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- The changing role of the state
- The changing profiles of homeless people
- The changing role of service provision

The Changing Role of the State: Homelessness and Exclusion: regulating public space is based on seven articles produced by the National Correspondents of the European Observatory on Homelessness. The full articles can be downloaded from FEANTSA's website www.feantsa.org

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The Changing Role of the State:
Homelessness and Exclusion:
regulating public space

By

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Introduction

Public space is an essential component of the daily life of homeless people whether rough sleepers or hostel dwellers or others who are inadequately housed. As Jeremy Waldron (1993) has argued, human beings, as embodied entities, need a private and secure location in which to carry out necessary and quotidian functions such as sleeping, washing, reproducing and socialising. In modern European society such a location is typically secured by access to housing. Homeless people by definition are unable to access adequate housing of their own and societal property rules forbid access (without permission) to the private property (houses) of others. The alternative location for homeless people, for human functioning, is public space (broadly defined).

Over the past year a working group of correspondents of the European Observatory on Homelessness has been considering the various ways in which the increasing control over public space in European cities has impacted on the ‘life-worlds’ of homeless people. In each of the countries represented in this report there is clear evidence of increasing restrictions on access to public space with consequent major impacts on the lives of homeless people.

Our report starts by charting the background to what we refer to as the ‘regulation of urban space’. The term is used to encompass the notion of restricted access to public space for homeless people which is sometimes ‘absolute’ but more commonly conditional - for example, on time of day or intended activity. We note that the present process of imposing access restrictions is not unique, past periods of restrictions can be identified. We also note that while prevalent throughout Europe there are variations between societies and that homeless people per se are not always or mainly the target of these restrictions, but are nevertheless caught up in their embrace.

In the second part of the report we look at the evidence from across Europe and especially from our case study countries - Finland, Germany, Ireland, Italy, Lithuania, Poland, and Sweden. There are copious examples of public space restrictions operating through a variety of mechanisms which we consider under the headings of ‘border control and discipline’ and ‘deterrence’. In this section we also consider the issue of legislation as it relates to the restrictive use of public space by marginal population.

In the third part we consider a variety of explanations for the imposition of restricted access during the present period. Here we have recourse to such concepts as ‘privatisation’ and ‘security’, but also reflect on wider societal processes associated with urban regeneration and renewal.

In the concluding section we briefly reflect on the issue of rights; what the United Nations refers to as ‘space entitlements’, and in this context consider the limited examples of resistance to restrictions in various contexts.

Finally it can be noted that this report should be read in conjunction with the 2006 report from EOH Working Group led by Henk Meert [Meert, H. et al (2006) The changing profiles of the homeless people: conflict, rooflessness and the use of public space, available on the FEANTSA website: www.feantsa.org.]

1 Julia Wygnarska (Poland), Antonio Tosi & Agostino Petrillo (Italy), Ingrid Sahlin (Sweden), Eoin O’Sullivan (Ireland), Jukka Korhonen (Finland), Vita Karpuskiene (Lithuania), and Volker Busch-Geertsema (Germany). The Working Group was chaired by Joe Doherty (Co-convenor of the European Observatory).

2 Lifeworld: as used by Jürgen Habermas (1981) refers not just to the physical environment of existence, but encompasses the ways in which that environment has meaning for associated activities and thereby reflects the meaning, perceptions and practices associated with that environment. In this sense there is some connection with Bourdieu’s notion of ‘habitus’ (Pierre Bourdieu, 1977).
Background: the regulation of public space

Several of the correspondents in their national reports note that the present phase of regulating public space in the cities of Europe is but the latest manifestation of a trend which can be traced back through the 20th to the 19th century and beyond. Indeed we can identify a (weak) link with the processes of enclosure of common land in Europe during the 18th and 19th century and earlier; a process which turned much hitherto community owned and commonly used land into private ownership and exclusive use. With the emergence of industrial urbanism the process of ‘privatisation’ continued and extended to the burgeoning towns and cities as land was co-opted for industrial production and for exclusive residential use - gated communities have their origin in the 19th century city. The increasing strength of metropolitan governments from the late 19th century through first three quarters of the 20th century saw the zoning of land for various dedicated uses, much designated - often by default - as land and property for public access (streets, parks, libraries, museums, squares etc). A new ‘phase of regulation’ (O’Sullivan, 2006) of public space emerged with the shift from the ‘planned’ city to the ‘entrepreneurial’ city (Hall, 2002) - or to what others have labelled the ‘post industrial’ city - during the last quarter of the 20th century. The re-designation or re-defining (Sahlin, 2006) of ‘public’ space as ‘private’ or ‘semi-private’ can be seen as part of a more general privatisation of the public realm which has been one of the defining features of the enforcement of a market economy under neo-liberalism.

