because of the homeless identity. Furthermore, whereas vagrancy had a root cause which enables us to zone in on an individual and make them a 'case', our current day architectural changes imply a presumption that the problem of anti-social behaviours in public space is ever more so a root type of person in himself (a deliberate gender usage, as all the images used are men). With our posters, it is not specifically noted that the homeless have become fraudsters in order to survive, but by labelling them as such, in my view, the interpretation is that the fraudsters have become homeless. There is thus less of a need to inculcate a panic when one tries to infer, through claiming a rough sleeper is a fraud, that becoming homeless does not just 'happen' to everyone, only to those already a problem: it is not therefore in this case, something which spreads, plague-like, across our population, like this dangerous 'idleness' that we can all fall prey to. It has happened to those already guilty: a pathological character beyond reabsorption. As an 'other' or deviant, we are, to repeat the

words of Exeter City Council from the last chapter, justified in our feeling 'intimidated' by them. All we need do then, is get those who are a problem away from us.

The point here is that the 'reinsertion' and 'correction' appears to be making room for something else. True enough, as I have mentioned, arrests can be made, but surely the ability to follow through with anything more than a release and a rather ridiculous fine as punishment (Pasha-Robinson, 2018), means what we are really seeing here is an exaggerated and delayed form of *dispersal*: this would seemingly make more sense when we consider other anti-homeless strategies. The above regarding the re-positing of the vagrant to their 'last legal settlement' implies that the vagrant is still considered part of the community he or she is a deviant within, not simply a wanderer to be pushed out of sight. This is critical to a disciplinary approach: they are deviant, but correction is still a form of inclusion. Dispersal implies the opposite: they do not belong anywhere, even when they are made a criminal threat. The profiling then, can also be a tool for *abandonment*, not correction: hence architecture which does the job facelessly, and community support officers with limited penal 'bringing in' power, rather than police, enforcing most of the PSPOs. If there is a correcting effect it is on the observer – a person from within – where it is 'not the culprit himself' who is disciplined, but the 'rest of the population' (Foucault, 2009, p. 21) and the 'culprit' is pushed on somewhere else. However, even this perspective of the 'red light' homeless individual as a 'looming and terrifying possibility' (Feldman, 2004, p. 13) is dubious, given the profiling that we have seen with them, which shows an intention to *clear away* an 'already-a-problem-person' rather than marking out potential 'cases' to reinsert or discipline.

Here I think it is useful to recall Feldman's analysis of public space shifting towards a 'consumptive public sphere'. Examined in the *Introduction*, Feldman's claim is that public space is increasingly about spaces of consumer activity and presentation, and so the homeless are dispersed because they do not fit that activity or image. With the PSPOs allowing for

dispersal on the *suspicion* of an anti-social activity, we have a homeless person's right to be present in a 'consumptive sphere' held onto precariously, to say the least. This was supported by Herbert and Beckett. Public space is increasingly built to be 'aesthetically pleasing' for 'commercial interests' and the 'visible presence of the homeless arguably disrupts' this (Beckett & Herbert, 2010, p. 40). We may also recall John Parkinson's claim that public space has shifted from being designed as 'democratic publics' to being places that 'encourage casual, accidental encounters between individuals (Parkinson, 2012, p. 147). As a consequence, the idea that these types of people need to be recognised more than we do, regulated more, and if necessary moved on to prevent them disturbing us, reinforces that 'us and them' descriptor, and is where our old vagrant associations are re-activated: the individual with a home is not regarded as being 'likely' to perform an anti-social act in the same way. Cruelly then, high-street consumption results in the homeless being crowded out in the place where consumption for them, is more likely to be about survival, involving 'strategic retreats to marginal spaces (where they can be left alone to, to sleep, eat drink and congregate)' (Feldman, 2004, p. 41).

But what of a public space for leisure, like a park? Surely here, the narrowness of such 'hybrid' public spaces do not apply, and the homeless presence is not precarious, asserting the idea that it is behaviours or uses that are prohibited, not persons or users. This harks back to Ellickson's claim that a 'monolithic' public space is as preposterous as a universal speed limit. Thus, public spaces are simply places of differing functions and not social exclusions. However, with this we have to once again remind ourselves of the 'likely' clause in a PSPO. As our parks in town centres exist adjacent to or somehow connected to consumer and commuter spaces, we have already been subject to the profiling of a homeless person. They also lead onto consumptive areas. What is more, these places are still areas of consumption within themselves, as cafés and ice cream stands are an ever-present feature. 'Non-interference' reasserts itself: whilst public spaces are ever more so prohibiting survival activities in favour

of ascribed functions mostly connected to consumption, actions which pursue survival will continue to be counted as 'anti-social' and disruptive of those 'proper' functions, and so the homeless presence is an obtrusive one. With this, comes a need to police that presence, and what more effective and cheaper way, than making public space itself physically hostile to those survival strategies? Alongside this is policing which enables community officers to pick out and identify a homeless presence, through presumptions about what they will do, and the conflict such actions have with high street shoppers. We can still notice the same insinuations within our modern approaches: as we have seen, just as the Vagrancy Act connected idleness with all kinds of immoral conducts, so does our anti-social behaviour discourse tell us that the homeless are dishonest fraudsters, lazy and addicted to drugs. This is not so much activating moral panic however, but giving us a reason or justification to oversimplify homelessness and disregard their individual story, enabling the prohibitive assaults through a generalised approach: what could be more indiscriminate than physically changing a park bench?

Thus, the narrowing of activities in public spaces is constructed with 'legitimate' functions in mind, and with Feldman we hear a consumptive story. 'Illegitimate' uses of public space subsequently results in profiling the street homeless as illegitimate users through their mere presence, in contrast to the 'upstanding citizen/worker/consumer' (Feldman, 2004, p. 44). Public space itself, when increasingly a place of commercial interests, has the images of those commercial interests reflected back upon users of centres and high streets: the successful manakin in a suit in a shop window, images of the tech worker on their early morning run, a family enjoying ice cream. When local authorities make a comfortable bench with a nice view over a park conveniently close to the shops, but an increasing number of people start to use it to sleep on, they respond by putting in arm rests, to reinforce the intended purpose of the seat: a purpose influenced by a view of public space as a predominantly commercial space, or at least complementary to it. This place is not for sleeping, is the message. When the sleepers

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then find other spaces, they too are modified, until eventually other shaping comes into play: legislation. This requires enforcement and so community police officers wander. Problems with funding and resources obviously mean support officers cannot be everywhere, and so other preventative measures are present: posters discouraging those who use public space for its proper functions from giving money to the homeless. Legislation moves from prohibiting the action, to being able to disperse those on the suspicion that they may perform the action. It is not simply the interests of a community but the interests of the commercial properties in public space that now affect an *anti-homeless public space.* The increasing trend in privately-owned public spaces adds to the image of a commercially-ordered public space, for most members of the public will not be aware when they have moved from an actual public space to a POPS, for these POPS have the 'look and feel of public land' (Shenker, 2017). Outside of residential areas we increasingly see public space shaped and geared towards the idea of appropriate activities based around consumption and those complementary to it. Although Feldman looked mostly at high-streets, we can also include tourist spots into this analysis, I think. For example, in the map of Oxford City Centre, the university colleges are included in the PSPOs zoning. We can see what, and therefore who, the priority in public space is: a cleansed, inoffensive, uncontroversial city centre for tourists and shoppers.

So, when considering an *anti-homeless public space* predominantly as a space of dispersal and not discipline, supported by the idea of a 'consumptive public sphere', we can point to the application of *regulatory power* and the use of 'regulatory technology' (Foucault, 2004, p. 249). Picking up Foucault's story again, as the 'demographic explosion' continued, the power to take control of each individual body and train it to use is overcome by sheer numbers, until we have a power which realises the limitations in trying to correct or retrain every individual. Thus, a shift occurs, from procedures for man and his individuality to constraining the threat of the deviant through a 'man-as-species' approach (Foucault, 2004, pp.

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246, 242). The population emerges: 'It is a new body, a multiple body, a body with so many heads that, while they might be infinite in number, cannot necessarily be counted' (Foucault, 2004, p. 245). With such a huge entity, what is thus required is a 'seizure of power' that deals not in an 'individualizing mode' but is 'massifying' (Foucault, 2004, p. 243). It is a 'matter of taking control of life and the biological processes', to 'establish an equilibrium' and 'maintain an average' (Foucault, 2004, pp. 246-247) to reach for or stay above: a standard measured in average heart rates per minute, an average working week, an average alcohol or fat intake, an average performance ratio, etc, etc. This is a power which seeks to make life 'healthier and purer' (Foucault, 2004, p. 255) – quite literally 'make live' (Foucault, 2004, p. 241) – and the more that 'abnormal individuals are eliminated, the fewer degenerates there will be in the species as a whole' (Foucault, 2004, p. 255) to threaten this power. Thus, discipline is infiltrated by a power that intervenes at 'the level of their generality', to put deviants 'out of circuit or neutralize them' (Foucault, 2004, pp. 246, 244): to 'let die' (Foucault, 2004, p. 241). Not to, so to speak, individualise their person to expose their 'gaps' and so bring them in for discipline, but to generalise them as a type in order to abandon them when it is necessary, and in that abandonment, ensure that the rest of us are kept mostly free from danger and taint. Discipline is not fully replaced, and can still be found, but a separation is ensured in a narrative that tells us not to give spare change to the homeless, but to leave it to the professional institutions who know how to deal with these pathological, deceptive and desperate stereotypes, also knowing full well, that there simply will not be enough charities, shelters and rehabilitation centres to serve them all. A breach opens up where corrective procedures fail to reach but generalised prohibitive measures remain, functioning to maintain a lack of presence: not achieved through taking the deviant in, but putting them somewhere else at any given time. This is indeed done 'at the cost of his individual liberty' but not in the same sense as one 'taken in charge'. This addition to disciplinary power begins to make the tale sound more convincing,

for to conjure up architecture or legislation that applies a generalised dispersal regardless of the individual circumstances of the homeless person, one probably has to be in such a paradigm of thinking: of installing 'security mechanisms' around the 'random element inherent in a population of living beings' so that 'I – as species rather than individual – can live' (Foucault, 2004, pp. 246, 255). Hence, the picture of the person who 'wandered abroad' 'without any visible means of subsistence' continues into our anti-social behaviour discourse, but for different purposes: the disciplinary intention begins to transform into regulatory procedures to *disperse the deviant* more often than directly disciplining them.

If we consider Foucault's vision of the *panopticon* in our homeless context, we can better understand this shift from discipline to regulation that has occurred within public space. This architectural innovation from Jeremy Bentham envisaged a new type of prison, with a central tower around which the prison cells were positioned: thus it 'arranges spatial unities that make it possible to see constantly and to recognise immediately' (Foucault, 1995, p. 201). The idea behind it, was to 'induce in the inmate a state of conscious and permanent visibility that assures the automatic functioning of power' (Foucault, 1995). The panopticon 'automatizes and disindividualizes power', so power is not so much in a person, but 'in a certain concerted distribution of bodies, surfaces, lights, gazes' (Foucault, 1995, p. 202). An:

enclosed, segmented space, observed at every point, in which the individuals are inserted in a fixed place, in which the slightest movements are supervised, in which all events are recorded, in which an uninterrupted work of writing links the centre and periphery, in which power is exercised without division, according to a continuous hierarchical figure, in which each individual is constantly located, examined and distributed amongst the living beings' (Foucault, 1995, p. 197)

Kathleen Arnold uses the idea of panopticism to explain 'efforts to mold, reform, repress, and even destroy' (Arnold, 2004, p. 128) the homeless. Arnold describes a panopticon as a 'synthesis of social and bureaucratic powers' that 'converts a structure into a panopticon, a center of surveillance'. This synthesis 'leads to a space that allows for detailed, close control'.

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Arnold links this to shelters, which she argues are 'construed in a similar way', where 'Housing histories, personal stories, and other personal facts (medical parenting) are documented at least once, providing links to the state that result in a parental type of guidance' (Arnold, 2004, p. 115). Therefore, when not in a shelter, the 'homeless become superfluous when they reject or fail to conform' to such 'disciplinary power' (Arnold, 2004, p. 127). If this is the case, what else but *regulatory power* applies to the *street* homeless who are without shelter? In an *anti-homeless public space,* this means that panopticism, beyond the shelter, adapts to this regulatory form and ensures dispersal rather than discipline.

This at first seems contradictory to the theory of panopticism. How exactly does this idea of 'permanent visibility' align with the reality of dispersal strategies? How can initiatives that seem to discourage a presence create a homeless subject that is constantly 'visible' at the same time as enforcing an absence? The answer is in the strategies themselves, and, in particular, the physical ones. The sight of a park bench with arm rests *may* seem fairly innocent, but when one is also assaulted by posters of homeless individuals smoking cannabis, presumably the drug of choice for a 'fraud', an overall picture begins to emerge. The PSPO sign (figure 34) also shows this. The sign creates a feeling of being watched through declaring the legislation. Bagpipes played at train stations and anti-homeless spikes are less subtle and require no supportive signals. As we have seen in the previous chapter, the language used in these public 'warnings' condemns the homeless: 'beggars *operate'* in certain areas, like criminals. This means that although the homeless *individual* is not constantly watched or individualised, the generalised anti-social homeless *subject* is immediately constructed through the very architecture around a town centre before they have even entered the area, and therefore seen in this light on their arrival: this 'fixes them in place', away from our centres, and when they do come into view, they are 'recognised immediately' in reference to it. The physicality of the anti-homeless strategies tells its own story. The coming of the homeless person is an

ever-present, lingering threat, profiled as deviant prior to their presence. This, surely, is not to just work upon the shopper or tourist's perception of rough sleepers, but the street homeless upon themselves, much like the prisoner in the panopticon. Indeed, Beckett and Herbert's ethnographic work in *Banishment* describes how exclusion orders in the US create internalised anxiety for many homeless people, where any 'refusal to move' leads to a 'constant fear of detection' (Beckett & Herbert, 2010, p. 114). Self-blame is sure to follow. This frames the attempts against a homeless presence in UK city centres that the detective comes across, both legislative and architectural, in a very different light: where fines and arrests work not to 'take in charge' or reabsorb, but work hand-in-hand with an increasing partition of public space – the creation of places where the deviant homeless 'they' cannot go when 'we' the 'upstanding' citizen do. Their lack of presence, or invisibility, requires an element of visibility, increasingly achieved through the architecture and profiling posters we see on a daily basis. Thus, in this dispersal we begin to see a story that can be understood as an incarceration of the homeless beyond discipline, that requires no actual penitentiary building: in effect, a *public space prison.*

3.2 Public Space Prison?

Foucault tells us that the role of prisons was vital to a disciplinary power, but not just as a last resort to detain the non-docile: 'The carceral "naturalizes the legal power to punish, as it "legalizes" the technical power to discipline' (Foucault, 1995, p. 303) into use. A 'carceral continuum' therefore extended beyond the prison, where 'innumerable mechanisms of discipline' that 'supervise, transform, correct' (Foucault, 1995, p. 304), were justified as ways to prevent and rescue one from imprisonment; even welcomed (presumably, this includes the actual act of arrest also, where it does not result in imprisonment). This pervaded everywhere, but we are told that the distinction is false: 'Between the latest institution of 'rehabilitation', where one is taken in order to avoid prison, and the prison where one is sent after a definable offence, the difference is (and must be) scarcely perceptible'. Thus, we end up with a disciplinary power expanding beyond the penitentiary into different forms, institutions and spaces, which 'does not at all represent the unleashing of a different kind of power', but 'the same power to inflict legal punishment'. To in effect, imprison, without using an actual prison. Hence, our mistake is to see the power to confine that resides in the prison as more benign when it escapes the prison itself and manifests within a 'context in which it appears to be free of all excess and violence' (Foucault, 1995, p. 302), like a local authority dedicated to eradicating anti-social behaviour. And, as noted with the loss of actual punishment from punishment in regards to fines and arrest, this means that all the punitive measures achieve is a legitimizing of the other 'innumerable mechanisms of discipline'.

