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Political Economy of Space: Neoliberalism, Houselessness, and Incarceration

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Abstract

Across urban centers within the United States,the proliferation of houseless people within the last thirty years has taken an increasingly central concern in urban management. Capital accumulation and its movement within the city has created a conflicting need to both enhance the market value of space and ameliorate the needs of its most vulnerable population. Within this conflict, major U.S cities have increasingly turned to directly or indirectly banning individuals from public space as a strategy to limit the visibility of their houseless population. This paper will examine how spatial banishment is utilized in Seattle and Portland - two cities with reputations as some of the most progressive centers in the country, as well as leaders in the use of spatial banishment. In this paper I ask: Why has spatial banishment become the leading approach for managing homelessness in U.S cities in the 21st century? How has this approach fueled incarceration?. In this paper, I will draw on legal, political science, and geographic scholarship concerned with the evolution of city management under neoliberalism and those detailing the on the ground practices of cities attempting to manage homelessness. I argue that without being able to outright target houseless people for their status, spatial banishment has re-emerged in popularity for its ability to provide short term solutions and to circumvent existing laws protecting the rights of houseless people. Reliance on spatial banishment has additionally risen alongside increased police presence and broken windows policing, in turn expanding the scope of incarceration.

The Political Economy of Space: Neoliberalism, Houselessness, and Incarceration

According to the National Law Center on Homelessness and Poverty, between 2011-2014 anti-camping bans increased by 60% while bans on sleeping in cars increased 119%. During the same period, anti-loitering ordinances increased 35%, bans on sitting or lying down in public

increased 43%, and anti-begging laws increased 25%.[1] Over the past 20 years, houselessness has emerged as a crucial element of city management. With a globalized economy, cities are incentivized to increase capital accumulation as much as possible in order to stay competitive. The built environment then becomes a site of contention - to what extent should it pursue capital accumulation and to what extent should it be used for social welfare?

In this paper, I will examine how U.S cities like Seattle and Portland have increasingly turned to directly or indirectly banning individuals from public space as a strategy to free space for capital and to limit the visibility of their houseless populations. Urban centers have taken a central role in the economic development of cities and as such, any type of thing or person that inhabits the downtown core must be economically productive. For the houseless population, spatial banishment, increased policing, and invisibilization have been used as methods to manage houseless people's movement and existence. In the backdrop of this conflict is the ever-present threat of incarceration. Prisons play a convenient role in their ability to hold large portions of the population deemed criminal - in the case of houseless people, their very existence can be considered criminal. In this paper I ask: Why has spatial banishment become the leading approach for managing houselessness in U.S cities in the 21st century? How has this approach fueled incarceration?

This paper argues that spatial banishment has re-emerged in popularity for its ability to provide short term solutions to houslessness. The practice hides the visibility of houseless people and benefits capital accumulation in the city. Behind this practice is the logic of the neoliberal economic system, the belief that the freedom of markets that can best serve human interests.

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[1] Retrieved from Don Mitchell, *Mean Streets: Homelessness, Public Space, and the Limits of Capital*, (Athens: University of Georgia Press, 2020), 5.

According to this doctrine, the freedom of competition, movement, and from state intervention is what best distributes resources. Though in reality, neoliberalism is not a set standard of ideals and principles, rather it is a purposeful political project intended to maximize capital accumulation and to restore or even create economic elites. Reliance on spatial banishment has additionally risen alongside increased police presence and broken windows policing, in turn expanding the scope of incarceration.

Section 1 of this paper will detail the transition from the Keynesian economic model to the neoliberal model. Specifically, I will outline how the Keynesian model set the foundations for neoliberalism's emergence. That is how Keynesianism strengthened the power of the state and also its security and warfare apparatus. The unequal distribution of New Deal welfare policies, narratives of law and order, and end of mass social benefits created the conditions for neoliberal capitalism and the subsequent rise in mass incarceration and transition of city management.