The present phase of regulation is characterised to an unprecedented degree by surveillance effected through the use of monitoring devices such as CCTV as well as by the patrolling of demarcated borders to deter access by unwanted ‘others’. Deterrence to access is also achieved by the disciplining of behaviour that is, access is assured only to those who engage in permitted behaviours which are increasingly associated with consumption activities. The use of legislation - national and local by-laws - figures strongly but unevenly in this process. While legislation is sometimes enacted with homeless people in mind, the homeless are infrequently the explicit target, but the impact is disproportionately felt by homeless people because of their reliance on public space for conducting their day to day activities. Restricted access to public space for homeless people is then rarely absolute, more commonly it is conditional, for example, on time of day or intended activity. In contrast to previous phases of regulation, in the present phase - it can be argued, but perhaps not pushed too much - that the mechanisms of enforcement adopt a ‘soft’ rather than a ‘heavy handed’ approach and their raison d’être is couched in the ‘reasonable’ language of the wider social good, rather than personal interest or benefit; in this sense it is characterised by a distinctive ideology.

The development of this distinctive ideology for the regulation of space in Europe suggests that while there are some similarities to the processes that have been in operation in the cities of the USA for some time, the parallels are not exact. What seems to be clear is that the process in Europe is less punitive and less pervasive than in the USA. An example of the difference is to be found in the lack of adoption of zero-tolerance police methods in European cities compared with their ready adoption in some larger American cities. We can in this sense perhaps identify a distinctive European Model (Busch-Geertsema, 2006). Yet it is also clear that while the limitations and restrictions on access to previously defined public space are a common feature of all European societies, the extent and depth of this process varies from place to place (Tosi & Petrillo, 2006; Wacquant, 2001). Part of this variation is attributable to different traditions and attitudes towards marginal groups and perhaps especially towards homeless people, to - in effect - welfare culture. In Lithuania, for example, giving to the poor on the streets, responding to the entreaties of beggars is clearly seen as a positive charitable act (Karpushkiene, 2006) and in Italy a solidarity paradigm of shared responsibility is also frequently apparent (Tosi & Petrillo, 2006). In other countries such as Finland (Korhonen, 2006) such actions are less well embedded and, in some (e.g. the UK) are actively discouraged by government authorities.3 Such variation in behaviour may however be a declining characteristic, an historical relict, as behavioural norms converge under the influence of globalisation.

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The regulation of space: evidence from the case studies

In this section we gather together evidence of public space regulation from our seven case study countries: Sweden, Poland, Lithuania, Italy, Ireland Germany and Finland. We first consider the mechanism of control making use of the concepts of ‘border control and discipline’ as introduced by Ingrid Sahlin (2006) in her national report and the concept of ‘deterrence’. In the latter part of this section we briefly consider the related issues of legislation as it relates to the use of public space.

**Border control and discipline**: Sahlin (2006) develops the concepts of border control and discipline following a consideration of Foucault’s (1979) historical work on medieval cities, specifically the handling of leper colonies and outbreaks of the plague which involved two processes: the rejection and expulsion of problem people in order to keep the house or area ‘clean’, and the organisation and control of people spatially, including their supervision and training in appropriate modes of behaviour acceptable to the community. Sahlin notes that the same strategies can be identified in the modern city as a means of keeping order: private guards and gate-keepers control the borders of delimited territory, while the police and security personnel use discipline to keep order in public space.

A key feature of the process of controlling public space is the designation of borders (boundaries). In this context Sahlin’s notion of re-definition is important. The attribution of labels - public vs. private vs. semi private - is clearly of considerable significance in shaping the ‘legitimate’ uses of space and rules of access. Sahlin’s own example is Nordstan a huge shopping mall covering eight city blocks in the centre of Gothenburg. Originally an area of mixed landuse whose streets were accessible as public space to all city inhabitants and visitors. Located close to the central bus and railway stations these streets served as major access routes for travellers and commuters. Redevelopment took the form of the demolition of the existing buildings and their replacement with a variety of commercial activities; the original street pattern was retained and covered with glass roofs. With redevelopment and enclosure came calls for restricted access. Nordstan’s position close to Gothenburg’s central transport nodes meant that the centre was populated not just by shoppers but also by a large number of non-consumers. Accordingly, Nordstan was viewed as not only a commercial centre but also as a public place where people gathered - these people included the young, substance misusers and homeless people. The congregation of these marginal groups - in contrast to the congregation of shoppers and travellers - was frequently construed as a social problem leading to increasingly clamorous and eventually successful calls for restrictions on access. The events are recounted by Sahlin:

In … the middle of the 1990s, the ‘problem of order’ in Nordstan was framed as a ‘youth problem’, and social workers and politicians from the Christian Democratic Party expressed worries that teenagers in Nordstan risked becoming criminals and drug addicts. Ten years ago, a motion was submitted to the City Parliament on the need for coordinated activities by the police, other authorities, businessmen, and property owners to improve the public order in Nordstan. Locking the whole centre at night was mentioned as a possible solution but rejected by the politicians, who [nevertheless] agreed that the city should cooperate with business and property owners for improved order. (Sahlin, 2006, p. 19)

Following this rejection by the city’s politicians,

… property owners and tenants (that is, shops and restaurants with businesses in Nordstan) formed an ‘Order Group’, which aimed at improving the reputation and profit of the shopping centre. It arranged a series of meetings with the police, other public authorities and charity organisations …. [at] one of these meetings, the group demanded information on ‘who is responsible for rough sleepers’ spending the night in the centre. The Order Group requested that the image of Nordstan being mediated to the public be more positive and suggested that the police should enforce prohibitions against drinking … and prioritise Nordstan in their resource allocation. Furthermore, the group declared its intention to employ security guards and contracted a lawyer in order to examine the legal possibilities to close the centre at night and increase the video-surveillance. (Sahlin, 2006, pp. 19-20).
From October 2004 the Centre has been locked between 0200 hours and 0530 hours and during that time is inaccessible to the public. The formal reason for the closure is to facilitate cleaning and repair and to make it easier to organise exhibitions. However, preceding the enforcement of night closure, there was a clamp down on ‘undesirables’ by police and private security guards (introduced in 2000) which especially impacted on homeless people who might be tempted to use the enclosed space of the centre for night shelter. The extent of the intervention is also demonstrated in the removal of benches and partitions: there is nowhere to hide from the gaze of the video surveillance.

Elsewhere in Europe similar developments to those identified in Gothenburg are apparent, especially in association with major transport nodes. For example, in Germany part of the modernisation process and of the plans to make the Deutsche Bahn a more profitable business (prior to proposed privatisation) has been the redevelopment of railway stations, especially by converting the larger ones into shopping centres. Busch-Geertsema (2006, p. 11) recounts that,

In the late 1990s it was planned to convert about half of the more than 6,000 existing railway stations into modern centres for shopping and service by investing about 15 billion Euro … Cologne, Frankfurt, Hamburg, Hanover, Mannheim, Leipzig and the new main station in Berlin are only a few examples where this strategy [has been] realised. Shopping areas in the new railway stations are particularly attractive for business because their opening hours are exempt from usual restrictions in Germany and of course because of the locality which ensures that large numbers of potential clients pass by. The new main railway station of Berlin, opened in 2006, provides 15,000 square meters of space for 80 shops open 7 days a week until 22.00 or later, Leipzig main station … provides 30,000 square meters [for] 140 shops, including food shops and restaurants…

The ‘3-S-program’ (Service, Sicherheit und Sauberkeit - service, security and cleanliness) is the fundamental strategy of Deutsche Bahn to improve the image of its stations. Universal rules imposed in every railway station forbid begging and the causing of a nuisance to others, the excessive consumption of alcohol, sitting or lying on floors, on stairs and entrance areas, and searching garbage bins. Busch-Geertsema continues his account,

In earlier versions ‘loitering’ was explicitly forbidden, but the wording was changed … In 54 so called “3-S-centres”, 27 of which are equipped with modern video- and communication-equipment, the new standards are controlled. According to recent press information … the number of people working in security services at the railway stations will be increased from 2,200 to 3,000 persons … In addition about 5,000 members of the national police guard (former Bundesgrenzschutz) are present in German railway stations. (2006, p. 11)

In contrast to the Swedish case of Nordstan, the German railway authorities have not been reluctant to identify the target of their rules. Homeless and poor people, who have traditionally been present in large numbers in and around German railway stations, are not welcome under the new strategy and the removal of homeless people and of drug addicts from stations was an explicit target of the Bahn-management.

In 2001 the railway chief, Hartmut Mehdorn, stated … that ‘railway stations are not the right place for homeless people’ and called the Travellers’ Aid Centres (Bahnhofsmission) to stop handing out warm meals to homeless people. ‘If it rains and the Bahnhofsmission provides soup, no homeless person is prepared to go out into the rain. They sit down at the entrance and ask for some change. Our clients don’t like that. Homeless people are not malicious people, but they don’t fit into the railway station’. (Bild am Sonntag, 14.10.01, quoted in Busch-Geertsema, 2006 p. 12)
There is a certain irony here in that the extension of the function of railway stations to incorporate shopping has on the one hand underlined and emphasised their public character and the fact that they are not only used by travellers. Yet on the other hand, only sections of the public are welcome, that is those who conform to the rules of engagement in shopping or travelling. The use of this public space is not available to all. Busch-Geertsema concludes:

The main shift in the orientation of the Bahn-management has been from citizens to business clients and a shift away from acknowledging the traditional social functions of railway stations for certain groups of the society. (p 12)

Tosi and Petrillo’s account of railway developments in Italy conveys a similar message. They explicitly link the changes in railway terminuses in Italy with issues of regeneration of ancient stock in need of repair and replacement, but also importantly with heightened security concerns following the events in New York of September 2001 and the bombing in Madrid in March 2004 and the July 2005 bombings in London. However, of equal importance - and preceding the terrorist attacks - Tosi and Petrillo emphasise, has been the change in ownership associated with a shift from the state to private enterprise:

In Italy the project Grandi Stazioni (‘Great Stations’) got under way in 2003 and involved the modernisation of thirteen large stations and the surrounding areas in the space of a few years. More specifically the project... involve[s]... architectural, urban and social redevelopment as well as enhancing the business environment of 13 stations in the country’s major cities. Another project, named Centostazioni (‘Hundred Stations’), will involve another 103 Italian railway stations. (Tosi & Petrillo, 2006, p. 10)

The introduction of commercial activity implies that stations would of necessity lose some of their traditional functions in that their hitherto clear designation as public spaces becomes clouded as they take on the characteristics of ‘semi-public’ or even ‘private’ spaces where business arcades and shopping centres vie with travel as the dominant function. For Tosi and Petrillo the consequences are broad ranging:

... not only will the public spaces inside stations be affected by the changes in progress but also those immediately adjacent to them. If one considers that the stations and not just the large stations, but also those of the ‘hundred towns’ of medium to small size, have played an extremely important role historically for... the homelessness and serious marginalisation, then it is clear that this type of change will have a serious effect on the life of these populations... Stations in Italy act as a gateway for access to the networks of resources that are available to the poor in urban environments. They represent indispensable places to stop and linger and they are also places where it is possible to earn tiny incomes from begging, to scavenge something edible, to use the public conveniences and gain access to water. The expulsion, removal and forced re-accommodation of the homeless risks becoming a catastrophe for them precisely because it is not just a place to pass the night that is lost, but an entire network of extremely varied opportunities which are concentrated in an extremely circumscribed place. (Tosi & Petrillo, 2006, p. 10)

Tosi and Petrillo depict stations as acting as an ‘inner border’ subjected to careful surveillance. This heightening of surveillance has meant that it is impossible for a whole range of marginal populations to use the space of stations in the traditional way. However, they also observe that while security concerns are responsible for increased surveillance, restrictive measures designed to discourage the use of stations by homeless people and migrants were introduced as far back as 1996; i.e. preceding the outbreaks of urban terrorism. These measures included the possession of a valid ticket for access to waiting rooms and platforms and, in large stations, the introduction of charges for the use of public conveniences which are monitored by security personnel. In smaller stations public conveniences are routinely locked and only useable on direct request. However, until the advent of more rigorous surveillance, it was relatively easy for some homeless people to find shelter in particular parts of stations and in some cases even in carriages parked in railway sidings. (Tosi & Petrillo, 2006, p. 10)

Tosi and Petrillo usefully link these development to wider trends in the demarcation of the use of space in the cities of Europe and elsewhere. They argue that,

“[t]here is a new need for transparency in spatial units which perform delicate functions, which is exactly what stations do. That is why parts of cities which perform vital functions and present ‘unclear’ uses and which have multiple functions that go beyond their main and clear role are being progressively enclosed and subject to more careful controls. (Tosi & Petrillo, 2006, p. 11)
The Italian experience with the re-designation of stations includes some distinctive features absent (or less developed) elsewhere in Europe. In drawing up the Italian ‘Great Stations’ project an awareness was demonstrated of the social implications of the planned redevelopment. For example, the slogan ‘Quality, market, social’ was used in promoting the project; the term ‘social’ underlining an intention not too intervene too harshly with regard to homeless and marginal populations that use stations. In activating this objective, the State Railways have begun to develop links with local authorities and voluntary associations to cater for those displaced by the ‘modernisation’ project. An agreement signed in June 2005 between the State Railways and A.N.C.I. (National Association of the Municipalities of Italy) established a common strategy of intervention at the national level to deal with the problems of social hardship in railway stations. ‘Help Centres’ have been set up (or are being set up) in major Italian stations with the assistance of local authorities. In a parallel move, ‘Ferrohotels’, previously used for railway workers and long empty, are being drawn back into service as accommodation for homeless people. However, in Tosi and Petrillo’s judgement the functioning of the ‘Help Centres’ has so far been questionable, even in the few situations in which they have actually been set up. The Help Centre in Rome is possibly an exception in that it is the only Centre actually located inside a railway station complex. It has been effective from a social viewpoint, although without completely eliminating the presence of marginal populations. Tosi and Petrillo conclude:

Generally speaking it can be said that the removal of a part of the homeless and the marginal populations from Italian stations has been achieved as a consequence of these interventions, even if performed with a “soft” touch. … [the number of homeless people in railways stations] reported by welfare organisations is decreasing almost everywhere and this tendency is strongest in cities like Milan. (Tosi & Petrillo, 2006, p. 12)

The important caveat in the foregoing is the phrase ‘part of the homeless’. While the numbers have reduced, homeless people and other groups which make up Italy’s marginalised population (e.g. migrants and Roma) are still to be found inside stations. Marginalised populations may be rarer that they once were, ‘but there are still gaps … in which vagrants with big bags and homeless people trying to warm themselves can find some shelter for a certain time (but not for too long!’) (Tosi & Petrillo, 2006, p. 13).

The evidence from some of the other case studies which form the basis for this report, namely Finland, Poland and Lithuania reinforces the foregoing message. Across Europe transport nodes, which act as centres for homeless people to perform their quotidian functions, are increasingly difficult to access. Increased monitoring and surveillance ensures that even if achieved, access is often limited and short lived. In the case of Poland for instance, Julia Wygnańska recounts recent developments at the Central railway station in Warsaw. Though the location for some kiosks and small shopping outlets, the principal activity of Warsaw Central is as a conduit for internal and international rail travel, yet even here - without the immediate impress of commercialisation - the forces of change regarding the regulation of public space have been apparent in recent years. As with railway and bus stations throughout most of Europe, Warsaw has traditionally been the haunt of homeless people and beggars. Under new regulations the security forces that patrol the railway station - the national police, community police and Railway Protection Service - are obliged to remove homeless people from the station during the night time hours when there are no rail services and when cleaning is scheduled. At other times they have an obligation to inform the homeless about the availability of shelter services in town and encourage them to move there. The interaction between the homeless and the security staff is contentious with the homeless citing instances of aggressive behaviour and the railway authorities claiming that aggressive actions are directed only towards drunk and abusive individuals. Wygnańska observes that homeless people … used to be seen everywhere: among passengers, in restaurants, on the platforms. Since two years they have moved to more camouflaged places. According to [the] press officer of Polish Railway Company [this] is the result of increased monitoring of the stations by police patrols [initiated] by [the] general threat of terrorism and is not directly targeted at the homeless’ (Wygnańska, 2006, pp. 11-12)

4 In relation to the case studies used in this report Ireland presents an exception in this context. Here there is little evidence to suggest that access to transport nodes has changed. Railway and bus stations are not significant sites for homeless persons seeking to perform their quotidian functions, due in part to the very limited number of stations and their small scale. This largely reflects Ireland’s geographical location as an island nation and hence no international travel, and limited range of public transport options, particularly rail. (O’Sullivan, 2006)
Deterrence: Wygnańska’s account of the changes in Warsaw identify another issue other than border control and discipline as a method of controlling and limiting access to public space, namely deterrence. One of the strategies purposefully implemented at Warsaw Central has been the removal of old wooden benches - used by homeless people for resting and sleeping - and their replacement with plastic seats designed to deter such activity. These changes have been introduced as part of a planned ‘anesthetisation’ of the station. Railway station managers are satisfied with the results as the seats are durable, easy to clean and deter long term occupancy by homeless people looking for somewhere to rest.

Deterrence by design is a common strategy increasingly employed throughout European cities. The use of fencing to restrict access to delimited spaces, the locking of park gates and the installation of secure door entry system to debar entrance to apartment block staircases and communal areas are recorded as common occurrences in most European countries, for example in Finland (Korhonen, 2006) and Lithuania (Karpuskiene, 2006). Sahlin (2006) cites the example of a former open space in Gothenburg which was transformed from a public space with multiple functions including respite for homeless people, into a privatised café space with access limited to café patrons.

More extreme measures, such as hot-washing and de-canning employed in parts of urban America, designed to deter homeless occupancy seem to be mostly missing from the European scene. Deterrence techniques in Europe for the most part take on a rather softer character. However, there is evidence of periodic aggressive and violent behaviour towards marginal populations including the homeless. In both Sweden and Germany, for instance, such interventions (“Verbringungsgewahr-sam” in Germany) include the uplifting and removal of homeless people from central city locations and their dumping on city peripheries, while in Italy the violent expulsion of homeless from Naples railway station by private security personnel is on record. In this context Tosi and Petrillo raise concerns about the attitudes and behaviour of private security agents (a little developed phenomenon in Italy) since they seem to be prone to more aggressive behaviour towards marginal groups than the local and state police.