In a 'regulatory' mode, the other 'innumerable mechanisms of discipline' are more mechanisms of *dispersal*. If there is a 'carceral network' that has expanded beyond the actual prison, it now incarcerates in a manner where there is no need to activate discipline, as there might be within 'legal imprisonment' (Foucault, 1995, p. 301), or at least a pretence of it. What we get with a public space version, is the aforementioned abandonment. How else can we explain a situation where a group of people are potentially 'deprived of their last opportunity

to sleep', other than by acknowledging this as at least a possibility? A construction of public space that does not allow the 'misbehaviour' to continue, much like a teacher would remove a pupil from a classroom. Or, more sinister: as 'Every torturer knows', to 'break the human spirit', or make them 'docile', one must simply 'focus the mind of the victim through petty restrictions pitilessly imposed on the banal necessities of human life' (Waldron, 1991, pp. 314, 320).

It is perhaps a little extreme to associate torture and imprisonment with a disciplinary-come-regulatory framing of anti-homeless techniques in public space, especially when the punishment is most often applied through a moving-on of the individual – a constant motion – not a confinement in the traditional sense. But when we consider the bagpipe music played on repeat at multi-storey car parks or train stations, we also have to question the presumption that these types of 'dispersal' rest upon: that the homeless person does indeed have somewhere else to go, another 'last opportunity' to perform what may well be a 'survival strategy'. If not, there is indeed something imprisoning *and* torturous about such initiatives, and as more and more PSPOs are introduced, the 'last opportunities' to go somewhere else decrease. Is it really excessive then, to talk of violence or confinement in the same breath as public space, when for the street homeless, a PSPO comes into an area with the premise that one can be moved on due to the *likelihood* of an anti-social behaviour act which could well be one that increases their chances at survival? It is therefore a useful tale to tell, for it offers a way of thinking that perhaps scrutinises and exposes more than any other framing, and as these anti-homeless techniques and legislation are already out there, moving from classical music during the day to bagpipes at night, we should not be so quick to reject it if we are on some level concerned about this, 'in the first instance' (Waldron, 2016, p. 19). A story we may well be telling, but if the events fit it well, at the very least the story elicits apprehension, and sees PSPOs not just as things that enable a public space for us home-dwellers but disable a survival space for the 'them' homeless.

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The point is, is what we are increasingly seeing is legislation and architecture which cannot take the possibility of a 'last opportunity' into account, because of their generalised and physical nature, respectively. What does a 'dispersal tactic' become then, other than a form of incarceration presented within a 'context in which it appears to be free of all excess and violence'? In this increasingly grim view of society, where the carceral network is exerted everywhere, it is not a huge leap to see the current changes in public space as that which imprisons the street homeless in a constant anxiety of being pursued and prohibited, within the only space they can exist, creating a carceral through motion: where the spaces they are regularly pushed out of become the prison walls. Deviant profiling hides the effects of our PSPOs, but to be presented as something 'free of all excess and violence', is not to say these initiatives are subtle in *whom* they target. The aberrant is in need of creating, or at least further condemnation, hence our posters. In pursuing a tale of discipline then, we arrive at a public space where the homeless are profiled and constructed as a deviant, but less for disciplining, and more for damage limitation. What we seem to have today is a concern over disruption to local communities and commercial interests, not a national deviant as a security threat or danger to economic development. As such, in most cases, they must be detained for abandonment: moved out of the way and put somewhere less inconvenient in a space beyond an actual penitentiary, and one that does not require discipline. When they escape these kinds of areas, we have a fugitive on our hands, simply waiting to be cleared away again, because of the 'likelihood' of their future crime.

3.3 From Member and Outlaw to National Member and Local Outlaw

This Foucauldian analysis helps us understand what is going on in an *anti-homeless public space.* Essentially, the move towards dispersal methods. What remains to be understood though, is exactly how the homeless have become so othered that these de-humanising strategies are implemented. In a sense, Foucault gives us an analysis of power which describes what is happening, but more needs to be said on the nature of the othering which motivates this dispersal. Without the moral outrage of a vagrancy narrative, how could they 'be so completely deprived of their rights and prerogatives that no act committed against them could appear any longer as a crime'? (Agamben, 1998, pp. 95-97). It is useful here to remember Feldman's 'bare life' analysis*,* detailed in the *Introduction.* He describes the homeless as 'simultaneously member and outlaw' and uses Agamben's *Homo Sacer* as an explanation for this duality: this figure of Roman society who could be '*killed and yet not sacrificed'* (Agamben, 1998, p. 12)*.* With no political status, or *bios,* they were utterly exposed to death. The homeless, being defined by a biological struggle for survival, similarly have their political status suspended, in the face of this struggle. Politics, and a fully active citizenship, is thus removed from 'bare life'. This explains the court requirement in the homeless activist protest: that they were allowed to erect tents as a 'symbolic' gesture of protest, yet not allowed to occupy them. The political speech act must be clearly separated from the survival act. The homeless, like the *Homo Sacer,* therefore come to represent a de-politicised 'bare life'. For Feldman, this is true even of those who seek to help the homeless. Thus, a narrative that undermines the political status of the homeless is always a problem, even if it is part of shelter programs, for it can just as easily lead to dispersal strategies in public space. Feldman's point here is that anything which emphasises a politically disqualified, 'bare life' status increases the chance of the homeless as outlaw, for western citizenship separates 'bare life' from a politically qualified status by sheer definition. I think there is indeed great insight in this analysis: it is useful to think of the homeless in these 'bare life' terms, because it brings to the fore the contradiction

between being both 'member' and 'outlaw': an 'out-of-place' subject (Feldman, 2004, p. 94) whose 'preference' for sleeping in a park, despite the essential nature of the activity and their 'predicament', is increasingly ranked as less worthy than the wandering shopper's comfort. Or, how introducing legislation to prevent uses of public space that have a 'detrimental effect on the quality of life of those in the locality' (Crown Court, 2014, p. 33), mean not considering the 'quality of life' of the very people that are targeted. However, it is my aim to amend this statement that the homeless are 'simultaneously community members and outlaws', whilst not fully rejecting what a 'bare life' gaze exposes.

To begin with, I would like to further examine the fact that the homeless have the right to vote, for I think it can help us re-think Feldman's framing. It seems paramount to emphasise that the 'right to vote' is not an isolated right that fully describes citizenship. It is part of a 'set' of 'civil liberties' that inform citizenship, which in the 'liberal tradition' include 'the liberty of the person and of speech, thought and faith, the right to own property and enter into contracts and the right to formal equality before the law' (Tully, 2014, p. 12). Hence, much of the political theory literature examined in the *Introduction* focusses on the de facto undermining of this set of rights, for when the homeless are viewed through a citizenship lens, prohibitions upon them that contradict these rights become very visible. The hindering of the homeless tent protest is a revealing case in this argument, for disrupting the right to protest is as much a contradiction to a liberal democracy as disallowing the vote would be, for it creates a secondary citizenship with an inferior liberty of expression. Liberal theory can explain this for us. We need look no further than Rawl's section on civil disobedience in *A Theory of Justice* to find political speech acts and acts of resistance protected: 'The violation of the principle of equal liberty is, then, the more appropriate object of civil disobedience. This principle defines the common status of equal citizenship in a constitutional regime and lies at the basis of the political order' (Rawls, 1999, p. 327). In many cases I would even assume that most states

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would find themselves hard-pressed to prevent a protest from non-citizens, such as residents, thereby meaning that one can even have the right to protest without the right to vote, but the takeaway point here is if one has the right to vote, in a liberal democratic state, the right to protest theoretically, and therefore structurally, should follow.

But of course, 'that's true *in theory*', may be the response. Now, for sure, the reality of our political configurations often conflicts with the theoretical premises they are supposed to rest upon, but when we are talking about something as basic and fundamental as voting and protest, although certain systems of voting may be considered to have varying democratic quality or the laws around regulating protest sometimes arbitrary, at this level of elementary definition, theory must and does talk to structure. This point is surely proved exactly when those political 'realities' seem to step too far onto the theoretical premises and media attention draws towards gerrymandering or heavy-handed police reactions to demonstrations. In short, these are such unambitious and rudimentary tenets of liberalism that if they were not followed practically most of the time, a nation could no longer be called a liberal democracy, or the theory would need to be drastically reclassified. If nothing else, they are certainly vital to its structural form and when it is explicitly recognised that they are interfered with, this is interpreted as a violation, not the default.

I therefore agree with the argument that the homeless are othered into a secondary status, that is not an equal citizenship. However, when rights like protest are effectively disrupted, alongside the disruption of a citizen's 'survival strategies', I believe the cause is more complex than a constitutive arrangement of citizenship, as Feldman argues, or the state flexing its coercive power, as Beckett and Herbert have claimed. We are looking at something which *circumnavigates* a national citizenship narrative. This is because citizenship is a discourse that supposedly protects those rights present in a liberal democratic state, or at least counters the mentality of the 'out-of-place' subject we have seen through the dispersal

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strategies, with the belief that the homeless *are* 'members' of a sort. Even if protest becomes problematic for the homeless, voting rights do still imply a 'politically qualified' status, and so a form of national belonging. When other rights of citizenship are infringed upon, it therefore seems advisable to follow Foucault's advice and look at the fringes or 'relays' of power, to look for these negations.

Let us consider this. Historically, we would likely agree with Agamben, or indeed interpret Foucault in a similar way, that what precedes infringements upon human beings rights in the modern state – either 'killing' in the direct sense or an 'exposing someone to death' in the 'indirect' sense – is a 'political death' (Foucault, 2004, p. 256). A political death removes protective artifices, like citizenship rights. Therefore, we would assume this indeed must be enacted on the state level: 'Jews could be sent to the extermination camps only after they had been fully denationalized (stripped even of the residual citizenship left to them after the Nuremberg laws)' (Agamben, 1998, p. 78). The point here is, not to say the 'exposing to death' the homeless are currently experiencing is of the same extent as the 'direct murder' of the Jews, but that if 'the Jews were exterminated not in a mad and giant holocaust but exactly as Hitler had announced, "as lice", which is to say, as bare life' (Agamben, 1998, p. 68), then we would expect a similar state-enacted degrading of citizenship on those terms. As we have seen, Kathleen Arnold certainly thinks so, by claiming that the homeless permanently live in 'the state of exception' – the 'exercise of prerogative power only in times of a national emergency' (Arnold, 2004, p. 8). However, because the homeless *do* possess the right to vote, even if disobedience is interrupted with and other rights inhibited, it would suggest that the disruptions to survival strategies we are witnessing are an 'exposing to death' or 'increasing the risk of death' (Foucault, 2004, p. 256) that is not part of a national narrative, but a local one. Essentially, a 'bare life' othering cannot be being done explicitly or visibly on a national level with state power openly involved, just as an 'exposing to death' cannot be, for, to repeat, in a

liberal democracy a national discourse of citizenship stands as a barrier to these injustices. It must consequently be happening within a discourse that sidesteps this barrier, in a context and narrative where nationalised citizenship is not at the forefront of political discourse and decisions, where it somehow seems distant and irrelevant: *local politics*, with *local authorities*. What I am trying to draw attention to here is the *contradiction* between what status a modern liberal state seemingly places on the homeless in regards to voting rights – a 'politically qualified' status and hence some form of belonging – and that which local authorities seemingly emphasise – a 'subject-out-of-place' status. The latter explains the homeless as 'outlaw'. This would mean that approaches local authorities are taking towards the homeless infringes upon the national sense of belonging a 'politically qualified status' implies. Therefore, it is more complicated than a state-based exclusion built into the structure of citizenship. I think this is to see citizenship a little too much through an ancient history and overlook the liberal addition in liberal democracy, which seeks to make individual agents of us all.

Our UK context at least supports this train of thought: it is, after all, *localised* responses to a homeless presence that are undermining or degrading the 'set' of 'civil liberties' mentioned above. Thus, essentially, we have a national citizenship status that we are told is universal to those citizens, that is in fact conditional upon a local authority. All this is surely reinforced by earlier observations that the dispersal posters and 'misrecognition' (Feldman, 2004, p. 95) of the homeless are no longer had in the discourse of a national concern with productivity or moral disintegration, but a local concern with high-street interference. So, to sum up: what this perhaps exposes here, is how the localised assault on a homeless presence is in *conflict* with the narrative of citizenship, and not as an *act* of citizenship or as a result of our definition of it. Ergo, this means it is an exclusion that is not constitutive to it per se. Therefore, in our UK setting at least, I think we should slightly modify Feldman by saying that perhaps the homeless

are not simply 'simultaneously community members and outlaws' but be more precise and say they are 'simultaneously *national* members *(citizens)* and *local* outlaws': a fracture where the former does not prevent the latter from occurring. This is an important distinction, for what it effectively means is we need a framing that can help us understand this outlawing of the homeless status in relation to their local communities, rather than something which frames our understanding of it in relation to the state only. Perhaps this is then, a movement towards political exclusion that tends to create a *zoe* and *bios* separation, but, does not begin there. To repeat, we can see this in how the homeless *are* included in the moment that political power, in a liberal democracy, is justified, even moralised: the vote. In this sense, in its modern liberal form, the political starts from a need to validate itself morally, and less through a framework of *zoe* and *bios* distinctions. Citizenship is thus premised on the right of equally 'expressive' political *choice* as part of that moral justification. This is one of liberal theory's most significant impacts upon political power. It therefore has to include everyone, and therefore see all of its citizens as political agents. However, when this agency collides with a localised sense of (commercial) duty over the use of public spaces, we begin to see the construction of a localised outlaw in spite of a national citizenship. We can know this simply by recognising the contrast between the rough sleeper and the refugee: where one is dealt with locally and the other nationally the difference is stark, the former having 'bare life' denied from them, the latter having it covered.

This does not mean abandoning a critique of citizenship, for from this localised starting point, we can then ask, does this mean that the state's artifice of national citizenship is unable to protect the homeless from current localised, anti-homeless strategies, or worse, deliberately turning a blind eye? Either way, this implies a production of political exclusion through an initial state *inclusion*, which infers this localised othering is a *process* of exclusion. It is this I wish to examine.

The issues and questions with much of the literature in the *Introduction* rear their head here, provoking further examination. I mean this beyond concerns with simply Waldron, Feldman, or Arnold. Garnett's call for 'sub-local' responses to order-policing of public space raises an issue for us at this point of considering a localised othering, for surely the story of an *anti-homeless public space* shows that the attitudes of local communities towards the homeless do not match up with a view of them as national citizens or members. Herbert and Becket's description of *Banishment* highlights the increasing use of 'exclusionary practices' that rest on the 'coercive capacity of the state'. Whilst this is true, in the sense that PSPOs were created by the state, it is the application of them by local councils that activates and manages that coercive capacity. What we do need to consider from this citizenship-focussed literature though, is how the political seemingly disappears in regards to the homeless, if not state-enacted. Thus, there must be something beneath these 'exclusionary practices' that responds to a homeless presence, on a local scale. Margaret Kohn hinted at this: 'Much of the aversion that people feel towards the homeless has to do with the transgression of these *taboos* about appropriate public behaviour; many people feel disgust when they see someone sleeping, washing or relieving themselves in a park or alley' (Kohn, 2004, p. 130) (emphasis added). The next chapter then, will explore that relationship between *taboo* and *transgression*.