Section 2 of this paper will discuss the theoretical structures of how the neoliberal city functions. Why have cities taken such a central role in economic development and how does capital accumulate within the city ? The globalized neoliberal economy has increased competition among cities and in order to remain competitive, they must develop their physical landscape in a manner that best benefits the circulation of capital. These circumstances have led to a redevelopment of how cities are managed, specifically from a managerial approach that prioritizes territory to an entrepreneurial approach that prioritizes the political economy of a place.

In section 3, the actual practices of spatial banishment and policing are analyzed. Seattle, Washington and Portland, Oregon are used as case studies to illustrate how spatial banishment

and policing is used. Seattle and Portland are excellent case studies for this analysis because both cities have reputations for being some of the most progressive urban centers in the country and both cities are also in the forefront of the neoliberal post-industrial economy.

1. From Keynesianism to Neoliberalism

From the 1940's to mid 1970's, the United States experienced their golden age of capitalism, led by their deployment of Keynesian economics. The Great Depression of the 1930's and the onset of WWII had threatened the capitalist order and revealed the need to develop an economic and institutional framework that would protect capital and provide social benefits. Under this framework, Keynesianism could be seen as a class compromise between capital and labor.[2] This agreement had essentially created a safety net for the capitalist class; business cycles would be protected by expanding social benefits that guarantee effective demand.[3]

Though like the promise of freedom that neoliberalism espouses, the "Keynesian compromise" was less of a compromise and more of an expansion of state power. The appeal of Keynesian economics was the recognition of the organizational flaws of capitalism, namely a clearer understanding of the local and global structures that facilitate capital circulation. Keynesians would solve the contracting markets and poverty of the Great Depression by restructuring social reproduction - that is the chain that connects households with institutional powers and political power with multilateral power. Finance capital was subordinated to the

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[2]Harvey, "Freedom's Just Another Word", 9-10.
[3]Ruth W. Gilmore, "Globalization and U.S Prison Growth: From Military Keynesianism to Post-Keynesianism Militarism," *Race and Class* 40, (1999): 177-176.

needs of the state through the regulation of financial speculation and the prioritization of

long-term investment.[4]

This restructuring worked wonders for the U.S economy, most noticeably through the

1950's and 60's when high rates of economic growth occurred in the United States as well as

other advanced capitalist countries. This was in part due to the United States large economies

willingness and ability to run deficits with the rest of the world, in turn stimulating export

production and absorbing excess production.[5] Though the United States also relied heavily on a

vast social welfare system, with the belief that the "...full employment of resources enhances

rather than impedes the production of new wealth."[6]

New deal programs utilized new policies to aggressively combat homelessness and

develop extensive social and welfare protections. The mask of class compromise had hidden the

expansion of corporate power and influence. This sleight of hand worked to legitimize the

increasing influence of corporations in industrial, financial, and corporate life.[7] Though

underneath this all was a growing warfare and security apparatus that worked to uphold and

enforce the restructuring. Much of the wealth produced that financed the golden age of

capitalism was derived from the build up to WWII.[8] Additionally, Keyseniansism relied upon

and fueled the expansion of U.S militarism world wide as well as an expansion of domestic

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[4] George Baca, Neoliberalism's Prologue: Myths of Class Compromise and the Restoration of Class Power, *Anthropology Theory* 40, no. 4 (2021): 521-523.

[5] David Harvey, "Freedom's Just Another Word…" In *A Brief History of Neoliberalism* (Oxford: Oxford University Press, 2007), 11.

[6] Ruth W. Gilmore, "Globalization and U.S Prison Growth: From Military Keynesianism to Post-Keynesianism Militarism," *Race and Class* 40, (1999): 177.

[7] George Baca, Neoliberalism's Prologue: Myths of Class Compromise and the Restoration of Class Power, Anthropology Theory 40, no. 4 (2021): 523.