The argument that as some public spaces close up others, such as derelict areas of former industrial sites and military installations, become available is somewhat flawed. In conditions of economic growth and expansion such redundant areas rarely remain ‘vacant’ for long, being converted into parks and office locations which are subject to discipline and border control in the same way as older sites. Even those areas that do not immediately undergo renovation are commonly fenced and ‘preserved’ in anticipation of future commercialisation (see below for more on this topic).

Legislation: The repeal of often long redundant 19th century legislation which criminalised beggars and vagabonds was a feature of most west European societies during the 1960s and 1970s. In central and east European countries Soviet legislation criminalising begging was repealed somewhat later during the course of the early 1990s. However, throughout Europe dating from the late 1990s, attempts have been made, often at a local metropolitan level, to reintroduce legislation to deter begging and other activities, such as loitering, frequently associated with homeless people. In Lithuania (where Soviet laws against begging were repealed in 1991) a new penal code was introduced in 2003 which enacted penalties against public disorder, aggressive behaviour, and the possession of drugs. Few of these measures targeted homeless people per se; indeed non-aggressive begging and sleeping in public places is not regarded as illegal in most of the country. Local legislation, however, has introduced local adjustments and refinements. In Vilnius, for example, 38 public places have been designated as alcohol free zones where begging is outlawed. This legislation has been paralleled by the introduction of other surveillance measures. Under the banner of ‘save the city’, police and social worker patrols have been introduced, video cameras have been installed in the city centre located at underground crossings and at train and bus stations. In other punitive moves to deter unwelcome behaviour, garbage dumps have been locked thereby depriving some homeless people of a living through the recycling of discarded goods and waste products.
By and large, however, attempts to introduce legislation that explicitly targets homeless people have failed. Indicative of this failure is the fate of experiments with zero-tolerance policing which have mostly been unsuccessful in the European context and have been for the most part short lived (Belina and Helms, 2003). In Germany, for instance, where non-aggressive begging is perfectly legal, attempts to prosecute homeless people for harassment in the course of begging have been notably unsuccessful. As Busch-Geertsema notes (2006, p. 6) zero tolerance has found its limits in Germany because of differences (compared with the USA) in constitutional state traditions and policy concepts for policing and order. In another example, experimentation with zero-tolerance in central Tampere, Finland in 1999-2000 was discontinued when complaints of unruly behaviour in suburban communities by individuals forced from the city centre rose dramatically (Korhonen, 2006, p. 11). In Ireland a crack down on begging and public order type offences in the late 1990s, was only tenuously linked with restrictions on homeless behaviour and access to public spaces, and was not particularly long-lived (O’Sullivan, 2006). Even the rise in begging convictions in the late 1990s was not accompanied by increases in other vagrancy violations, suggesting that homeless people were not particularly targeted. While this period also saw a substantial increase in the Irish prison population, of the stock of prisoners in 2003 (over 3,100), only five were committed on conviction for begging, and begging may not have been the only offence for which they were charged. In addition, analysis on the progression routes of homeless persons through the courts showed that of the 9,794 individuals who passed through the District or Circuit Court over a six week period in 2003, only 159 or 1.6 percent were identified as homeless (and this was a rather broad definition, including as it did 17 individuals in transitional housing) and charges of begging accounted for only 6 percent of all charges against them. Information on the outcome of cases by charge was only available in 16 cases and imprisonment for begging (with other charges) occurred in only one case (Seymour and Costello, 2005, pp.32-33). Thus, the relatively short-lived attempt to introduce more punitive criminal policies in the form of zero-tolerance policing and an increased use of incarceration was not directed at the homeless per se, but rather that some homeless persons were ensnared within the criminal justice system as part of this broader temporary policy shift.

Among our case study countries ‘area bans’ as a way of restricting access to defined public spaces seem to be exclusive to Germany. There are of course parallels elsewhere in Europe, for example in the ‘Anti-Social Behaviour Orders’ (ASBOs) of the UK. In Germany ad hoc Platzverweis or longer term Aufenthaltsverbot bans against staying in a defined area for a defined time, have been increasingly used by police forces since the 1990s; they have been especially associated with areas notorious for drug dealing and have been applied in particular to suspected drug dealers. Nowadays almost all Länder police laws allow such interventions by the police against people whose behaviour is defined as a potential threat to public security and in specific areas which are defined as ‘dangerous areas’. While the homeless are not the group most affected by these measures, such area bans are used against homeless people.