A final note on this: for sure, there are many differences between the structures at play in the US and the UK. But, although I am in no way making a direct mirror in regards to the scale of politics between the US government and corresponding states with the UK government and local councils, even in the US context we see that these ordinances are implemented by individual states and not the central government. Thus, although it is not my main focus, even in the US context I think my above amendment of *national* member */ local* outlaw still stands.

3.4 Taboo, Transgression and the Non-Transgressor

At this point, the silence in the detective story needs to be recognised. There are of course, other typologies within the Anti-Social Behaviour remit which do not appear to pursue just homeless individuals. Much of the Anti-Social Behaviour Act for instance is concerned with youth behaviour and alcohol related disorder (Home Office, 2004, p. 4). In this, the argument that our public spaces are not being legislated and modified to target the homeless specifically but misbehaviours in general can reassert itself. I need to hence argue that there is currently a difference in reactions and treatment between someone who behaves anti-socially because they are drunk on a stag night, for example, and a homeless person begging. This will show a process which is causing this localised 'outlawing' of the homeless.

One way of framing and explaining this 'difference in reactions and treatment' to anti-social behaviour, is through thinking of activities that flout the pre-described functions of various public spaces as *taboo*. Prohibitions on public space are going to be informed by what is considered inappropriate culturally, whether that be because they are inappropriate generally or more often, as we have also seen, because they are not appropriate to the (most often commercialised) function of that space. An example of the latter I often think of is levels of nudity, come about because I spent 8 years living by the seaside. In Bournemouth, the beach is next to the town centre: in fact, you have to go through it to get to the sea. Here, whilst walking around, I would sometimes casually observe how almost without exception, a swimming outfit would be replaced, or at least amended by a top or t-shirt, when people walked into the square (I also did this – it was what sparked my observation of others). This is because, most likely, that the person changing would feel that the appropriateness of such an outfit was to some extent, affected by the function of the space one was in. Of course, you could reverse this example: perhaps they felt the pressure to strip-down on a beach and actually preferred the default of being more clothed, but this also serves to prove the point. Such a thing is not really legislated on – as recognised in the detective story 'exposing oneself' is – but a swimming

outfit I think would not be included in this definition. Yet, people still do generally cover up when they enter the centre. The inference is that taboo related to function, in most cases, exists prior to actual legislation or prohibition. The latter manifests when the taboo is considered extreme enough for active prevention or is broken so often that prohibition is considered necessary.

The second reason for a taboo framing is that taboos, according to George Bataille, are 'organised by the community' (Bataille, 2012, p. 64). We already know that public space laws such as the PSPO can be enacted and designed on a local level, not a state one, as occurred in Hackney. Likewise, *Policing Anti-Social Behaviour* was written with the sole purpose of guiding local police on the value of context and regional variations, or specific local problems in regards to anti-social behaviour. It focussed on the similarities and contrasts in approach between Middlesbrough and Hampshire, among others, with 'problem-oriented policing (POP)' and 'Enforcing the Peace (ETP)' (Home Office, 2000, pp. 7-8). Both were approaches 'targeting anti-social behaviour through the use of patrol and enforcement', where 'direct enforcement' was 'targeted' at 'an identified problem or in a specific location' (Home Office, 2000, p. 7). Our public space laws then, can now be understood as a manifestation of a taboo, not just for the content of prohibition they represent, but because they are in part 'organised by the community' or on a local community scale.

But we must be careful with this word community whilst still under the gaze of Feldman's consumptive sphere. Considering his insight, we may want to say organised by the local authorities who legislate in the name of that concept, yet actually mostly do so for the maintenance of a generally commercial, consumer space. Thus, when I say 'community' in regard to public space I am referring to the contradictory melting pot I have already discussed: the echoes of vagrancy and discipline, the traditional concept of community that remains and the individualised consumer environment that has begun to strain against that. This melting pot

can be described as communal then, because of its physical necessity to where we live, work *and* shop. As such, the space itself has a set of codified behaviours we adhere to, which are connected to one, two or all of these aspects of our lives: the functions I have mentioned. In this sense then, public space represents a 'community snapshot', if you like, where the people within it should be part of an overall picture that reinforces these aspects: the local, the commuter, the tourist or shopper. Hence, how each space has functions that complement, or at least do not conflict with these, and tends to be modified to prevent certain behaviours that do.

This leads us into realising something very specific about the homeless. Whenever I observed the beach-goers putting on t-shirts there was no great kafuffle about it. They just did it, most likely without thinking. I do not believe they felt as if they were being impinged upon, because the taboo was not a general one: it was space-specific. It was not as if one was prevented from being partially nude everywhere, so the taboo did not bite so hard. Increasingly though, activities the homeless perform in public spaces are more often tied to their status. We can see this in what PSPOs are prohibiting and the fact that dispersal laws can disperse on mere suspicion of a perceived misbehaviour. Therefore, we notice how with the homeless an identity is becoming taboo, rather than an inappropriate activity. However, this is a relatively surface-level insight. The taboo framing goes deeper than this and allows us to see more of the 'process' by which the homeless are 'outlawed' despite a citizenship status: because the homeless are not just increasingly perceived as a taboo in themselves, but also a *non-transgressor*.

Non-Transgressor

It is not the breaking of a taboo per se that highlights an 'other', but actually in the *relationship between* the taboo and the breaking of it. For this, we must turn to the idea of *transgression.* Consider a university graduation party. A group of friends celebrate their graduation, get drunk, and end up running naked through the streets. The friends may be admonished for this behaviour, perhaps even arrested if seen by the police, yet after the event there is unlikely to be an overtly hostile reaction, for they have *transgressed* a taboo, not rejected it. They have

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used public space as a living space by disregarding the usual spatial privacy that an act of nudity requires, yet they will not go on doing so tomorrow, the next day, or the day after that. The distinction between a transgression and a rejection of a taboo is important: a transgression is a temporary suspension of taboo, and therefore leads to its recognition once again, after the transgression has occurred. Essentially, transgression is 'no less subject to rules than the taboo itself' (Bataille, 2012, p. 65). A homeless couple having sex in a park is not a transgression, for being homeless, they cannot reassert the public space taboo afterwards, for they have no private property or access to a temporary form of property like a hotel, to grant them spatial privacy. The university graduates running naked in the streets however, or a newly-wed couple making love on a beach, are allowed to enjoy their activity as transgression for they can reapply the public space taboo post-event, by recognising and enjoying their spatial privacy within their private property. They may still be penalised for their actions but the very fact that the taboo can be reapplied maintains their inclusiveness in the consumptive community as a norm, particularly as they have reinforced other societal norms through their transgression: university education and the graduation party itself, or marriage and the institution of marriage. Of course, these are specific to my chosen examples, but my point is, is that it is practically impossible for the street homeless to reinforce other societal taboos or norms in the process of breaking public space ones, because of their homeless status. There is a distinct difference then, between a transgression in the usual sense, and a transgression of a public space taboo from a homeless person. So distinct even, that it does not behave as a transgression.

Let us consider this further. So, through Bataille we have realised that transgressions are just as regulated by rule as taboos, because a transgression is an essential part of the taboo. Transgressions reinforce the taboo, for to recognise the taboo once again after having transgressed it is to once again acknowledge its necessity, and subsequently acknowledge you yourself were at fault, not the taboo. It is to maintain the need for the taboo, and one's own

transgression to remain controlled and limited. Thus, transgressions can even strengthen a taboo through feelings of shame or regret. If the transgression is a fond memory, the guilty pleasure had from the memory can only be maintained whilst the taboo is still in existence. A transgression is not interested in breaking or doing away with the taboo at all. Transgression is to say 'At such and such a time and up to a certain point this is permissible' (Bataille, 2012, p. 65). This is why, despite being 'Indecent exposure', stripping a groom naked on his stag party is something 'we've all done once'. In a sense, the taboo of public nudity is sacrificed in the reinforcing of another social taboo – again, marriage, and its associated rituals. Similarly, despite being 'Inappropriate sexual conduct' (Home Office, 2004, p. 4), lovemaking on a beach is romanticised in our pop culture. Thus, the homeless do not *transgress* our public space taboo, but ignore it, and neither can they reinforce another norm through breaking it. No taboo is recognised before the act, during the act, and after the act, hence, it cannot be a transgression. Consequently, the homeless are positioned as a heterogeneous *other,* a *non-transgressor,* neither part of our localised consumptive sphere, commuter space nor leisurely parks which are shaped into these functions essentially by taboos. All of these roles are forms of recognition into some manner of community in a modern, pluralistic setting. Thus, by not being able to readily conform to any of these, essentially, they have not transgressed, rather their very existence cannot endure within the taboo because of the space they exist within. This leads to unavoidable violation of them, resulting in a local outlaw status that, as opposed to home-dwellers performing temporary misbehaviours, means they cannot be transgressors. Even punishment is not an inclusive act, when it is simply to disperse and disable on mere suspicion. When we do witness a homeless person, we see an individual who seemingly lives in contrast to the functions of our public spaces, but inside them, taking advantage of its places.

What does this rejection mean to us then? What does using public space as a living space reject when it rejects public space taboos, which our respective authorities legislate so

carefully to create? What does taboo say to us about that 'other' in its creation of it, in this formation of the *non-transgressor*? I think, to some extent, this depends on the space they are seen within, but either way, the messages are still negative. Taboo can help us understand this, for it is not tied to one vision of public space, as our other framings have tended to be. It can be applied to a desire for a cleansed, *commercial* public space *and* our old moralised notions of *work*. A taboo framework can therefore house both the 'continuities' and 'discontinuities' regarding the theories of the homeless in public space. In our consumptive spaces, taboo ensures that obtrusive behaviours are kept to a minimal and controlled, but more than that, the homeless, being someone who cannot transgress as we do, means an obtrusive status that conflicts with the activity of consumption is also dispersed. In the spaces still linked to the function of work – in public spaces where the activity of work is emphasised, like our commuter train stations – taboo re-activates moralised notions. Bataille explains, taboo is the need to *work.* To produce, the individual's efforts must be in 'constant ratio with productive efficiency', our labours have to be in order to create, manufacture or harvest. Our 'wild urges' for 'immediate satisfaction' must therefore be repressed so we can work, yet it is in this repression of our urges, that the need for work is present. If we were unable to sedate them, we could not work, but we work so as to enjoy these pleasures as a 'reward later' (Bataille, 2012, p. 41). As such, it becomes associated with something that can repress 'wild urges', to be understood as a 'rational behaviour' (Bataille, 2012, p. 41) winning out over the 'passions', to reposition it into another time when we can relax from work. By simple non-adherence to the public space taboo and its legislation, where the space in question emphasises work-based activities, the homeless can be seen to be rejecting the need to work. Thus, the transgression of the naked drunk is one from a 'creature capable of reason' (Bataille, 2012, p. 64), presumably conforming to this taboo of 'reward later'. This individual is perceived as not rejecting the

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work-pact of the 'human collective' (Bataille, 2012, p. 41) by indulging in such wild urges, neither have they rejected the permitted urges of consumption: they have merely transgressed.

From the home-dweller's side then, we see the utilisation of a living space within a property that we own, rent or hire for that reason, the subsequent enabling of an unobtrusive public space through taboo, and the potential for breaking that unobtrusiveness in a community-inclusive *transgression*. Thus, a public space taboo from someone who can access spatial privacy still has an enabling aspect in the prohibition – the chance to transgress – hence the attractiveness to the idea of a 'taboo' is threefold for us as home-dwellers: we enjoy a pleasant public space, with the tantalising opportunity to transgress, and a heightened sense of value to our own private spaces. What we end up with is a subsequent sense of community that exists within public space and survives the commercialisation of our centres: a community of taboo.

From another perspective, we see a complete disabling of a living space for the homeless and dislocation from the norm through an apparent *rejection* of a public space taboo. The homeless are perceived to be engaging in a life lived that does not respect the functions we give to different spaces and the respective roles required for them: shopper, local, commuter or tourist. This rejection is their 'otherness'. The role they are cast in as street homeless through our posters and benches, has no space in our parks and centres to be legitimately homeless. But neither do they reaffirm another taboo through their breaking of the public space taboos. Hence, without a transgression, they are *non-transgressors.*

We know, implicit in this relationship between taboo and transgression, that taboo is not in danger from transgression, for something would cease to be transgression if it did not maintain its observance of the taboo afterwards, or indeed on some level, during the transgression. I have already said that allowing taboo back after a transgression, is admitting fault with oneself, not the taboo, for it is to recognise the need for the taboo. Bataille explains,

'This is clear to us in the anguish we feel when we are violating the taboo' (Bataille, 2012, p. 38). To make something a taboo, therefore, is to moralise it, that is why we feel anguish and excitement when we transgress it. Because of this, a transgression still includes one within the taboo, and its consumptive, commuter, and leisurely spaces. To not adhere to it, however, is a danger to taboo: it threatens to undo the moralising nature of it. Those who do adhere to taboo will tend to see those who reject it as pioneers leading the way, or, a threat to what they value. The homeless, perceived as desperate, are unlikely to be viewed as the former. They seemingly ignore the taboo of public space, and so are seen as an 'other' who by refusing the taboo reject our four dominant roles – commuter, local, shopper or tourist – whichever one (or ones) are present in a particular public space. Furthermore, because of the moralising nature of taboo, that 'otherness' can potentially elicit moral condemnation (though as mentioned before not panic) from those who submit to the taboo, towards those who seemingly refute it. This makes it easier for punitive legislation to be accepted and drives our fraudster posters, for in our eagerness for public space to be enabled for us, we do not fully acknowledge the incarcerating, disabling aspect to it when it is exerted upon the homeless. Furthermore, even if we were to, because taboo at once prohibits and 'immoralises' something, we would perhaps consider it a justified policing. The carceral network image returns, but this time, we see it from a perspective of how a *national* discourse of citizenship *clashes* with a *localised* 'othering', rather than reinforcing it.

Subsequently, more and more, we are witnessing this progressively aggressive profiling of the homeless, where misbehaviours become a status, in which anti-social behaviour and anti-social homeless are barely separable: 'Council bosses and police have been working together to tackle *antisocial behaviour* and the growing numbers of *rough sleepers* at the interchange' (Durkin, 2015) (emphasis added). Here, 'anti-social behaviour' and 'rough sleepers' are presented synonymously, or at least, the latter is the direct cause of the former. We have

become so used to this pairing in our local communities (yes, this story is taken from a local newspaper) that it is almost a collocation to us, immediately understood and accepted, for as *non-transgressors*, the presence of rough sleepers is itself practically a taboo and not a political issue, but an anti-social one. If we use this in other contexts, we can see how it colours particular identities, even those that may also be vulnerable to comparably negative portrayals. In this, we can also notice how such groups have not yet completely suffered this linguistic and conceptual homogenisation, or not to the same extent. For example, 'Council bosses and police have been working together to tackle *antisocial behaviour* and the growing numbers of *protesters* at the interchange'. Immediately, I believe, we *notice* the addition of 'antisocial behaviour' to the message, whereas with the homeless example, we do not. The distinction here, I feel, is that the anti-socialising discourse of the homeless has re-intensified to such a degree, similar to that which surrounded the Vagrancy Act (albeit, as mentioned, with a less panicking edge and more of an externalising tone), that the connection between anti-social behaviour and rough sleepers is not even necessary to elicit a depiction of them in this manner. All we are experiencing is a confirmation of what we already suspect that has been hammered home with the physical changes in our public spaces. True enough, with the example of the protestors, certain political views may also think in this way, as a result of those political leanings, but the discourse anti-socialising the homeless seems to be also a de-politicising one. Therefore, when their presence is in need of clearing away, we can be potentially justified regardless of whether we consider ourselves a liberal or communitarian. Taboo shows us then, through the homeless as *non-transgressors,* how they have become the political exclusion that allows such flagrant suspension of apparent rights, through a *process*. In essence, how they become local outlaws, despite being national citizens.