[8] Ruth W. Gilmore, "Globalization and U.S Prison Growth: From Military Keynesianism to Post-Keynesianism Militarism," Race and Class 40, (1999): 176.

policing forces, all of which were made evident by the creation of the FBI and the Department of Defense.[9] [10]

Though the welfare state provided much needed social benefits, people of color were deliberately excluded through the unequal distribution of social goods. Between 1946-1963, Black Americans were forced to navigate the perils of Jim Crow legislation. Post WWII attempts to ameliorate white on black crime resulted in anti-lynching legislation, desegregation, and civil rights activisms and legislation. The subsequent attacks on Jim Crow led its defenders to proclaim law and order as a response to black freedom activists. Segregation was said to maintain law and order while integration breeds crime.[11] By the 1960's, this association between black freedom and crime would manifest into a "... race problem that was then criminalized.[12]

By 1965, Lyndon B. Johnson's Great Society Programs would merge the War on Poverty with the War on Crime. Its three key pieces of legislation: Housing and Urban development Act, Voting Rights Act, and Law Enforcement Assistance Act would overlap with the growing police state. In order to participate in the new social programs, communities and individuals would have had to submit to increasing surveillance and detention.[13] Though black freedom activists were by no means the sole targets of increased policing. Students, labor unions, anti-war activists, and

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[9] Gilmore, Post-Keynesianism Militarism, 176

[10] George Baca, Neoliberalism's Prologue: Myths of Class Compromise and the Restoration of Class Power, Anthropology Theory 40, no. 4 (2021): 524.

[11] Naomi, Murakawa, "The Origins of the Carceral Crisis." In *Race and American Political Development*, edited by Joseph Lowndes et al. (New York: Routledge, 2008), 237.

[12] Murakawa, Origins of the Carceral Crises, 236.

[13] Elizabeth Hinton, " 'A War Within Our Own Boundaries.'": Lyndon Johnson's Great Society and the Rise of the Carceral State," *Journal of American History* 102, no. 1 (2015): 102.

anti-capitalist would align themselves with black freedom activists, all in some form or another attacking the legitimacy of U.S imperialism, capitalism, and racism.[14]

By the 1960's high rates of inflation and unemployment had begun to contribute to 'stagflation', causing a serious crisis of capital accumulation and the breakdown of Keynesianism.[15] As the stagflation moved well into the 1970's, the allure of neoliberalism began to creep into the Carter administration. Well financed think tanks and the growing reputations of Milton Friedman and Friedrich Hayek in academia would further push the ideas of neoliberalism into public policy. For instance, the Carter administration turned towards deregulation to fight off stagflation.[16] Though the complete consolidation of neoliberalism into standard economic practice did not occur until 1979, when the Federal interest rate was raised from 11 to 20%. Ronald Reagan's administration further enforced the transition through the increased tax cuts, further deregulation, and attacks on the power of labor.[17]

The policies of the New Deal - protecting business cycles by supplying social benefits - had retreated in favor of an economic model that valued the prevention of inflation at all cost. The subsequent results were a deep recession and a 30% decrease in real wages by 1990.[18] In the midst of this transition was a social crisis of criminality stemming from the fear of activist, desegregation, and narratives of civil disorder among the United States black population.[19]

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[14] Ruth W. Gilmore, "Globalization and U.S Prison Growth: From Military Keynesianism to Post-Keynesianism Militarism," Race and Class 40, (1999): 176.

[15] David Harvey, "Freedom's Just Another Word…" In A Brief History of Neoliberalism (Oxford: Oxford University Press, 2007), 12.

[16] Harvey, "Freedom's Just Another Word…," 22.

[17] Ibid, 26.

[18] Ibid, 26.

[19] Ruth W. Gilmore, "Globalization and U.S Prison Growth: From Military Keynesianism to Post-Keynesianism Militarism," Race and Class 40, (1999):177.

The resulting decades - or perhaps centuries - of racial hierarchy and disorder within the United States, coupled with widening unemployment and falling wages created the conditions for the prison industrial complex to emerge. The social crisis was commonly blamed on rising crime rates - though rates of drug use declined in the mid-1970's and property crime had peaked in 1980.[20] Nonetheless, the narrative of law and order and increasing crime rates remained strong. Incarceration emerged as the primary tool for alleviating racial and economic tensions. For instance, between 1982 and 2000, 1.4 million additional people had entered a prison or jail system. In California alone, the prison population increased 400%.[21]