In respect of legislation which impacts on the behaviour of homeless people and in particular their access to public space, Busch-Geertsema’s summary (2006, p. 8) for German applies equally to other countries,

Summing up we can state that there has been a general trend since the late 1980s to restrict begging and sleeping rough and to ban the [consumption] of alcohol in public space … The resistance of poor individuals who were targets of police interventions and went to court against it has helped to make clear that a number of by-laws are not compatible with the German constitution and that only particular individual behaviour which constricts the rights of others can be sanctioned. Nevertheless police intervention to remove undesirable individuals or groups from specific areas without having to legally prove the violation of legal rules has increased in recent years. Homeless people are not the main target group but they - especially those who live and sleep on the street - have to suffer under such measures … In privatised space open to the public, like shopping malls or arcades and nowadays also in railway stations … it is much easier to restrict access for individuals [who] are unwanted by the proprietors.
Understand regulation

A key feature in understanding the unprecedented levels of surveillance and concern with how public space is used and by whom is of course the heightened threat of urban terrorism in the cities of the West. As has been recounted above, the checks and controls introduced at all transport nodes (large and small) are indicative of these trends. The installation of new technology for monitoring and disciplining behaviour can also be seen as part of the same process. However, as Tosi and Petrillo, among others, have pointed out the concern with the use of public space and the increasing levels of restriction on access and behaviour in those spaces predates the most recent manifestation of urban terrorism in Europe. Indeed terrorist surveillance only incidentally and indirectly impacts on marginal populations and homeless people. In seeking an understanding of why public space is increasingly barred to homeless groups we need to look elsewhere.

Among the explanations offered by the correspondents contributing to this report, the process of privatisation figures strongly. The shift in ‘ownership’ of public space from the local state with ostensible social and communal objectives, to private ownership with commercial and profit making objectives, lies at the heart of the trend towards restrictive practices. This process is of course itself a reflection of wider social developments associated with the emergence of neo-liberal economic and political programmes in all European countries.

Of specific and particular interest here are the programmes for the regeneration of post-industrial European cities, a regeneration process which is increasingly driven by a global agenda. Some of this is neatly captured by Pushpa Arabindoo (2005, p. 2)

In this context, Arabindoo argues there has been a ‘shift from the earlier idealisation of poverty alleviation and egalitarian notions of development, to new discourses that reify the visibility of the emerging elites … as the representative citizens.’. For Arabindoo these developments are symptomatic of the rise of what he labels ‘bourgeois urbanism …wherein bourgeois prescriptions of aesthetics and order have come significantly to shape the disposition of urban spaces’ (p. 2).

Arabindoo’s reflections bear a striking similarity to the analysis of Neil Smith who argues that the processes of urban regeneration, so prominent in the cities of Europe and elsewhere, are in effect but a generalisation of the process of gentrification first manifest in the cities of the West during the 1960s. In making these arguments Smith coins the concept of the ‘revanchist city’ whereby capital is attracted back into the city (following desertion during the deindustrialisation phase) to take advantage of what he terms a ‘rent-gap’ (the difference between the actual rent yielded by a location and the potential rent to be had after redevelopment). In re-colonising the city, capital displaces other incumbent activities and populations including the homeless and other marginal groups (Smith, 1996 & 2002).

5 Urban terrorism is distinctive today as a European wide phenomenon but has its precedent in country specific occurrences at various times during the course of 20th century. The most obvious example here is that of IRA attacks on the centres of British cities.

6 Neo-liberalism has of course had an uneven impact on Europe as previous reports from this working group have demonstrated (Doherty et al 2004 and 2005).

7 The coining of the term ‘gentrification’ is attributed to the sociologist Ruth Glass who first identified the process in the Pimlico district of London during the mid-1960s

8 Indeed one of the features of the redefining of public space which we have not had the opportunity to investigate in this report has been the emergence of gated communities in the centre of European cities; enclave communities which segragate elite residential areas from their surroundings and effectively debar access to those who are deemed not to ‘belong’.
Making all due allowance for poetic licence in the use of the term ‘revanchist’ and for the problematic application of a concept developed in the USA to the European context (see for example, Uitermark & Duyvendak, 2005), Smith’s ideas have resonance and provide the basis for an understanding of the process of public space regulation in Europe. He effectively demonstrates that the commodification of space, including public space, is a pivotal process in the regeneration of urban places under conditions of globalisation. Public spaces are being replaced, colonised or neglected in favour of the development of privately owned quasi-public zones where consumption activity is privileged. Privately owned shopping malls and arcades, open only to those with the power to consume, have replaced interactive public places open to all sections of society: in this sense ‘commodity commerce’ has replaced ‘social commerce’. The commodification of space and the associated processes of border control and discipline have thereby further consolidated the division between the ‘haves’ and the ‘have-nots’ in society.9

The exclusion of undesirables (including the homeless) from newly privatised public space is directly linked with the presentation of ‘image’ in a highly competitive environment which permeates down through the global market place to national and regional market places (Macleod, 2002). Coleman extends this analysis in identifying, in these processes of public space enclosure and exclusion, a ‘social control strategy’ which seeks ‘to hide the [negative] consequences of neo-liberalisation in creating a particular ambience and exclusivity regarding ‘public’ spaces’ (Coleman, 2004, p. 293); the proclivity of shoppers to consume is thereby untroubled by the close juxtaposition of those who do not have the capacity to consume.