Conclusion

As this chapter has shown, the changes in public space, or different public spaces, are a collection of narratives that it is impossible to completely separate from each other. Are homeless people simply being balanced between discipline and abandonment? Similarly, are these just the actions of a concerned and panicked community, worried and resentful over the moral aberration of non-work and idleness, or is this about creating a commercialised public space free of interference? Does it go deeper, to a 'constitutive exclusion' (Feldman, 2004, p. 16) in the very heart of citizenship?

The truth, I think, is elements of all these framings are mixed up together. We can see this especially with the associations we are witnessing between the homeless and 'fraudsters'. Today, these associations, something we might consider traditionally to be about vagrancy, discipline and a *national* duty work do not quite match up with the *localised* focus on the disruption the homeless cause in our high streets. Of course, remnants of a moralised work do cling on, seen through actions aimed at clearing away rough sleepers from commuter spaces. But if this is simply a tale of discipline why is there so much dispersal, and why is the discourse surrounding it so localised? We might think then, that the emphasising of such stereotypes is the concern of a *communitarianism* in the vein of Tier or Ellickson, but a *regulatory* dispersal once again causes us to reconsider: such tactics are framing the homeless as a disturbance to the 'locality' rather than members of it in need of discipline. Such a thing is surely about minimising the level of *interference* a homeless person may cause, and as it is most astutely focussed on commercial areas of public space, interference to the high street shopper. Therefore, it is too simple and easy to say this is all down to an aggressive communitarianism: we need to ask why dispersal is the default case, and in doing so, consider that even, liberal notions of freedom – non-interference couched in a setting of individual consumer pursuits – are as much involved with the issue. Particularly if, as Waldron does, we want to assert such principles as a way of correcting these injustices.

I do not wish to be misunderstood. Waldron's framing of homelessness in terms of negative freedom is a very useful gaze: perhaps its greatest achievement is in presenting how rough sleepers are being infringed upon by a norm-making view of public space, whilst simultaneously making us consider them as agents and not just victims[5]. However, the proposition that liberal theory can correct the crimes communitarianism is vulnerable to committing against the homeless, and that this is the only dichotomy to consider, is too simplistic in the binary way it views both ideologies: especially in the context of homelessness.

If you reduce notions of the 'good' to that of agency and autonomy, as liberalism can often seem to do[6], then what you often end up with is a messy business of dealing with conflicting claims. Public space appears as a real and active example of this, one which perhaps all of us come across every day, and none stands out more conflicted than the autonomy of the shopper/tourist/commuter in the face of the homeless 'nuisance' (Home Office, 2004, p. 4). Liberal democracies must manage the commitment to a pluralised vision of society which simply tries to fulfil its various citizen's desires, and thus local communities will subtly tend to reinstall something which effectively works like a communitarian notion of the good: 'every law instantiates a particular view of the good' (Safranek, 2015, p. 35). When the homeless are connected to acts of *intimidation* upon the innocent shopper, going about their business, we have to wonder where this feeling of being 'intimidated' is coming from. Is it really because of the threat of attack, or is it down to an 'othering' into the abnormal, a deviant-profiling similar to what we once applied in the historical conditions of the Vagrancy Act? If interference is the offence, then the homeless person is the culprit.

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[5] This was recognised by Feldman: 'Examples of such an alternative way of thinking include Jeremy Waldron's exploration of homelessness as an issue of freedom. Waldron wants to redescribe basic needs in terms of the freedom (and the spatial preconditions of freedom) to fulfil those needs precisely so as to redirect us from a fixation on necessity that reduces the homeless citizen to passivity' (Feldman, 2004, p. 79).

[6] For a detailed discussion of this see the second chapter of *The Myth of Liberalism* by John P. Safranek

The response is to of course recognise that the autonomy to perform 'elementary human activities' (Waldron, 1991, p. 301) is qualitatively more important than the autonomy to travel uninterrupted to work or sit undisturbed in a park. Liberal theory can be applied and investigate how its principles should work in real situations. This is what makes Waldron's work so progressive in its gaze upon specific problems, laws and institutions in the world. Indeed, it is important to point out that at the close of *Homelessness and the Issue of Freedom* Waldron asserts that 'Lack of freedom is not all there is to the nightmare of homelessness', and that he has 'not wanted to detract' from the 'hunger, the disease and lack of medical treatment' (Waldron, 1991, p. 323). This is an interesting remark. Could it point to Waldron's own worry and concern? The point is, when we gaze only from an ideal principle, *this is what his method does*.

The agency of the homeless then – always a strong influence on whether or not one sees the homeless person as deviant or victim – is in a confusing place. In some ways it is reinforced through the right to vote. This is not to say exponentially: visual experiences with the homeless almost certainly have the potential to emphasise this more so, especially when backed up by posters or blame narrative, as Tier has done. But, despite Waldron's use of negative freedom, I do think a liberal response is potentially caught in a contradiction: often we find liberal principles involved in a want to protect the homeless from the public space ordinances we have seen, however, to some extent, this requires a need to step away from the idea of them as autonomous agents. Autonomy is a strange beast, and as homelessness shows, entirely reliant upon context and conditions. When framed under social contract theory or liberal justifications of state power, it is an absolute necessity. When considered under a gaze of homelessness however, countering the blame that communitarianism or a commercialised public space tends to impose, reasserting agency runs the risk of overstating it, and so negative freedom is not enough. Thus, we can also be taken down the path of charity and shelter, but one that, as

Feldman and Arnold have astutely observed, often results in a de-politicisation of the homeless through the construction of their identity as a generalised individual, unable to exist beyond the biological struggle to stay alive, or 'bare life' (Agamben, 1998, p. 10). This argument leads to claims that this status veils the confinement issue of shelters into purified actions of aid, especially in light of a 'bare life' separation from politics, inherent in citizenship currently. Such charity discourse gains its power through disputing the voluntariness of homelessness, emphasising this 'bare life', pre-political status, where existence does not graduate beyond the performance of 'primal human tasks' (Waldron, 1991, p. 301). Consequently, the autonomy of the homeless individual is lacking, yet they are still a 'nuisance', and what is more, are a danger to themselves: perhaps one could say, a 'nuisance' on our conscience.

To be sure, trying to untangle all of these ideologies and concepts that are playing out in our public spaces is not going to result in a conclusive set of answers, which is even more of a reason to add more narratives to present political theory analyses. We can achieve insights that can inform our policy-making. What I think we see in the detective story is that a 'half blame' victimisation is emerging, de-politicising the homeless existence, manifested in it being increasingly seen and considered an anti-social *behaviour* issue. If vagrancy once colonised the complexity of street-homelessness, then we are in danger of *misbehaviour* doing so today. As we have seen, the presumption is quite literally built into our city centres.

How does a status that has an obvious political element to it start to be emphasised as misbehaviour then? I tried to consider this through the lens of taboo. The amendment to Feldman's 'members' – 'outlaws' statement essentially provoked this gaze, so we can understand homelessness more in relation to the local communities they live within, than in the nation-states they live as citizens. In this framing we see how it becomes acceptable to punish them to the extremes of prohibiting rough sleeping or to turn us into people who should always refuse beggars, whether it be because we think they are underserving 'drunks' or for their own

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good, despite their citizenship status, not because they lack it, as it were. As this discourse surrounds our public spaces, we must remember, the homeless themselves will see and feel them, perhaps even becoming complicit in the creation of the anti-social homeless, by believing it, that they are constantly guilty of a 'Misuse of public space' (Home Office, 2004, p. 4). This requires us to see Feldman's idea of public space as a clearing away of the homeless for a consumptive sphere, as a duality. Hence, the presentation of anti-homeless strategies through a Panopticon lens. To repeat an earlier point, 'Their lack of presence, or invisibility, requires an element of visibility, through the architecture and profiling posters we see on a daily basis'.

If the homeless have the vote, we therefore realise this does not safeguard them from a deprivation of political expression on which citizenship is premised (which therefore leads to a deprivation of other 'rights'). If they are under constant suspicion in public space, the only space they can be, then how are they to protest their status and condition without suffering the threat of immediate dispersal? Thus, a political *inclusion* from the formation of the state, and not an original exclusion, somehow ends up becoming an exclusion. Therefore, there must be a regression through which this political exclusion occurs, and taboo is one way of seeing how a status that often includes a 'bare life' association is *formed*: in essence, how a political status gets dissected out from a homeless identity in a *localised* setting, rather than being constitutive to citizenship per se. What we are beginning to see is how localised politics is increasingly transforming citizenship premises, with the objective of creating a nice, cleansed, consumptive space, at the same time as thwarting any threat to those initiatives: for dispersal strategies also prevent the homeless from using their status as a political tool of protest, or indeed, us perceiving it in that way. Taboo helps us see how localised responses to the homeless are able to 'other' them to an extent that this reduction of citizenship rights is justified, or not even noticed. To put it simply, a *taboo-transgression* framework allows us to see a *process* by which

a sense of belonging and *'expressive' citizenship* supposedly innate to our rights as a citizen becomes conditional upon a *local authority's* concept of *misbehaviour.*

I would like to say however, that this perspective of taboo and transgression of course does not explain all the complex feelings we get when we see the homeless in public space, and neither is it intended as the final story which supplants every other theory discussed in this chapter. The 'bare life' gaze is also not rejected, so to speak, but I think this taboo framing offers clarification on how somebody becomes a *local* 'Homo Sacer' 'outlaw' despite being a *national* political agent: essentially re-framed as a *'non-transgressor'*. In other words, it is another route to explaining why legislation aimed at preventing things which would have a 'detrimental effect on the quality of life of those in the locality', mean not considering the 'quality of life' of the very people that are targeted, which must be because they are not legitimate members of 'the locality' (Crown Court, 2014, p. 33), even though they are citizens. They are profiled as something else, which is leading to morally alarming, as well as immediately dangerous, prohibitions.

This claim that there is no 'final say' story within the taboo framework is doubly important when we consider Charles Mills' criticisms of political theory overlooking racial causes in its abstractions. A bare life thesis gives a non-racial account of the Homo Sacer homeless, which is problematic when we consider political exclusions that have occurred specifically because of race, or if we introduce racial discrimination as a cause of street homelessness. Similar arguments can also be made by feminists who could view homelessness under a gendered lens, where less job opportunities, poor maternity leave or discriminatory redundancies could be considered.

It is thus important that taboo allows us to see the political exclusion of the homeless as a *process* and not just down to an abstract definition of politics, because processes take into account such contexts. Taboo does not disregard other framings of homelessness, like a racial

view, but actually gives us a framework to see how transgressing can be interpreted differently by a localised taboo community, when the transgressors are a minority who are discriminated against in additional ways on top of being homeless. A bare life definition tells us that all homeless individuals are equally 'othered' and for the same reason, because it is too abstract: or rather it has not considered the story fully, beyond the definition. Abstract principles of negative freedom also do not introduce racial and ethnic issues around corrective justice. On that note, now that we have a story with a theoretical analysis, we are finally ready to explore the question of what *should* be done.

Chapter 4 – A Normative Epilogue: An Anti-Homeless*ness* Public Space

4.1 Normative ambitions

A few words here to expand on the brief comment in the introduction regarding the 'normative ambition' of this thesis. There are more ambitious solutions to street homelessness than the one I propose here. In effect, my normative response is not a solution at all, but a step towards solutions. The issue, I think, in most of these ambitious approaches to homelessness seem to be problems of persuasion, whether it be law courts, local politicians or the general public. Essentially, of having to 'convince the public of the inhuman condition of the homeless' (Leeuwen, 2018, p. 600) so a care approach is accepted or encampments seem less of a threat, or overturning the 'theory of rights to which a society subscribes' (Rosendorf, 1991, p. 735) so squatting seems less of an injustice. These are no mean feats. To me, it is therefore clear that we need something to sit between a situation we have now – where the street homeless are increasingly othered and depoliticised through *non-transgression* – and these well-thought-out yet potentially controversial proposals to end street homelessness. This involves changing attitudes – Rorty's 'softening' of the 'self-satisfied hearts of a leisure class' – but of course, we cannot simply just spend time changing attitudes whilst people sleep on the streets. There is also something of an emergency to rough sleeping. Thus, in my taboo framework we can see how we effectively need a public space that averts *non-transgression* and provides a basic use to a rough sleeper. Any attempt to alleviate the worst aspects of homelessness also alleviates the disturbance it causes to shoppers or tourists. This is important because it means members of the general public will likely be in favour of such changes. But these changes need to be cheap and easy to implement because most the resources in this problem need to be put into the more permanent solutions.

The *Anti-Homelessness Public Space* I offer below is simply reversing the architectural trends of recent years, as well as abandoning the legislation around dispersal. This is no bigger

an effort than the current effort that demands physical restructuring, new legislation and regular policing. Although the homeless character I have constructed is an 'idealised' example of someone who does not abuse the hypothetical changes made, I hope the reader will realise that I have not proposed that we forego all kinds of public space regulation. Indeed, I have hinted that creating a public space where anti-social behaviour is monitored is as much a benefit to the homeless as anyone else, if not more so, being that they spend *all* their time there. So, as we shall see, it provides benches that are modified for sleep and rest, open toilets with wash basins, and pushes local businesses who benefit from town centres and high streets to consider inclusive initiatives. This is to activate the idea of community belonging and so empathy, or outrage, at members of 'our community' being treated in such a way. Without this inclusiveness and trying to show it to people in their everyday lives, these more ambitious suggestions will never get off the ground. But cannot one also turn this point towards my own normative prescription here? What makes me think that attitudes to the homeless will not need substantially changing before my *anti-homelessness space* can be a possibility? I think two things. First, some of the changes councils have tried to make in public space have faced opposition, and sometimes successfully as in the case of Hackney. Here the PSPO to ban rough sleeping was protested against and rough sleeping was removed from the legislation: a small but significant victory (this is detailed below). That is something to build on. Second, and this connects to the whole methodological discussion in this thesis, because I think a simple story in the vein that I have presented has the potential to affect a change in policy-makers and local MPs – not to the point where they are actively ready to support squatting, free-housing or encampments, but possibly to the point where they at least reverse the changes of an anti-homeless public space. Thus, in many ways, the normative epilogue in the second half of this chapter is a 'modus vivendi arrangement', but one that does not stop with its own suggestions. What I offer here is not 'paradise island', or even a canoe. It is a paddle and that is a *start*.

The question then, is can we, as home-dwellers, accept a public space where we may feel ourselves less 'interfered' with, whilst the street homeless themselves are seen more as a political entity from which to build a political voice: and what is more, not one seen from the position of the locally exiled, but as a *community member* within? In trying to construct a vision of public space in this way, I hope to resolve the issue of the homeless who are 'simultaneously national citizens and local outlaws'.