As Ruth Gilmore explains, prisons were a political and economic solution to the rising inequalities and uneven development that accompanies neoliberal capitalism. Though prisons were by no means the inevitable outcome. Keynesian economic policies emerged from WWII and the post-war welfare system provided a template for the largest warfare bureaucracy in the country's history. Racial tensions, criminal narratives, and an economic plunge resulted in "... the expansion of prisons [as] a geographic solution to socio-economic problems".[22]

 In summary, the Keynesian model of capitalist management and growth facilitated the increased power of the state and its security apparatus. Law and order sentiment and the association of crime with oppressed people had ensured popular support for punitive punishment. As our economic system restructured in Neoliberalism, prisons emerged as a solution to inequality and uneven development.

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[20] Gilmore, "Post-Keynesianism Militarism", 173.
[21] Ibid, 171.
[22] Ibid, 174

2. The Neoliberal City

On a local scale, the restructuring into a neoliberal economic framework also entailed a reconfiguration of city management. The post-WWII city of rapid suburbanization and industrial cores could no longer serve as globalization took an increasingly local reach. In the neoliberal global economy, high value added services and financial goods became crucial elements of local growth. Cities became increasingly reliant on post-industrial service economies, such as the management of financial flows and retail sectors.[23] State intervention became necessary for the restructuring of socio-spatial conditions of the city-scape to ensure capital accumulation.

As early as the 1960's, the managerial approach of city management had begun to give way to a new entrepreneurial approach. The previous prioritization of territory, including the improvement of conditions for living or working through considerable investment in educational institutions and public housing. These direct investments projects were replaced with an emphasis on the political economy of a place - projects that enhance capital circulation, such as industrial parks or even pressures to lower wages.[24] Urban development within the neoliberal city typicalls falls under the umbrella of public-private partnerships. Like the role of the state, the city government works to preserve the institutional framework and to guarantee the proper functioning of local markets.

Hence, urban development occurs under the spheres of the local market. With that in mind, cities should not be viewed as active actors, they are instead the place where a variety of different actors and objectives mix. Urbanization should be viewed as a "...spatially grounded

[23] Steve Herbert and Elizabeth Brown, "Conceptions of Space and Crime in the Punitive Neoliberal City," *Antipode* 38 (2006):767-768.
[24] David, Harvey, "From Managerialism to Entrepreneurialism: The Transformation in Urban Governance in Late Capitalism," *Geografiska Annaler. Series B, Human Geography* 71 (1989): 4.

social process".[25] The social process occurs within the market system and by definition it also occurs within a class based hierarchy. Thus, the class of actors facilitating the circulation of capital in a city are effectively persevering their hegemony.[26] Within that framework, markets essentially function as a tool of allocating inequality.[27]

Houseless people, by the mere act of existing, use space in a manner that is not productive for economic growth and so are the usual targets of city ordinances and police. In neoliberal capitalism, space is treated as a medium of exchange. The differentiation of space - that is how space is divided and exchanged - must serve to promote economic growth.[28] With that intention, any use of space that is deemed economically unproductive must be stopped or limited. Though housed people face the same dilemma as well. Community centers or lands, parks, and protests can be seen as unproductive uses of space, and face the same institutional forces that houseless people routinely navigate.[29]

Space within the neoliberal city takes a decidedly classist form. As such, Social inequality is further expressed through spatial banishment and segregation.[30] In order to ensure that the city landscape is utilized to its most economically productive capabilities, policing and incarceration take an aggressive approach to managing unproductive uses.

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[25] Harvey, "Managerialism to Entrepreneurialism," 5.
[26] Ibid, 5.
[27] Pavel Pospěch, "Policing Cities: Incentives, Disorder, and Societal Transformations," Sociology Compass 15, no. 3 (2021): 2.
[28] Henri Lefebvre, *The Production of Space*, (Malden, Ma: Blackwell, 1974). Retrieved from Don Mitchell, *Mean Streets: Homelessness, Public Space, and the Limits of Capital*, (Athens: University of Georgia Press, 2020), 97-99.
[29] Lefebvre, *Productions of Space.*
[30] Steve Herbert and Elizabeth Brown, "Conceptions of Space and Crime in the Punitive Neoliberal City," *Antipode 38* (2006): 756.

3. Spatial Banishment in Practice

The persistent criminalization of houseless people is largely legitimized by our collective culture's dehumanization of their status. Similar to the crime, drug, and poverty wars of the late 20th century, the suffering that comes from structural inequality is individualized and blamed on personal failures. In the neoliberal economic model, houseless people occupy a contested space within cities and so receive the brunt end of this individualization. As such, common views of houseless people as lazy, criminal, and undeserving can be traced to "neoliberal representations of citizenship, productivity, and accountability."[31]

A central aspect of these perceptions is the "social warrant of neoliberalism" - that is the common held but unsaid belief that exploitation and hierarchy are normal conditions of society.[32] In other words, houseless people are in their condition because of their own doing. Under the all knowing ideology of the market, everyone is a "rational economic actor" and should be well off if they act rationally and in their best interests.[33] Carry this logic forward and houseless people are irrational by definition. Their inability to participate in the market fuels their dehumanization and policing. Furthermore this logic could be applied spatially as well. Entire neighbors are seen as one individual thing that can be judged entirely on their reputation and appearance.

Broken windows attempts to explain the geography of crime. Assuming that the physical condition of landscapes can indicate the general condition of a community's health.[34] Strong

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[31] Vincent J. Del Casino and Christine L. Jocoy, "Neoliberal Subjectivities, the 'New' Homelessness, and Struggles over Spaces of/in the City," *Antipode* 40 (2008): 192.

[32] , George Lipsitz, "Policing Place and Taxing Time on Skid Row," in *Policing the Planet: Why the Policing Crisis Led to Black Lives Matter*, ed. Jordan T. Camp and Christina Heatherton (New York: Verso, 2016), 123-139.

[33] Steve Herbert and Elizabeth Brown, "Conceptions of Space and Crime in the Punitive Neoliberal City," *Antipode* 38 (2006): 768.

[34] Steve Herbert and Elizabeth Brown, "Conceptions of Space and Crime in the Punitive Neoliberal City," *Antipode 38* (2006): 757-758.

neighborhoods, i.e no broken windows, dissuade criminals from entering. This theory logically ensures that spatial divisions exist between those wanted and those unwanted, leading to the overall assumption that social ills can be solved through local "landscape alteration" and not through macro policy like income redistribution.[35] Though landscape alteration comes with the force and backing of policing.

Spatial banishment and the policing of houseless people are typically low-level offenses, resulting in fines, violations, or misdemeanors. Though a massive contributor to mass incarceration is the widespread epidemic of misdemeanors that these low-level offenses lead to. People charged with misdemeanors usually do not have counsel, can be charged with a warrant for arrest if they miss court, and account for about 25% of the daily jail population.[36] As such, a trivial misdemeanor for jaywalking or loitering can result in incarceration in state prisons. It's for this reason that Local jails are the "front door" of incarceration. About 10.6 million people enter every year, with most of them having not even been convicted and about ¼ condemned to be re-arrested within the same year.[37]

Neoliberalism and markets essentially warp the sphere of citizenship and belonging, asserting that worthy citizens are those who are productive. It's through these hierarchies of citizenship that markets distribute social resources and law distributes civil and political rights. Thus, the market essentially functions as a tool for allocating inequality and law as a tool of

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[35] Steve Herbert and Elizabeth Brown, "Conceptions of Space and Crime," 758.
[36] "Mass Incarceration: The Whole Pie 2022," Wendy Sawyer and Peter Wagner, accessed March 17, 2022. https://www.prisonpolicy.org/reports/pie2022.html
[37] "Mass Incarceration: The Whole Pie 2022," Wendy Sawyer and Peter Wagner, accessed March 17, 2022. https://www.prisonpolicy.org/reports/pie2022.html

social control.[38] In the next sections, Seattle and Portland's methods of spatial banishment will be

analyzed alongside with their supposed values and reputations of liberal progressivism.