It may surprise some readers that the third section of this chapter is a little shorter than the preceding section, but that correlates with the fundamental claims of this work. Writing out full policy applications and detailed plans are, for me, where normative theory ends and policy-making and town-planning begins. The job of normative theory is to inform and check that process with analysis, or telling the story, we are focussed on, and, in my view, to begin to offer *ideas* on what we should do for said planning. *How* we ought to do something features then, but only as a starting element. Does this make political theory useless, if it cannot produce what it says we should produce? I do not think so. This simply requires other skills, expertise, and perhaps more storytelling. This equally does not mean that a philosopher cannot be a town-planner, or a policy-writer a philosopher. It just means *I* lack those particular skills, but still do not consider this work as useless or cloistered away in its ivory tower. Suggestions for beyond the academy.

With that in mind, the second part of this chapter tells us what we should do in a post-context, somewhat theoretical sense: to re-politicise the presence of the homeless in our localised public spaces, for I believe this is to induce community belonging. Ultimately, I argue that this is what is required for explicitly normative suggestions, which can inform substantive changes: this is the next section. It is written as a short return to our detective story, ending in storytelling form as promised, with some concept of what public spaces sensitive to a homeless presence would be like.

To finish on a story with such suggestions is not just stylistically convenient, but in it is this fundamental claim I make over normative theory: as I began from a story, so my thesis ends with one, inferring that here is not the final word or conclusion of the matter, but mayhap the beginning of other pieces of work in 'conversation' with this one, that are not necessarily theoretical. Perhaps, dare I say, responses from (maybe academic) work 'explicitly' involved with the actual design of public space. This is not to over-exaggerate the 'impact' of philosophy on the world it comments on, but alongside our more 'ivory-towered' discussions over method, for 'impact' of some kind to remain a potential: in particular, through a philosophy which firmly identifies as cross-disciplinary and 'this-worldly', but on its own terms, not those of impact demands. More importantly though, finishing with a story epilogue where the normative suggestions are actually in existence, forces us to consider how they may work in reality.

4.2 The Normative Message: Re-politicise the Homeless, Locally

When a homeless person goes into a shelter they tend to become like a refugee. As we have seen, Feldman argues that their 'bare life' is covered, but they struggle to advance beyond it: a homeless shelter hardly 'constitutes political *inclusion*', for they 'persist in isolating and containing the homeless as bare life, to be kept alive, while stigmatizing them as helpless victims and damaged subjects' (Feldman, 2004, p. 203). I think there is some truth in this and is where a 'bare life' gaze is useful. Yet when a homeless person is not in a shelter, or is expelled/leaves one, agency is reignited in a blame discourse. This is, in essence, always there to be taken to harmful extremes by the likes of Robert Tier: the belief that a homeless person also has a civic duty to home-dwellers to maintain the pleasantness of public space despite their own predicament, because it is not a predicament at all, but a choice to remain as a 'drunk' or 'vagrant'. We therefore have this strange mix of choice, agency, and helplessness: street 'vagrants' who must be tackled harshly because they cannot 'maintain' their own lives. From this contradictory view, they have essentially elected to 'other' themselves. It seems that in our towns and cities we are teetering on a knife edge between a concern for homeless people and a construction of them as exiles, and regarding the former, a tension all of its own exists concerning whether or not the homeless are actually being listened to in reference to what *they* think they need and want. However, in opposition to this, in my view, a liberal mindset dedicated to reducing notions of the good to battling preferences often struggles to have the critical purchase needed for philosophers and theorists, as scrutinizers of policy and ideology, to hold the prohibitions we have seen fully to account. Negative freedom cannot prevent zoning laws for example, as Margaret Kohn has argued. If 'the rights of the homeless only extend to the basic functions of survival, then they have no legitimate grounds for turning down a shelter space or leaving the confines of an area like skid row' (Kohn, 2004, p. 136). This framing of homelessness as an issue of freedom means that 'As long as the homeless have some zone of the city where they can perform basic life functions, then their right to exist is not infringed'

(Kohn, 2004, p. 136). There are other issues too. It is all well and good looking at how principles of negative liberty can help challenge anti-homeless legislation and atmosphering but that is only the beginning. There must be a shift beyond the absence of interference argument into subject-making, capability, and action, for if absence of interference is our only concern it more often than not with the homeless translates into abandonment. Without moving into concepts beyond negative liberty, we are unable to assail the less desirable outcomes of a non-interference liberal ideology and cannot sufficiently counter a 'laissez-faire' dispersal approach to homelessness that the prohibitions we have seen implemented rely upon. This is especially true when it comes to posters discouraging giving spare change to beggars. These posters clearly engage in portraying a subject to us which encourages us to withdraw from interacting with the street homeless, though it does not *directly* infringe on their freedom. The same could be said of most of the hostile architecture: a bench with arm rests is perhaps not a *direct* infringement on a homeless person's negative freedom, until we realise how such features are merely *part* of an increasing *anti-homeless public space*. Such a space is not only about interfering with survival strategies. It is also about constructing an image of a subject to veil that interference.

As shown in the *Introduction,* Feldman highlighted an alternative to shelters which allow for the covering of 'bare life' *and* a more active political voice – importantly, their own voice – which can challenge this image construction. This 'voice' is achieved through encampments. With this, the homeless make a claim on public spaces and reassert their right to be locally present, justified through a narrative of national belonging, or their right to an 'expressive citizenship'. Essentially, as they cannot realistically engage in public space as high-street consumers in the same way, resulting in dispersal tactics imposed upon them, this means we must activate the idea that they are 'politically qualified' *citizens* despite their homeless status, who can therefore protest like other citizens and engage in civil disobedience: hence the

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need to nurture 'political practices that run across the distinction between bare life and the political' (Feldman, 2004, p. 21). Under this lens, the homeless cannot simply be considered a 'nuisance' to the consumptive sphere, but in a more 'pluralized' vision of citizenship (Feldman, 2004, p. 21) a political group making political claims.

However, there is a problem with this prescription and the other literature that has framed the othering of the street homeless in terms of citizenship. Essentially, the anti-homeless public space that this thesis has revealed has emerged because national citizenship has failed to speak to local politics in the first place. Taboo has shown us how decisions made by local authorities and the exclusions that inform them often work on a different framework, making the communication between a national narrative and a local one, a difficulty. To be sure, as my own normative proposal suggests, politicising the homeless helps re-establish belonging and challenge the perception that their actions are simply anti-social *behaviours*. However, as we have seen, the latter is based on a *local* outlawing, so trying to counter this through a political status premised on reforming a *national* discourse of belonging, such as Feldman's call for a 'pluralization' of citizenship, feels like is going to face problems. Even the staunchest citizenship theorist ought to see that the situation of the street homeless has exposed how localised concepts of community membership are not the same as national ones, and so to apply the latter here as our tool to fix a dislocation with the former, even when 'pluralized', might be counter-intuitive. When it comes down to it, at the localised level that being street homeless occurs on, the insurance that you have a nation-state you are a member of is so distant to the reality of everyday living, it might as well be an empty abstraction. The physicality of homelessness requires a space to be, so when living in a locality but as a rough sleeper results in the 'set' of rights present in citizenship being infringed upon, it is in the locality itself we need to theorise from.

There is something to acknowledge however, before we proceed: localised reactions to homelessness may well be undermining national rights of citizenship, but the *power* to create such dispersal orders has been granted by *central government*. The PSPO itself for example, being a design of the government that enables local authorities to define the nature of the prohibitions, therefore empowers councils to impose the authority of a centralised state without the state's direct involvement in the process: effectively local authorities are being handed a template or blank cheque to wield with a power greater than their own. Does this fact contradict my dislocation theory, explicitly bring central government back into the exclusion of the homeless, and actually mean that it is a re-invigorating and pluralization of citizenship that is going to solve this local outlawing after all? Of course, pluralizing citizenship would not be a negative, but the very fact that the power to write up these PSPOs has been handed over to local authorities who then fill in its content, thus creating the exclusion, denotes a process, informed by *localised* public space taboos. A distinct difference between the PSPO today and the 1824 Vagrancy Act, for example, is that the latter was defined nationally, whereas the content of the former is decided locally. Thus, it is local taboos we need to challenge, and so providing a critique of citizenship to only then energise the idea of it, I do not think, is likely to achieve this: at least not alone. To repeat: this has happened, because citizenship has failed to *speak* to local politics. Hence, we can try a different tact when talking of rights and guarantees, but pluralising citizenship so that it applies to the homeless in equal quality, in order to use that as a justification of local belonging (and expect substantive results), is not, I believe, to talk completely in the same conversation. Or, at least, it is to overlook the influence of the local upon this exclusion of the homeless.

Is it too far to say that the use of this 'blank cheque' for local authorities is a proto-fascist approach to local politics? Probably, but it is worth remembering the following before one reacts with too much indignation to that question. Firstly, that, as shown, PSPOs effectively

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interfere with homeless 'survival strategies'. Secondly, that this is justified on the premise that attempts to follow-through with these strategies have a 'detrimental effect on the quality of life of those in the locality'. Therefore, meaning that the homeless are not considered to be 'of the locality' in this setting, and as such, not permitted to fully attempt these survival strategies in certain areas where their success is more likely (begging for money or finding somewhere safer to sleep, for example). These dangerous infringements on survival attempts and an exiling from local community membership status that could challenge those infringements, comes with the stamp of approval from a centralised power that promises a political voice as a justification for that very power. As the authority of the state is moralised through putting it down to individual's choices and voter preference, so de-centralisation or local governance is also innately moralised as a positive step from centralised governance. But there is a distinct difference between local governance without a centralised state, anarchism, and decentralisation: when local governance still comes with the stamp of centralised sovereign legitimacy yet without the same level of scrutiny such power, actual and theoretical, draws, what becomes of that legitimacy? Furthermore, when de-centralisation is presented simply as filtering down rather than *substantively changing* political concepts and freedoms, we might not always see that change: in this example, how being a member of a community in one sense (nationally) does not translate to membership in another (locally), with terrible results. Hence, what policies our local authorities make, the actions they take, and the relationship such power has with centralised authority therefore needs to be intellectually and ideologically critiqued as much as those of the state itself, and as a tradition heavily focused around state sovereignty, political theory has in my view, thus far failed to do that to a sufficient extent.

Recent localised responses to homelessness have tended to shift focus more onto the immediate local outcomes in favour of shoppers than the moral integrity of a policy, or how it interacts with a neighbouring county. Even, as we have seen, how we measure the need for

those 'outcomes' has generally excluded a particular minority under the premise, to repeat, that they are 'not of the locality'. It is clear then, a *localised* re-politicisation of homeless personhood that challenges these responses, but, is independent from and not reliant on a national citizenship to induce a local community belonging, is what is needed. Yet, looking at the encampment examples Feldman has given, does their apparent actual success run contrary to this theoretical point?

I do not think so. There are still issues of separation with encampments and 'clearing away' from the commercial and consumptive areas of public space that reflect the above theoretical critique: I am unsure that homeless encampments, justified by a national member status, will be enough to solve the problem of the *local* outlaw. Although they seemingly enable the homeless to make claims on the community, do they enable the homeless to make claims *as* the community? Through *taboo* and the *non-transgressor* we have seen that at the root of our problem is this idea of 'other', community exile or outsider, which predates on the discourse of citizenship rights. Effectively then, an encampment runs the risk of just putting homeless people 'somewhere else'. Thus, although encampments may allow rough sleepers to make political claims as a group, the danger is we will still see the same type of 'cleansing architecture' when a homeless person comes into a non-encampment public space for whatever reason. Even if an encampment becomes accepted, what happens after that? Margaret Kohn's criticism of Waldron also applies here: such partitioning of public space, even in a positive sense for the homeless, does not prevent the emergence of zoning laws. In fact, one could argue, it makes them more probable. Will we see public space prohibitions fall away and the consumptive areas of towns welcome homeless people as 'visitors'? Unlikely. In short, we do not want to exacerbate the idea that they are not *local* community members, because it is this that drives negative reactions. Encampments thus have the added danger of making dispersal from non-encampment areas, or zoning, a more justifiable one, because 'they have a place to

go to': echoing, as it were, the justification currently made for an anti-homeless public space because of the existence of shelters.

This leads us to the idea that the homeless will, locally at least, still be seen as 'out-of-place' subjects, just organised somewhere less obtrusive. Traveller communities seem to exist as a perfect example of a temporarily encamped group perceived as making demands on a community, but not part of it, and I do not think any amount of citizenship chatter would change that. Of course, to be fair to Feldman, I do acknowledge this is a UK example, where acquisition of land by marginalised groups independently of a state exists within a very different historical backdrop. In the UK, tension between traveller communities and sedentary ones remains high. This history reminds us of another point though, that is problematic to even a pluralized vision of citizenship, and it is the simplest: what happens when a homeless person is not a citizen? In this case, not only does citizenship fail to get the message across to local politics, it has very little to say at all. This is, a problem already noted, to ignore other racial issues that are tied up with homelessness. For sure, we can consider residency as a form of citizenship in this 'pluralization', but at that point, it becomes so universal what does it even do that an international human rights narrative does not?

I want to be clear however, although I may be problematising the role of citizenship in re-politicising the homeless voice and raising some issues with camps, I am not throwing out the idea of encampments as such. There are good reasons for this. Firstly, we can see that they may in some contexts work, as Feldman has suggested, and when they are self-made, there is an important agency involved that we would not want to undermine. Secondly, the whole point of critical work is not to make all of us blind to each other, so there is no dichotomous shut-down here, just criticisms, doubts, and alternative suggestions. Thirdly, I can see how the normative action I suggest below can lead to all-sorts of different, imaginative, practical applications that could in fact not only offer routes other than encampment, but also work

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alongside them to help with the issues they do have. This is because, although I may doubt the power of a citizenship narrative to reframe encampments for the general public and our local authorities, encampments themselves can have positive effects despite the problems I have highlighted. However, I think couching such places, and the homeless in general, in a narrative of 'local resident' rather than citizen is to at least speak in the same context as the outlawing, and therefore to be more in the same conversation. So, under the different premise that we need a localised re-politicisation of the homeless not reliant upon citizenship, for it is with this we can encourage a *community* belonging and challenge the taboos by which they become outlawed, I propose, as both an alternative but also a complement to encampments, an *anti-homelessness public space.*

This is a normative stance which, I believe, can simultaneously offer substantive rewards but can potentially represent both the right of a citizen *and* a right of the community member, bringing them back into agreement without the latter being dependant on the former. Furthermore, it is a suggestion which does not eventually mean that encampments, where they do emerge, are simply cordoned off as a separate space. If in the UK at least, 'acquisition' of public space is likely to be less welcomed, then perhaps local home-dwellers would be more open to the compromise of a *modified public space,* for it seems with the park benches and dispersal architecture that they already have been. Only, I talk of modification with the reverse intention, where functions of public spaces still feature, but in favour of alleviating the worst aspects of homelessness. Therefore, such a premise allows for the homeless to have a localised political presence, because they are in less danger of being dispersed on suspicion of xy or z, for public space – to some extent – acknowledges their needs and wants. Furthermore, their political identity and claims do not rely upon the creation of a disconnected camp within public space but do also complement one should it be formed. If this results in a public space overburdened by a homeless presence, then all to the good: it reminds us that something needs

to be done in a more structurally significant way. Allowing homeless people to be 'somewhere else' more convenient, is in danger of deflecting the need to change things at a wider level, and local authorities accepting that they are also responsible for that change. Thus, a public space where the presence of the homeless, with a recognition of their different needs, alongside home-dwellers also works as something which is necessary *after* encampments have achieved their initial aims, so they simply do not become places of permanent exile. Essentially, where the homeless are just dispersed from the nicer, pleasant gardens of consumption. A public space such as this is therefore not only necessary in many contexts to act as an alternative to encampments, but to actually enable them and ensure the homeless are considered part of the *local* community if and when an encampment forms: bridging the gap that may begin to open between an encampment community and the home-dwelling one.