3.A Seattle

"Seattle is at once an extremely easy and rather difficult place to understand. It shares many
characteristics with other metropolitan areas but is unique and full of contradictions. Its economy
is post-industrial and yet manufacturing still is strong. Its politics are liberal but social controls
abound"[39].

One of the byproducts of Seattle's transition from an industrial economy to the

post-industrial neoliberal model has been the "cultural sophistication" of Seattle.[40] Two key

pieces of legislation that enacted this re-branding were the 1968 bond measure Forward Thrust

and the 1991 Growth Management Act. Both projects conflated economic growth with the

creation of an aesthetically pleasing urban environment. The projects created green belts, parks,

entertainment and trade centers, though the proposed rapid bus transit system and low-income

housing development did not pass. In reality, the projects aim were to attract middle class

residents and high-technology industries and workers, an essential class for Seattle's emerging

entrepreneurial economy.[41]

As the former Public Affair vice president of the Greater Seattle Chamber of Commerce

Michael Luis puts it, "The ethos of the city has shifted from promoting a sort of generic

economic expansion to promoting growth based on uniquely local features and a high quality of

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[38] Pavel Pospěch, "Policing Cities: Incentives, Disorder, and Societal Transformations," *Sociology Compass* 15, no. 3 (2021): 4.
[39] Michael Brown and Richard Morril, ed., Seattle Geographies (Seattle: University of Washington Press, 2011), 3.
[40] *Seattle Geographies*, 170.
[41] Ibid, 171.

life".[42] Today we can see the fruits of this development model. Seattle is a leader in crucial

sectors within the neoliberal economy, sectors including high-technology industries and service.

Evident by being the home of Microsoft, Amazon, Starbucks, Costco, and a rich environment for

venture-capital and bio-tech industries. Yet the combination of new technology sectors and green

investments have also led to rapidly rising housing costs, apparent through the gentrification

occurring in the neighborhoods of Capitol Hill, First Hill, South Lake Union, and the Central

District.[43] In the highly contested urban space, Seattle has also emerged as a leader in spatial

banishment practices.

Seattle has employed three central strategies of spatial banishment: Criminal Trespass

Admonishments, Off-Limit Orders, and Park Exclusion Orders. The policies allow for

individuals to be banned from public or private spaces for a variety of low level offenses,

including drinking in public, selling drugs, and in some cases no proof of criminal behavior is

needed at all. All three work to enhance the power of police while significantly increasing the

reach of incarceration.[44] Additionally, being charged with one of the three can result in bans

ranging from a few days to a full calendar year. They are also notoriously difficult to contest as

they often rely on police discretion, thus providing police with an enormous reach of power.[45]

The motivation for these laws can be traced back to the last quarter of the 20th century.

After the Reagan administration effectively ended federal public housing programs, houslessness

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[42] Michael Luis, *Century 21st City: Seattle's Fifty Year Journey From World's Fair to World's Stage.* (Medina, Wa: Fairweather, 2012), 198.

[43] Katherine Idziorek and Manish Chalana, "Managing Change: Seattle's 21st Century Urban Renaissance," *Journal of Urbanism* 12 (3) (2019): 154.

[44] Steve Herbert and Katherine Beckett, "Banishment and the Post-Industrial City: Lessons from Seattle," *European Journal on Criminal Policy and Research* 23, no. 1 (2016): 33.

[45] "Banishment and the Post-Industrial City", 34.

in Seattle dramatically increased in the 1980's. Around the same time, Seattle was undergoing

their cultural sophistication and reorganization towards high-technology industries. It's no

coincidence then that a large influx of middle class educated residents coincided with these

banishment laws. As urban centers and the economic importance of downtown grew, the

business community became worried about the presence of houseless people and their potential

deterrence of consumers.[46] It was thus under these circumstances that Seattle became a pioneer in

spatial banishment while transitioning into a neoliberal city.