So, a modified public space that recognises the needs of the street homeless has the merit of introducing the idea of encampments to areas where homelessness is an endemic problem, yet also continues to be of worth once one is established, whilst maintaining the notion that the homeless are not outsiders to be put to one side, but, are members of the community with claims *internal* to it as well. A re-politicised public space must be encouraged for this to happen. Hence, just as the current anti-homeless architecture seems to both be premised on and further produce the idea of the homeless as a nuisance 'out-of-place' subject, public space architecture that supports the homeless in being present may bring a generally accepted return to seeing them as people with a local membership status. Benches and bridges modified to accommodate rough sleepers as opposed to dispersing them helps to redefine public space in our minds and see such 'anti-social behaviours' not as a flouting of taboos, but as a shared problem. I cannot deny that this claim may well be a 'chicken and egg' one: it might be that re-politicising the homeless must come before a re-politicised public space, and so Feldman's point about citizenship cannot be discarded outright – although not *the* answer, it

may still be a tool in the overall 'toolbox'. But, even if this were the case, as the homeless exist in our parks, high streets and town centres, it is changes here that will come first as a manifestation of that, and then subsequently reflect back on how we see the homeless. In short, I do think that the physical presence of anti-homeless architecture, posters and community support officers, is not just premised on ideas about an anti-social homeless identity but has also further shaped our perceptions of their presence in public space and created a local outlaw: created as such, by a localised set of conditions rubber stamped with centralised sovereign authority. Why then, can we not simply shape it back to rectify this? The point, and one which I hope is now clear, is that I believe this *starts* from a *narrative of local membership* dependant on how we see *local spaces,* which can then inform a *national narrative,* but does not in fact need such a thing. This whole exercise after all, has shown us you can be a citizen without belonging to a community.

To say we must accommodate the homeless in public space is not to say we must normalise any suffering homelessness brings about, however. This is the entire reason for energising the political. Architecture which alleviates the worst forms of homelessness is not just about making the achievement of 'bare life' easier: it is to bring their 'predicament' firmly before our eyes, to challenge us and force us to look back onto it. In a sense, to emphasise that this 'predicament' of the homeless person's is the community's too: a recognition of the 'apprehension of the unfairness' we may feel when prohibiting certain activities (Waldron, 2000, p. 400). Ultimately, clearing away a homeless presence as default is to suppress their right to use their status as a tool of protest or activism. In contrast, this also does not mean we should not prohibit and shut down abusive or avoidable misbehaviours if a homeless person were to be guilty of it. That would mean simply instead of profiling them as 100% vagrants we were stigmatising them as completely helpless or morally right in all cases, and I have already argued, this 'one or the other' explanation of homelessness is too simplistic and overlooks

ethnographic research. What one may find however, is that by not being innately hostile to a homeless presence and alleviating the difficulties of it, homeless individuals would be more inclined to see themselves involved in maintaining the pleasantness of centres, parks and gardens, as critics like Tier would want. To assume that a homeless person does not enjoy a nice park is to fully reduce them to nothing more than simple robots of survival, whereas, I think, homelessness is a deeply emotional and psychological thing too. They will have their favourite places and spots, some of which, inevitably we are trying to move them away from under the premise they have forgone their right to be present, because of what we think they might do there and a weakened claim as a member of the community. Beckett and Herbert's interviews with the homeless seem to support this: 'Even those who lack permanent shelter possess strong attachments to particular places' (Beckett & Herbert, 2010, p. 114), and 'many of those we interviewed described a strong sense that the place from which they had been banished was home' (Beckett & Herbert, 2010, p. 125). What we do to a homeless person mentally then, when we put arm rests in benches and play bagpipes music, is as criminal as the physical deprivations they entail. There is, in many ways, a claim here that a public space that helped the homeless, even with its physical architecture, could also bring benefits to us as home-dwellers, and not just in the maintenance of it as a pleasure space. Architectural changes that remind us to view all public spaces as political places alongside any other specific functions they have, such as consumption, in order to bring about a *re-politicised homeless identity* and thus community membership, also makes our centres more accommodating to other politically expressive displays from non-homeless pressure groups.

So, in the normative epilogue to follow I am not making the claim that I am solving homelessness. Equally though, I do not think this is a waste of effort, where such research should be aimed at fixing homelessness as a whole and its root causes, rather than making it less difficult to live with. The homeless need to have a political voice, and therefore places

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which emphasise that – and this *is* a root problem. A shelter system is problematic as this place, for it reproduces the 'bare life' view of the homeless – individuals do not go into shelters as activists, but as a 'victim' to be spoken on behalf of or a 'case' to be isolated and measured. It is not so easy then, to say that all we need do is get them off the streets, but in doing so, we need to recognise our automatic and presumptive suppression of their political status. We cannot simply 'give' them a political voice in a reformed shelter either and think that resolves the problem, for although that perhaps solves the shelter issue[7], we make a clear distinction between a political homeless person in a shelter and a de-politicised rough sleeper. Ensuring we do not prohibit a political identity and political speech acts then at the basest (for want of a better word) level of homelessness – street homelessness – through acts of public space dispersal and profiling, means we have a homeless person with a political identity whether sleeping rough or in a shelter. I would like to add here however, that I am not bizarrely obligating the homeless to protest when other more urgent survival matters might need attending to, but that in this sense, regardless of what a homeless person is doing, we should see it as infiltrated by political content. By reducing them to a *bios* descriptor through reintroducing the idea of a public space that is also political, we in fact enable more *zoe* freedoms. The potential for political speech acts should not be threatened on the premise of a suspicion of an anti-social behaviour act, especially when those 'misuses' are often directly exacerbated or caused by the physical prohibitions or other legislation. Equally, what happens when a homeless person wants some solitude, un-interfered with, to sit in a park? Homeless people have existential crisis too, I am sure, or moments when they just want to be alone. When their presence is constantly under this 'suspicion', we need to consider not just the ramifications of that on any form of protest they may want to make, but to consider exactly when the very

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[7] Some homeless charities do make considerable effort to make homelessness a political issue - http://england.shelter.org.uk/support_us/campaigns - though involving homeless campaigners themselves as the spokespeople more would be the next step: working in conjunction of a homeless political identity, not just as its proxy representatives.

paradigm that is pushing them around – absence of interference – stopped applying to them, and that requires a re-politicised status within the community, because they are part of the community.

Whilst we live in a society predicated on the idea of limited resources and the moral perception that unequal wealth is less of a problem than the tools that would be required to redistribute it, we have to accept that there will most likely always be rough sleepers that make up our localities. This being the case, a public space that makes surviving less achievable is somewhat an emergency in need of highlighting. Similarly, with my point about presumptive generalisations of the homeless, I cannot completely repudiate the claim that a handful of homeless people who are perfectly compos mentis, somewhere, some place, have perhaps 'chosen' homelessness – although I want to emphatically point out, regarding the issue of stigmatising shelters, that not choosing a shelter in its current form does *not* mean choosing homelessness. Neither does ignorance of an effective shelter program equate to this. Even if this were the case however, I do not think this justifies an *anti-homeless* public space – if we are truly aiming to be a 'free' society, such 'choices' should be made easier to live with, not harder. Hence, this normative reflection that says we need a public space that accommodates the worst forms of homelessness rather than make it more difficult, which goes some way in extending a political status to acts of survival, because of the difficulty of engaging in political protest whilst trying to navigate a life of rough sleeping. And, in all this, rather than a normative suggestion bound up with citizenship, we are left wondering whether its rights narrative has to be admitted as a fallacy, handing over the power to undo its own claims to local authorities. If this is the case, what in the end, does it even do? That, however, is a question for the beginning of another project, not the end of this one. Hence, for now, I have problematized citizenship as our solution, regarded it suspiciously, and offered an alternative premise: but have not, as of yet, thrown it completely out of our 'toolbox'.

4.3 Normative Action: *An Anti-Homelessness Public Space*

Let us begin with a homeless person who is looking for somebody. Last night she was witness to a crime in the town centre. It was late in the evening. Just before it happened, she had been looking for somewhere to bed down for the night, because she is a rough sleeper. Her first port of call was one of the 'sleeper benches' in the park: being designed to easily accommodate somebody laying down as much as somebody sitting, they are often where she sleeps. However, last night had a particularly chilly breeze, and she had needed somewhere with a decent windbreaker.

The bus stop had seemed the next obvious place to go: they had been modified to make the seats more comfortable and the shelter had been extended. However, it was a Friday and the buses were running all night, so she had elected to go somewhere else. That was when she had witnessed the crime: on her way from the shelters.

A little afraid, she had quickly decided to head towards the multi-storey car park, for that offered some cover from the wind, and so would keep any rain off. The train station had been on her way too though, and they played soothing music there at night, so she had decided to stop-off and sit for a while there, to calm her nerves a bit. She liked the stations: she had long since memorised the timetables for most of the lines. Eventually, she had arrived at the multi-storey and slept there.

She is in fact still there now. Here is a convenient place, for a rough sleeper anyway, because there are toilets and she often needs to go in the middle of the night. Recently, the council had also installed a couple of wash basins, so she was able to clean herself up a bit earlier this morning. That was important, because she is planning on heading to the tourist information office today: as someone who knows these streets well, she makes a decent guide, and temp work is offered whenever it is there (the tourist office paid for her CRB check). She thinks the idea is a good one, not least because tourists would understand that homelessness exists alongside the pretty buildings just like anywhere else.

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But this morning, she reminds herself, she must go to the police station first, just after her usual routine, of course. Gathering her things together, she leaves the multi-storey, asking for change here and there as she passes people paying to park. She is heading towards the lockers in the town square. They are not free, but the council give out tokens to homeless people to use them, as do the community support officers who normally have a handful of them in their pockets. She knows they patrol early in the morning – they often stop and make sure any rough sleepers are ok and to point them in the direction of local facilities. This time however she waits a while, for they are dealing with a disturbance – there had been a fight first thing, seemingly alcohol or even drug-related. She wonders if it had involved homeless people or not. Anti-social, and even criminal, behaviour happened sometimes. She is glad that such things are dealt with strictly, whether it be those on their way back from a night out or rough sleepers drinking, it makes her feel a little bit safer – being street homeless could quite often be dangerous, and she hated abusive shouting or fighting, whether it be from a homeless person or an office worker who had gone to the pub straight from work on a Friday afternoon. Preventing such behaviour was good, she thinks, the problem before was what was considered 'anti-social'. The 'misbehaviours' outlined were hardly misbehaviours: she thinks this is obvious from the methods for dealing with it – dispersal. If someone was really doing something wrong, they would be apprehended, not told to do it somewhere else. Before, when the architecture and dispersal tactics forced her into the unobserved corners of the city, she would often feel scared – if anything were to happen to her, nobody would find her till the morrow, and even then, perhaps not till the afternoon. She had 'buddied up' with a young man who was similarly afraid – of both sleeping alone and, in a group, – but he had moved on (been moved on?) before the local council had reversed all of the anti-homeless initiatives in public space. She remembers that time. It was a difficult time, the hostile architecture and legislation which made her life on the streets much harder. What was worse, most people seem to be either

in favour of such initiatives, or just casually accepting, seeing people like her as a public nuisance. That made her feel so isolated from everyone except other homeless people. Not everyone thought that way, though. She recalls her time in Hackney, where rough sleeping was removed from the PSPO they brought in because of pressure from locals (Renters, 2015). Such community resistance to the ordering of public space against the homeless, an awareness of their precarious presence in public space that went beyond an apathetic shrug of the shoulders or a wilful ignorance, was what laid the foundations for greater changes in attitude. Although rough sleeping was still effectively prohibited with the hostile architecture anyway, at the time it showed that Hackney residents considered the homeless also as residents, and not an inconvenient disturbance on their high streets (see figures 46 and 47).

Figure 46 Two Campaigners in Shoreditch respond to the anti-homeless spikes, making us wonder, why can't makeshift protests like these become more permanent architectural features?
http://www.mirror.co.uk/news/uk-news/campaigners-invent-brilliant-way-fight-6089905

Eventually, she gets a token from an officer she knows by face and stows her duvet away. She walks back to the square where the 'change drop' is: another new *anti-homelessness* initiative, this time put forward not by the council, but by the shopping centre. The concept was thought up one day from watching tourists throw change into a wishing well, or so he had heard. She knows the idea was most likely proposed on the basis that it would reduce the homeless from interfering with their customers, but she does not mind. Like the PSPO dispersal legislation before, it requires an almost permanent community support officer presence, though she wonders if that is actually necessary: homeless people form networks with each other more often than they do rival gangs. Sure enough, there is still a little in there. She takes a handful but not all. She will also give some of it to someone she has seen sleeping under the bridge: she thinks he is newly homeless. She remembers when there were spikes put there to prevent rough sleepers from sheltering from the rain: now there is a water fountain and a map pointing

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out where all the public toilets are. Apparently, so one of the bridge-sleepers tells her, there are plans to install fire braziers for warmth: probably a fire extinguisher will be put in too.

Returning once again to the town square, she sees the usual posters up claiming that this is an 'anti-homelessness area'. These posters often list the worst aspects of homelessness as a justification for the changes that have taken place here. There are pictures of people talking, which she assumes is a homeless person and a shopper. They seem a bit contrived, but she likes the message: 'although they do not have a home, they live here' one of the posters says. There is even a wall where homeless people graffiti and chalk drawings for money (a box of chalk is regularly placed by it). 'Homeless art beats begging' is the common, adopted unofficial slogan (see figure 48). She has seen one woman come here and use the sandbox next to it to make sand-animals too.

Figure 48 Image taken from www.thebreaker.co.uk -
http://www.thebreaker.co.uk/news/local/2017/10/17/poole-to-consult-on-criminalising-homelessness/

Heading into the health clinic, she picks up free condoms and a pack of tampons. She had been passing by a TV shop yesterday when she saw a controversial local news piece: the council were considering opening up a section of the park as a nudist garden, similar to nudist beaches. It was being done to attract tourists, but she wondered whether or not homeless people could go there to be a little more protected should they wish to be intimate, or just be naked. Being naked might mean not being recognised as homeless. A tricky one. Perhaps some of the things people suffered being homeless could just not be accommodated, but the other attempts made life less unbearable. 'Tent row' was something she had heard was under discussion. Maybe that would happen.

She walks pass the bank. She sees a new pilot scheme has just been brought in: whenever anyone gets any money from an ATM, there is an option to donate 10p to anti-homelessness initiatives. Nearby, there is an employee from the council handing out leaflets about how to register to vote: on that same leaflet it also informs homeless people about the where and how of it all too. She takes one but will look into it later. She now really must go to the police station to report what she has witnessed.

There is, however, always time for coffee, and the café on the way has recently signed up for the 'suspended coffee' programme (http://suspendedcoffees.com/) (see figure 49). The idea is simple: whenever anyone goes in there to buy a drink, the staff asks if customers want to put one 'in the till' as it were. This is for anyone who cannot afford to go in and get a coffee,. She thinks this is a great idea. Unlike before, she is being *welcomed* into the commercial centre of the town, being included in consumptive activity. She has a right to be present, and if she lacks the money too, others will help.

As she walks in, she is happy to find that someone has only just put one 'in the till'. Whilst she looks over the options, the barista serving her smiles. 'In fact', he says, 'the man who put one in is still here. I shouldn't really point him out, but he said he was looking for

someone'. The employee nods across the tables and chairs in the direction of a man sat in the

corner, half-reading a newspaper, clearly waiting. It is the detective she was going to speak to.