    3.B Portland

    In recent years, Portland has earned the reputation of a "progressive utopia" in part due to

their socially liberal policies and their emphasis on sustainable development.[47] Its green

investment in its urban center has plunged the city into national prominence as a framework for

other cities to follow. Widened sidewalks, pedestrian friendly space, separated bike lanes, and

green spaces are common sights in the areas surrounding the central business district, though this

eco-development has led to "eco-gentrification".[48] Not an entirely new circumstance, Portland

already has a long history of uneven development stemming from decades of redlining,

disinvestment, and racial codes in home deeds.[49] Sustainable and green investment is in effect a

continuation of this social stratification. The spatial divide created by these new developments

[46] Michael Brown and Richard Morril, ed., Seattle Geographies (Seattle: University of Washington Press, 2011), 96.

[47] Erin Goodling and Jaamal Green, "Uneven Development of the Sustainable City: Shifting Capital in Portland, Oregon," Urban Geography 36 (2015): 505.

[48] Erin Goodling and Jaamal Green, "Uneven Development of the Sustainable City," 508. Many home deeds in Portland still hold racial restrictions in their deeds.

[49] Katrine Barber et al., "Invisible Walls: Mapping Residential Segregation In Portland." Oregon Historical Quarterly 119, no. 3 (2018): 405.

are so prominent that they can be traced along 82nd Avenue; The division between the most eastern portion of Portland and the outlying areas surrounding the center business district.[50]

In a similar framework, the regulation of space within Portland's urban core takes a seemingly compassionate and inclusive approach. Though in practice, its policies of managing houselessness are nonetheless still heavily reliant on banishment, policing, and displacement. Portland's methods of spatial banishment are indicative of the desire of cities to hide their policing and exclusion of houseless people, whether it be for public relations reasons or to wiggle through loopholes in state or federal laws. One such example is Portland's sidewalk management plan.

In 2009, Portland announced a new sidewalk management plan for sectors of downtown. The plan required 6-8 feet of open space for pedestrian use and also required (with caveats) the continuous movement of pedestrians to accommodate one another. Officially, the new plan was done to create the first sidewalk compliant with the American with Disability Act though the specifics of the plan reveal an underlying motive. In the years leading up to the management plan, Portland had experimented with methods of keeping houseless people out of sight from consumers downtown. In 2005, the Oregon Court of Appeals deemed the cities "sit-lie" ordinances unconstitutional and when the city modified the ordinance, it was once again overruled, this time by the Multnomah County Circuit Court.[51]

A general goal of city management is to attract and retain a strong core of middle class population. City policies are then enacted to make the physical landscape of an urban center

[50] Erin Goodling and Jaamal Green, "Uneven Development of the Sustainable City: Shifting Capital in Portland, Oregon," Urban Geography 36 (2015): 508.

[51] Susan Schweik, "Kicked to the Curb: Ugly Law Then and Now." *Harvard Civil Rights - Civil Liberties Law Review Amicus* 46 (2011), 7.

appear safe and controlled. Though in practice, that entails the targeting and criminalization of houseless people. In Portland, the sidewalk management plan embraced a form of "incivility policing", though the plan was hidden under the guise of disability rights. Incivility policing is a method used for hiding and removing houseless people from an area that wishes to retain or increase its market value.[52] These policies include the criminalization of non criminal behavior through spatial banishment, behavior including but not limited to loitering, sleeping in public space, begging, or drinking alcohol.

More telling, was the distinction between "disabled-consumers' and disabled-nonconsumers. Many people targeted by Portland's sidewalk management plan are themselves disabled[53], leading to a perverse utilization of the ADA, where social goods are distributed based on economic status. The alienation of houseless people represents a fear that the appearance of crime and disorderly conduct drives out capital investment. Portland, without alleviating any social needs, attempted to appease capital investment by de-facto banning houseless people from its downtown core. It's no surprise then that the principal class of people who pressured Mayor Sam Adams to address the issue of panhandling in downtown were downtown business owners.[54]

The management of houselessness in Portland relies extensively on police. According to the *Oregonian,* houseless people accounted for 3% of the population in 2017 and 52% of people arrested that year. 86% of the arrests were for non-violent crimes, with 1,200 arrests coming

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[52] Pavel Pospěch, "Policing Cities: Incentives, Disorder, and Societal Transformations," *Sociology Compass* 15, no. 3 (2021): 2.

[53] Susan Schweik, "Kicked to the Curb: Ugly Law Then and Now." *Harvard Civil Rights - Civil Liberties Law Review Amicus* 46 (2011), 12.

[54] Schweik, "Kicked to the Curb", 7.

from procedural violations, like fines, parole or probation violations and missing court.[55] To

maintain their image of a progressive city, Portland tries to hide its policing of houseless people

by deploying specialized teams to create the appearance of compassionate policing.Various

different departments - such as the *Service Coordination Team*, *Neighborhood Response Team*,

and *Behavioral Response Team* - have been used to create connections between police and the

houseless community.[56] The teams are instructed to avoid arresting individuals and to focus on

community outreach and to guide houseless people to social resources. Though these teams are

nonetheless still clothed police officers and their presence reminds houseless people of the

harassment and displacement that has happened in the past and of its inevitable continuation in

the future.

In order to appease both houseless activists and commercial interests, Portland has

embraced low-barrier shelters as a means to convince houseless people to voluntarily enter into

shelters. Though the goals of these shelters aren't necessarily to help people but are instead

intended to invisibilized the condition of houselessness, as houseless people are given the choice

to either suffer repeated displacement and dislocation or to enter a shelter.[57]

Conclusion

According to the most recent Point-in-Time count, a staggering 580,000 people are

currently experiencing houselessness in the United States. With no clear end in sight, cities have

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[55] Rebecca Woolington et al, "Portland Homeless Accounted For Majority of Police Arrests in 2017, Analysis Finds," *The Oregonian*, June 27, 2018. Retrieved from Antonin Margier, "The Compassionate Invisibilization of Homelessness: Where Revanchist and Supportive City Policies Meet." Urban Geography 42 (2021): 9.
[56] Antonin Margier, "The Compassionate Invisibilization of Homelessness: Where Revanchist and Supportive City Policies Meet." Urban Geography 42 (2021): 10.
[57] Antonin Margier, "The Compassionate Invisibilization of Homelessness: Where Revanchist and Supportive City Policies Meet." Urban Geography 42 (2021): 15.

turned to spatial banishment and policing as an attempt to hide houseless people from consumers and to facilitate the needs of capital circulation. The battle over public space has resulted in increased power for police and an expansion of the carceral state. Neoliberal economic development and its priority of economic growth has both contributed to the growth of houselessness and prison expansion.

Additionally, the onset of the Covid-19 Pandemic in early 2020 and its impact on houselessness is still arguably ongoing and will likely not be fully known for years to come. Though a common talking point of the Covid-19 pandemic is that jail and prison populations significantly decreased in 2020. While this is true, a misconception of these stats can make it seem like mass incarceration has been on the decline. In reality, the drop in population is due to decreases in prison admissions, not necessarily the release of people. As restrictions start to be lifted, the carceral state has begun to reemerge with its full force, steadily on track to match its pre-pandemic levels.[58]

At the same time, the pandemic had heightened the connection between service providers and people experiencing houselessness. In a qualitative study conducted by the University of Birmingham, it was found that the pandemic had increased the awareness of houseless service providers and of the needs of houseless people. More people had signed up to volunteer though the increase of demands on these groups had affected their ability to adequately provide services.[59] While the needs of houseless people may have been amplified by the pandemic, it

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[58] "Mass Incarceration: The Whole Pie 2022," Wendy Sawyer and Peter Wagner, accessed March 17, 2022. https://www.prisonpolicy.org/reports/pie2022.html

[59] Simran Kaur, et al., "Provision of Services to Persons Experiencing Homelessness during the COVID‑19 Pandemic: A Qualitative Study on the Perspectives of Homelessness Service Providers" *Health & Social Care in the Community,* (2021): 3.

seems unlikely that any meaningful reform or legislation will occur. Houselessness is not an unintended byproduct of our economic development, it is a direct result of neoliberalism and relies on this poverty in order to reproduce. If we are serious about ensuring all people are housed and ending mass incarceration, then an economic model of development that rejects neoliberalism and capitalism will have to be followed.

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