Figure 49 In the same town that beggars can be fined, a cafe in Bournemouth offers the suspended coffee program (15/4/18)

Conclusion

Here I intend to go through the thesis as a whole with the project's aims in mind, to consider to what extent they have been achieved. The aims outlined in the *Introduction* were:

1) **Investigate the Constitution of Anti-Homeless Public Space: :** to offer new research on how public space in the UK is becoming increasingly hostile to rough sleepers. Specifically, how legislative prohibitions work alongside *physical* ones.

2) **Explore Complicity:** to picture our own complicity with this shaping of an anti-homeless public space by immersing the reader within it.

3) **Offer a Storytelling Method for Political Theory:** because exploring complicity is difficult with existing methods of political theory, this thesis contributes a *storytelling method* for theorising with such a purpose, culminating in an 'instructive how to' section.

4) **Integrate the Methodological and Substantive Work in One:** This thesis serves as an example of why, in our larger bodies of work, we should sometimes consider including the methodological and the substantive alongside each other.

5) **Theorise an Anti-Homeless Public Space within *Local* Politics:** to bring to bear political theorising upon the local, explore how othering processes occur at this level, and examine this in relation to a national narrative of belonging: citizenship.

I began this thesis with a suspicion about an *anti-homeless public space.* This suspicion was raised by Jeremy Waldron's article *Homelessness and the Issue of Freedom.* Waldron had highlighted the 'legal obstacles' used in various states in America in the 90s by which authorities were obstructing a homeless existence and making survival on the streets more difficult. In this, Waldron pointed blame at zoning laws found in some communitarian narratives like those of Tier and Ellickson, where the homeless are considered to be disrupting the proper use of public space for the more legitimate community. This involved othering the homeless as vagrants and deviant. But Waldron was not complacent in highlighting the issue

within liberalism. When we have a legal system based on property rights and a group of citizens do not have access to private property, it virtually excludes those citizens of rights de facto. This argument was also seen in David Rosendorf's article *Homelessness and the Uses of Theory: An Analysis of Economic and Personality Theories of Property in the Context of Voting Rights and Squatting Rights.* Hence, Waldron concluded we must consider the homeless as community members with a stake in such public space prohibitions.

I wanted to see if similar 'legal obstacles' were being targeted at the homeless in the UK today. This involved an engagement with law literature. Garnett's work on public space was useful here: although not specifically concerning the homeless, Garnett showed how such public space ordinances are always premised on a 'mistaken sense of order', generally inherited from Kelling and Coles broken windows theory. Ann Burkhart and Denis Baker traced this idea of order further back, the former connecting a view of poverty as some 'divine judgement', the latter showing how 1824 vagrancy laws are still active in the UK today. Debra Livingston's point about vague legislation causing issues, and a subsequent call for localised policies, seemed relevant in regards to the use of such archaic laws. This would bring me to new legislation that had not yet been researched or received much scrutiny: the *Public Spaces Protection Order*. However, what was perhaps most in need of research, being absent in this paper and subsequent works on issues with homelessness, was a documenting on how an *anti-homeless public space* was also a *physical* re-engineering of our parks, streets and town centres.

Ethnographic literature also had to be considered if one was examining an *anti-homeless public space*. The first thing such literature did is make me properly consider terms, definitions, and their problematic stereotypes. After examining an American definition provided by O'Flaherty and the problems with stereotypes that shelters contribute to, as well as media depictions of the homeless, I decided that in looking specifically at an *anti-homeless public space,* I would be using the term rough sleeper or street homeless. This does not mean

those who have access to a shelter or sofa somewhere are not affected by an *anti-homeless public space,* only that I would be looking into activities for survival and other pursuits that generally require access to a home. This search for a definition was important because the literature reminded me of the dangers of fully reducing the homeless down to descriptions of survival. Therefore, the greatest contribution ethnographic literature made to this thesis was the idea of a *Culture of Homelessness.* This is not to promote the idea that the homeless are in some way actually free or not horribly affected by their survival conditions, but only to show how methods of survival stretch beyond just the physical. Through the need for networks and friendships certain behaviours develop. In short, surviving on the streets is more complex than simply finding shelter and grows into a cultural framework where a sense of association, both problematic and helpful, can take place. But my thesis was not going to be an ethnographic study of the homeless themselves, interviewing them about their lived experiences, because work which did – like Megan Ravenhill's book – raised the point that a culture of homelessness was shaped by the outside. Essentially, as the street homeless would learn to act in a certain way to get by on the streets because of being abandoned in mainstream life, we can see how their 'exclusion is externally applied'. Ravenhill's presentation of 'inverse hierarchy structures' where the homeless use stories that would earn them disrespect in mainstream society to garner respect in a homeless environment, was particularly compelling (Ravenhill, 2008, pp. 199, 208). I therefore saw a gap in examining how an *anti-homeless public space* was part of this shaping, and I wanted to explore our own *complicity,* as home-dwellers, park-strollers, shoppers and local authorities, in that shaping.

This led me to examining methods in political theory suited to this task, which in turn meant offering **(3) A Storytelling Method for Political Theory**. This also resulted in a thesis that was **(4) A Methodological and Substantive Work in One.** The former aim, I believe, has contributed to political theory because it has provided an alternative approach to thought

experiments: rather than trying to reimagine a problem with an analogy, we can reimagine through the eyes of different characters with different interests and perspectives. I hope I have shown how, in turn, this allows us to inject a certain objectivity, in the sense that we bring inconvenient objections to our own narratives directly to the fore to challenge us. The concept of rummaging through a political theory toolbox to form that method at once justifies why I chose a storytelling approach, at the same time as situating that approach to the reader in my own context, in which I am assuredly affected by. In short, one can argue for a method, but by doing so, one also exposes to the reader their own contingent story that led one to that choice. I do not think this is a contradictory approach to doing political theory, but a necessary one. This is where the former aim overlaps with the latter of doing political theory work as both a methodological discussion and substantive example. In fact, when it comes to certain projects, I believe the demands of some issues often require us to justify, and so analyse, the method we have adopted. In other words, I hope I have contributed to theory in a specific way of showing how we come to any chosen method through the demands of the problem at hand. How did I get to a storytelling approach then? Borrowing from Waldron, I argued that political theory is essentially an 'evaluative' and 'prescriptive' exercise that helps us reframe events and consider normative action. To this I added Hamlin's description of *positive political theory,* which is where we try to add 'explanations of political phenomena and behaviour' (Hamlin, 2017, p. 193), and Melissa Lane's description of political theory as 'reflectively political'. In a sense, the belief that even when describing events, we cannot avoid a normative implication: 'the two practices' of reflection and guidance 'cannot be segregated or insulated from one another' (Lane, 2011, p. 133). But I would need a more immersive approach than a typical analytical examination if one was going to be presenting modified park benches as part of something more sinister. Furthermore, as many of the anti-homeless initiatives were time-based and geographic, I wanted a method that could understand how it felt to move between spaces of

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exclusion at different times of the day. I also wanted to show how the legislation and hostile architecture worked together, to create an almost monolithic anti-homeless *space* within our town centres rather than simply the occasional 'no-go' zone.

Hence, in Chapter 1, I began a search for a suitable method that could sufficiently *immerse* the reader into an anti-homeless public space in order to explore their own *complicity* in the shaping of it. I explored approaches of and practices in ideal theory, non-ideal theory/realism, genealogy and moral sentimentalism. I divided these into three sections: *Theorising through Escape, Theorising in the Problem,* and *Telling Stories.* In *Theorising through Escape,* I examined ideal theory in the vein of John Rawls. My reasoning for this was ideal theory's use of abstract idealisations in order to examine guiding principles. This provides an 'escape' for ideal principles take us away from the problem we are examining in order to get clarification or insight into it, so that when we return to the problem, we can develop a normative suggestion. I explored the 'escape' of thought experiments as the common vehicle for uncovering correcting principles and examined how these practices relied upon a method of reflective equilibrium. Through this examination I showed that the purpose of these 'escapes' in ideal theory was *defamiliarisation* of a problem, which is what I wanted to achieve. This did not insulate ideal theory from criticisms though. Transferring ideals over to normative guidance is always an issue, especially with theorists such as Raymond Geuss. More worrying a criticism for me is the idea that idealisations are actually built on falsehoods, especially when it comes to considering the behaviour of people: idealising away historical oppression is one thing, but it also idealises away the 'consequences *of* oppression' on the 'social cognition' of those subjected to it (Mills, 2005, p. 169). This was a warning that stood out, particularly when it came to considering the street home*less*.

Mills' main issue with ideal theorising was that most abstractions took attention away from the specific details, rather than highlighting them. This led me to a distinct problem with

ideal theorising for this particular project. Defamiliarisation of public space, in the sense of how we see it as shoppers or locals, was what I needed. However, I argued that such defamiliarisation was better had by looking at the actual reality of an *anti-homeless public space* from different perspectives, rather than an imaginary analogy of it, for the idea of an anti-homeless public space was not familiar enough in the first place. I needed the context to be present. If one was to realise their own potential complicity in the shaping of an anti-homeless public space, that space is where they had to imagine themselves. Likewise, to get the reader to understand the effects of zoning on how one moves through and between spaces, as well as initiatives that come into full force at different times of the day, one had to be immersed within this alternative view of a familiar environment. Finally, as this thesis was interested in looking at how local authorities wield power, then removing oneself from that very context seemed contradictory to this aim.

This meant this project was premised in the belief that correcting principles or normative impulses could come just as effectively from what we see and experience as they can from abstract thought. Thus, in *Theorising in the Problem* I explored non-ideal theory/realism and genealogy. With non-ideal theory, the idea that contexts were forms of knowledge that contributed to the search for normative suggestions, and not complexities or biases that made the search for an ideal guiding principle more difficult, seemed to suit more. I looked for practical guidance in Jubb and the argument that any theory or normative guidance must be 'fitted' to the particulars (Jubb, 2017, p. 118) of the problem. Furthermore, I was not going to be making ideal suggestions that were not imminently achievable, thus the normative component ought to be realist in the sense that it would be between 'utopian hope' and 'unremitting despair' (Jubb, 2017, p. 126). However, if one was to reframe public space in order to expose the hostility towards the homeless, one had to be careful with bias: if I was to eschew the idea of achieving impartiality through abstract thought experiments, that did not

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necessarily mean I was to give up on the attempt to offer perspectives and opinions that were inconvenient to the 'truth' I was trying to present. In short, an anti-homeless public space must be presented through the medium of a persuasive, coherent case, but interspersed with challenges and interruptions that can only come from other perspectives.

Recognising that a presentation of an anti-homeless public space was an alternative perspective to the mainstream view of preserving our town centres, I moved into an examination of genealogy as a suitable approach. David Hoy's claim that genealogy is an 'unmasking' (Hoy, 2008, p. 276) historical approach immediately pushed me into considering the historical construction of the homeless as anti-social. This, coupled with a description of genealogy as something which allows us to see 'the possibility of other pictures or perspectives' (Owen, 2002, p. 221), offered an approach that was clearly suited to investigating the subtle construction of an *anti-homeless public space,* for surely such a construction required an equal construction of the *anti-social homeless subject.* However, to say that this project was only a genealogy would be misleading. First, I believe I am more explicit in my normative suggestion than genealogy may allow for. This is not to say genealogy cannot have 'specific normative interests' (Owen, 2002, p. 225), just that I think my work has concluded with more than just 'interests'. More of an issue, however, was once again the problem of a singular perspective. An alternative view of public space and the homeless this project may be, but I did not want to present a completely polemical case. To repeat, I thought that by also considering the inconvenient view of the shopper or local who approves of such anti-homeless prohibitions, my work would seem more persuasive for it.

This led me to moral sentimentalism, for, as Frazer puts it, if we think some modern policing is oppressive, we must also 'consider the point of view of the police as well as the policed' (Frazer, 2017, p. 104). The main claim of moral sentimentalism – empathy as our normative guide – was a useful addition to my method toolkit. This is especially true when it

comes to *immersion* and realising our *complicity*: empathy is a powerful method of immersion. However, this raised one issue. Reframing public space through immersion into it and trying to get the reader to consider the complicity of not just the local authorities making the changes but the groups of shoppers, locals and commuters whom they may belong to, does not focus explicitly and solely on a homeless character them self, who is surely the main source of any empathetic or compassionate response. Moral sentimentalism had provoked the idea of a storytelling approach, for telling 'sob stories' (Rorty, 1998, p. 121) is a powerful way to reframe public space into something more hostile and sinister, however, genealogy had demanded a focus on power structures too, and a 'sob story' might overshadow that. This is particularly true when talking about homelessness: I did not want to simply repeat other work which had focussed on the struggles of the homeless or potential pathologies and not the application of power or 'othering' involved in that.

At this point, I was ready to present a three-part storytelling method influenced by my search through a 'toolbox' of political theory. In presenting an anti-homeless public space I would tell a story about it, in a 'show, don't tell' manner (Frazer, 2017, p. 102), through the eyes of a detective uncovering the 'alternative view' for himself. However, although his view would be the default, it would not dominate. Interjections from other perspectives would come on his journey through public space, from other people who use it. As mentioned above, this would also help with understanding our own *complicity,* for these characters would be like us: local people, shoppers, tourists, etc. But as Hamlin had shown, the benefits of positive political theory – an explanation of behaviour and political phenomena – would not be absent from this work. Thus, the second part of my method was a theoretical analysis, where the story was given a commentary on what was causing an *anti-homeless public space.* Finally, of course, a normative component was added to the method, to be told in storytelling form again, in order

to show the reader how the changes I suggest would actually work and how they would affect the street homeless.

The method formed, I embarked on telling the story of *An Anti-Homeless Public Space.* Here I think I have presented the current trends and approaches to our public space in a way that gets across the hostility of it. Importantly, this chapter did not just present legislation, but other features, from the physical, to the outright torturous (here I am referring to the bagpipes). This chapter also explored the methods by which the anti-social homeless subject is constructed, in particular through the use of posters warning against beggars. In this presentation then, I hope I have been persuasive enough to convince the readers of the reality of **(1) An Anti-Homeless Public Space,** as well as doing so through **(2) Exploring** our own **Complicity** in creating that space.

The key points within this chapter that required unpacking were: *how* exactly have we got to a point where these methods of dispersal are so ubiquitous, and *how* exactly have we got to a point where the homeless are commonly presented as a problematic *other,* ever more so pushed aside and seen as an interference, where our complicity is not explicitly recognised?

This required **(5) Theorising an Anti-Homeless Public Space within *Local* Politics**, to frame the story with explanations based around a localised process of othering. Having highlighted that there was a targeting of the homeless individual and a construction of them as outsider or 'other', in the *Theoretical Analysis,* I began with Foucault. First, I explored anti-homeless legislation as disciplinary power. This was not an arbitrary whim. Apart from the fact that Kathleen Arnold utilised Foucault's panopticon to examine shelters, I was also drawn to Foucault because of the continuing existence and application of the 1824 Vagrancy Act. This act was amended in 1935 and is still in force today, in particular to prevent begging, and has resulted in actual local arrests. Whilst acknowledging that discipline will always be present in some form, especially when it comes to shelters, I argued that what connects all of these

prohibitions and hostile architecture is *dispersal,* not punishment or a 'bringing in' manner of discipline. This was supported by Feldman's analysis of public space as increasingly a 'consumptive public sphere' (Feldman, 2004, p. 38) where it is the commercial interests of adjoining shops and malls that now predominantly shape our high streets and town centres. This correlated well with Foucault's transition from disciplinary power to regulatory power, the latter aimed at securing us against the random elements in society, the homeless being that random element. Through an analysis of the Panopticon beyond the shelter, I argued we could see how in public space, the homeless were being exposed to a dispersal that also profiled them, made the threat of them visible, whilst ensuring a degree of invisibility. Foucault offered us a way of seeing the construction of such space in a different light, changing the narrative from anti-social behaviour initiatives to an application of power against the abnormal. In order to enable a public space for 'us', 'they' must be abandoned to 'let die' (Foucault, 2004, p. 241). This, I claimed, subsequently resulted in a 'carceral network' of dispersal (Foucault, 1995, p. 301). Yet how could such an extreme othering like this occur, to people we see within our communities? These were not distant refugees on TV, but people whose presence physically confronts us. I seized on Feldman's suggestion: that the homeless are 'simultaneously community members and outlaws' (Feldman, 2004, p. 102). With this, Feldman utilised Agamben's 'bare life' (Agamben, 1998, p. 9) thesis to explain this othered identity and its duality. Whilst being citizens de jure, the de facto criminalisation of their presence made them outlaws. In both charitable and aggressive narratives, the homeless were reduced to a status that did not qualify as a political one. It was this depoliticisation that enabled further outlawing of their presence: survival strategies reframed as misbehaviours.

However, I questioned Feldman's disregard over the fact that the homeless have the right to vote. In this, 'member – outlaw' duality Feldman was arguing that citizenship was actually an artifice which in some ways *created* a second-class homeless distinction in its right-

making, and therefore we needed to pluralise notions of citizenship beyond simply a 'politically qualified' status (Agamben, 1998, p. 9). Ultimately, I claimed that this was to be a little too hasty in regards to examining the exclusion as a *process*, rather than being integral to a *definition* or *formation* of politics and the state. In a UK context this is especially true when we realise that the second-class citizenship that such initiatives are creating are being decided and implemented at a *localised* level, whilst legal structures and sovereign narratives that enable the homeless to vote in *national* elections remain. This meant we required a framework that allowed us to understand the homeless 'outlaw' in relation to their local communities, rather than in relation to the state. This meant that a 'bare life' view of the homeless was useful in exposing their de-politicised status, but I did not think a centralised state and citizenship was at the origin of it. To slow Feldman down a bit and consider this more closely, I utilised George Bataille's taboo and transgression framework to essentially expose that what we had here was a localised *community outlaw*, at the same time as a *national citizen member*. This was because I saw taboo and transgression as a framework of how people become othered in a localised context: a context where a citizenship narrative fails to reach.

What makes Bataille useful is in how he elucidates us on the relationship between transgression and taboo: essentially, how transgression reinforces and strengthens taboo rather than undermine it. When seen in this way, we can understand why the homeless are considered *other* in public space, whether we see it as community or consumptive sphere. When they violate taboos, such as begging or sleeping in public space, they do not appear to be simply transgressing them for their existence relies upon being able to violate the taboo at any point, and thus they cannot reinforce the taboo. Adherence to taboos are how we recognise a similarity with strangers, and transgression is part of that, for it is only a temporary suspension. In our society we even often joke together about accepted transgressions, like the ritual of a stag party. However, when you are unable to reimpose taboos of public space after the breaking of them

because you live in public space, it is a rejection of the taboo, not a transgression. We can imagine, for example, how differently we perceive a homeless person who is drinking, to university students. The latter not only reaffirms the taboo of being drunk in public after its transgression, but also reaffirms another societal norm: university life. In comparison, the homeless person drinking is immediately perceived as 'a drunk', not simply drunk.

The normative response then, when it finally arrived in chapter 4, came as both a message and immediate call to action. The former, concerned with the problem that homeless people had become community non-members in spite of being national citizens, thus meaning citizenship was failing to speak to local politics, can be simply understood as a need to recognise homelessness as a political status in and of itself distinct from that of the voting citizen. In effect, a re-politicisation of an individual on a local level, independent from citizenship, through re-imagining our public spaces. This was not necessarily to say that this former status should replace the latter: more that a person sleeping rough should be considered as both, and all attempts to survive homelessness as political speech acts. Hence, when a park bench has arm rests put into it to prevent homeless people sleeping on one, this was not only inhibiting a survival strategy, but silencing a political act that speaks to us about a condition that exists despite all our abstract liberal claims to freedom: seeing a homeless person trying to sleep on a bench should be interpreted as a form of communication about the injustice of it. This has near enough already been said by Waldron when he ended *Homelessness and Community* with a call on us to accept that 'the very definition of community must accommodate the stake that the homeless have – as community members – in the regulation of public spaces' (Waldron, 2000, p. 406), or with Feldman and his arguments for homeless encampments. What we need to do is recognise them as currently being political exiles, and importantly, what I think I have added onto Waldron's reflections is that this has been caused by localised responses that are not solely the fault of aggressive communitarianism, as was

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present in the 90s. The making of them into community 'others' or non-members is just as much a misuse of liberal theory and its 'absence of interference' principle in a consumer setting, and the national discourse of citizenship has not protected them from this. To add to Feldman, I think I have shown how this is something that has happened *in spite of* citizenship, not as a fundamental part of its definition, implying a huge disconnect between the national narrative of citizenship and local politics. As I conclude this thesis in the shadow of Grenfell, where community members were ignored by their local authorities in life but recognised as national members in death, there is much to continue to ponder on. And, in particular, with the recent Windrush scandal – for there, it seems, it is the reverse – where people who are part of local communities, have not been considered citizens.

Either way, at the very least I have shown a clear divorce between a national, citizenship narrative, and the actual experiences of local inhabitants with their homeless residents. Of course, then, seeing homelessness as a political status in the face of localised attacks against them – without relying on a national citizenship for that status – is both a message and active response, but whether or not this thesis has actually exposed that citizenship has in fact become a useless artifice, or worse, when we consider how *local* politics actually works, would require another work. Here, it is left as a provocative thought: rather than this simply being that we have forgotten citizenship in the story of the homeless and need to reassert its power to help solve that, is it that the story of the homeless exposes its empty promises? Perhaps more worryingly: when the sovereign power it rests upon can be wielded to infringe upon the very rights citizenship is supposed to guarantee through a local council filling in the 'blank cheque' of a PSPO, we have to further ask, what happens to sovereign legitimacy?

In terms of being normative in an active sense, I ended the final chapter with an epilogue story: at long last, from the gaze of the homeless individual the detective is following. For the *Anti-Homeless Public Space* the homeless character was absent, for it was about our

complicity in forming and shaping it. However, I felt the normative response needed a representation of how these changes would actually affect a street homeless existence, being that these suggested changes do not actually exist now, hence the final emergence of the homeless character amongst them. In this epilogue, because we are in a parallel world or further on in our timeline, public space is in fact modified to alleviate the worst aspects of it. Thus, the claim is such changes to public space would follow the principle of seeing the homeless and their survival strategies not as 'bare life' victims to be sheltered, but as political agents, belonging to the *local* community, demanding help. This could also complement the issues of segregation other normative suggestions, like encampments, would have. Therefore, a public space to alleviate the worst aspects of street homelessness, would assist with 'survival strategies' rather than make them harder in an attempt to clear the homeless from view, with a half-hearted motivation of getting them into problematic shelters. If some people are going to fall through the safety net, it takes little effort to make sure that what lies beneath it, is not a place that makes the fall all the harder. That is perhaps the most practical aspect of all to the normative response: it really is not that hard to do and does not truly require a huge shift in personal politics. This harks back to my point about normative ambitions: this is a response that is not a solution to homelessness, but I hope helps persuades people of the need for those more ambitious solutions to be examined and even put into practice. But, at the same time, I wanted a 'modus vivendi arrangement' (Honnig & Stears, 2011, p. 178) to be within that persuasion, because after all, street homelessness is an emergency status.

Regarding this normative reality, I believe I have offered something worthwhile in the way we consider the homeless within public space, and the relationship between problems political theorists wish to expose or examine and the methods they use to do this. Therefore, a storytelling method could also be considered for similar projects where *immersion* into the problem under examination is a priority in order to defamiliarise something familiar and induce

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a normative response. For example, one could use this 3-part storytelling approach to tell a fictional story set in the future, about the effects of an automated workforce managed by AI. The reason for this is simple: one could argue that the conditions which will ultimately make basic income seem a moral necessity have not yet been arrived at but are coming. Hence, the point of such a story would be to *immerse* ourselves into such a situation, and so get some manner of distance from our own present contingencies: to free us from being 'held captive' (Owen, 2002, p. 226) to a particular way of seeing the concept. Therefore, rather than considering basic income today, in the historical shadow of the moralisation of work and a narrative of deserving and underserving poor, one could perceive it from a future condition of increasing workforce automation and incoming AI that will manage that automation. I mention this example here at the close of this thesis to show how a storytelling approach is not just limited to the problem of an anti-homeless public space, and so how this thesis also contributes to methods in political theory as well as work on homelessness.

Appendix
The Cliché of the Detective

I was in two minds on whether or not to make a note about the detective's role beyond that of simply exposing the anti-homeless space. I decided to include it as an appendix, for to discuss it beforehand would feel like imposing something upon the reader prior to the story.

The detective has additional purposes. First, his obvious cliché is supposed to echo the tired stereotyping of the homeless. His smoking is a mirror of the image of the homeless individual searching for cigarette butts in the street. Second, he is a somewhat American cliché. This too is intentional, for it is a literary nod to the influence of American literature on this thesis, and to remind the reader that although the empirical research in this thesis is UK based, an *anti-homeless public space* is not unique to this country. Third, the detective's increasing anxiety at not finding the homeless witness, emerging initially as annoyance and gradually becoming something more serious as the day goes on, is supposed to reflect similar feelings a homeless individual must feel with the spectre of the evening hanging over them. If one looks into the text, one will find various instances where I have tried to make a 'show, don't tell' point about such anxieties homeless people face, in the detective's own worries and other characters. For example, his concern at being told he 'hasn't done his job properly', or the exchange with the vicar where he feels like he needs to give her 'his life story' in order to get what he needs. Similarly, near the end, the detective discovers he is unable to make an effective plan for his search. Here, the detective is remembering that plans require stability of some kind and this is something we perhaps take for granted.

Impact Demands

On the top floor of a high-rise building, a group of people talk. The room they converse in is large, spacious, and full of interesting items, from ancient, creaking bookshelves lined with old cracked, leather bound tomes, to bottles of wine that appear oddly new in comparison to the furniture around (apparently though, the wine itself has soured). There are many people here,

dressed in togas and scholarly robes. Some look up through the glass domed roof to the skies above, asking ethereal questions to, who is now, no-one in particular: the categorical spectre of a murdered god. Others focus more on each other, conversing animatedly. If one could overhear these exchanges, they would catch talk of justice, morality, and the normative.

But all is not as peaceful as it seems. A while ago, there was a big falling-out. Some left in frustration, realising that they were not doing what they thought they were doing, but most stayed, to see what they could rebuild. People dispersed into different groups. A few have been floating around closer to the windows – the ones that are not stained – only dipping into abstract discussions as they occasionally wander away from the glass panes. They soon seek them out again though, to gaze onto the world below with the knowledge each conversation gives them, rather than spending more time on arguing over that knowledge: or at least accepting that is a task related to the window-gazing, but to be pursued in between those moments one looks beyond. A particularly extroverted window-gazer even goes so far as to open one and pop their head out, seeing clearly the patterns that go on down there, a wider picture gifted from up here. They observe one person, for example (seemingly small because of the distance), apparently lost, unable to find the right path. The gazer knows where they should go of course and can see the layout of the streets from this almost bird's eye view. An impulse causes them to cry out, creating an immediate silence in the room. 'Shh!' one of the conversants says, 'the Zarathustra will see us again!'

The window-gazer glances back out, looking for the figure of history that caused the original falling-out, half expecting a little red bead to appear on their chest.

Instead, the lift across the room pings: somebody has made the journey to the top of this tower to bring a message, and by doing so, has shattered the mythical illusion that the architecture of this room attempts. The stone wall covered in ivory carvings suddenly reveals its plastic truth as one section of it opens like a gaping mouth. The window-gazer glances over

as a man and a woman in grey suits enter from the incongruously unveiled elevator, hand a cream folder to the closest conversant, then step back into the lift and abruptly go to leave. They have many more floors to visit, or so they say as they efficiently step out, and must be on their way. As the lift door is hidden by the folly wall, the conversant left holding the folder opens it and reads aloud. "It looks like it's about updates on *impact* and *funding criteria* that we need to be clued up on" he says, then putting on a tone of voice which suggests he is quoting directly rather than summarising, he continues: *'We can provide business, public services and civil society organisations with access to world-leading academic researchers who can help you think in new and challenging ways'*.

There are some nods here from a few.

'We have awarded funding (through Impact Acceleration Accounts) to 24 universities to work in partnership with non-academic organisations to make better use of social science'.

Some begin to shuffle, a little unnerved about where this narrative is going. Is this a trick by the Zarathustra's apostles: the historians and the realists? The speaker pushes on regardless, growing unease lending him oratory power and speed.

'We support world leading research that makes a difference to lives'.

'*We invest heavily in world class resources to provide an infrastructure which can help tackle some of our most pressing issues*' (Economic and Social Research Council, 2017).

'*Collaborating partners can be private sector companies, public sector bodies or voluntary organisations*' (Economic and Social Research Council, 2016).

'That's ok' one of the fellows interjects abruptly, before everyone begins to get overly concerned. She explains her calm: 'although admittedly there are often overlaps with what we do, these are requirements of the social sciences and as normative theorists, most of us work in political *philosophy*'.

The reader looks up, a nod of relief, but it is swiftly replaced by more consternation as he turns the page and narrates on.

'*Why is impact assessed – Arts and humanities research offers a variety of direct and indirect social and economic benefits. Our Business Processes and Analysis Team co-ordinates the collection of evidence and impact to address key questions posed by the Department for Business, Energy and Industrial Strategy, demonstrating the value of arts and humanities research; why it should be funded by the taxpayer; and what 'added value' the Arts and Humanities Research Council as an organisation delivers'*.

Some muttering begins to soundtrack the continued narration, but the pace the reporting has gathered prevents any further interruptions.

'*Collaborative Doctoral Awards provide funding for doctoral studentship projects proposed by a university based academic, to work in collaboration with an organisation outside of higher education*' (Arts and Humanities Research Council, 2015).

'*How we collect impact – We take a portfolio approach to developing the evidence base. A mix of quantitative and qualitative information is important to make a convincing and robust case for the impact and value of AHRC-funded research. An increasing emphasis on accountability and efficiency makes this approach more relevant than ever. Quantitative evidence, for example, is needed to provide 'hard' evidence of outputs of funding, whilst case studies are recognised as the most effective approach to demonstrating impact'*.

'*Development of AHRC Impact Webpages – As we continue to develop our impact portfolio and evidence collection methods we will further develop this webpage. This page will contain links to a large number of impact case studies categorised and searchable via a range of parameters, including place, sector and discipline. We will also aim to provide information that will assist Arts and Humanities researchers to develop their impact story. This will include describing how impact is defined by Research Councils, giving guidance on how to incorporate*

pathways to impact within research proposals, capture of evidence of impact, and how to better articulate the impact generated from arts and humanities research' (Arts and Humanities Research Council, 2015).

There is a collective sigh, a sign that all present have had enough information and now seek to give their reaction to it. The question of *impact* has collided with political theory, bringing up old wounds over relevance and use. Perhaps it is time to be realistic.

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