9 Mike Davies in the context of Los Angles describes this and related processes as leading to the ‘militarisation of space’ a suggestive concept which nevertheless exaggerates their impact in most European cities (Davis, 1990).

Resistance and the right to space

Restricted access to public space has deprived many marginal groups of spaces to congregate for social interaction and of places where they can claim some degree of personal comfort in keeping (relatively) warm and dry. For Jeremy Waldron (1993) the denial of access to public space impinges particularly on the location rights of homeless people. Homeless people by definition have no personal or private spaces that they can call their own. Denial of access to public space robs them of a location for basic human functioning and thereby, in Waldron’s argument, they are deprived of the chance for autonomy of action, their security, safety and individual welfare are threatened, and their sense of dignity and self-respect is compromised.

While objections to the enclosure of public space have taken many forms, for example in concerns over the aesthetic of mass produced architecture or ethical unease over the increasing materialisation of society, opposition and resistance to the social impact of restrictions on the right to roam, for the most part, have been curiously muted. Examples of purposeful interventions on behalf of homeless people are few, and mostly relate to specific localities and instances. An exception here is the national campaign of Germany’s BAG Wohnungslosenhilfe, which organised a series of national campaigns against the exclusion of poor people from public spaces: e.g. the “Night of the Homeless” in 1993 and the 1998 campaign “The City belongs to All”. Both campaigns emphasised the right of poor and homeless people to use public spaces and advocated resistance to privatisation and exclusionary regulations (Busch-Geertsema, 2006, pp. 8-9).
Busch-Geertsema also cites several local campaigns such as that initiated by Hamburg based NGOs against the introduction of local by-laws banning begging (p. 9-10) and Sahlin (2006, p. 24) notes a similar campaign in Stockholm in 1998. Elsewhere the national case studies that contributed to this report recount a number of low key interventions on behalf of homeless people whose access to public space has been threatened or denied. For instance, at the level of what we can label ‘non-action’, there are many instances of the refusal of courts to criminalise homelessness per se and even a reluctance to prosecute homeless people for illegal travel or begging activities. O’Sullivan (2006), for example, is clear in his report that the clamp down on begging and anti-social behaviour in Ireland during the 1990s did not disproportionally impact on homeless people and Busch-Geertsema (2006) notes several instances of failed prosecutions of homeless people for perceived misdemeanours. Elsewhere, e.g. Sweden and Finland, a similar reluctance to criminalise the homeless is apparent, while in other countries (e.g. Italy, Poland and Lithuania) correspondents record instances of the enlistment of crime prevention agencies in finding solutions (albeit temporary) to the problems of rooflessness caused by the imposition of restricted access to public spaces.

The most frequent reaction to the problems caused for homeless people by the increasing regulation of access to public spaces is that they are either ignored or dealt with through a process which entails the identification of alternative forms of provision such as emergency accommodation. In this sense ‘resistance’ as used in the title to this section of the report is perhaps a misnomer; ‘compromise’ would be a more accurate description. An example of such compromise is provided by Wygnańska (personal communication); she refers to the provision in Gdansk central railway station, following an agreement between homeless NGOs and the railway authorities, of a ‘warming-up room’ situated close by but outside the station itself. Such ‘warming-up rooms’ can be found in other stations across Poland as well. In a similar vein Sahlin, quoting Elm Larsen (2002), refers to the development in Sweden of ‘marginal rooms’ (such as cafes) which nominally serve to include homeless people in society, but also effectively serve the purpose of excluding them from places where they are deemed undesirable. Sahlin also cites the example of the use of mobile out-reach teams which have been formed in Swedish cities to help rough sleepers to find places other than commercial centres in which to spend the night (Sahlin, 2006, p. 24) and previously we have noted the example of the establishment of ‘Help Centres’ in Italian railway stations and the bringing back into use of ‘Ferrohotels’ for homeless accommodation. The difficulty with these measures is, as Sahlin argues, that as homeless people are squeezed out from public spaces into temporary accommodation and hostels, their problems are not dealt with and are possibly exacerbated. Denied access to public spaces homeless people are being forced into inadequate sheltered accommodation (which access to public space previously allowed them to avoid) where problems of harsh disciplinary behaviour routines and fear of theft and harassment are all too manifest. Without the provision of adequate alternatives, the regulation of public space is cumulative bad news for homeless people.

As early as 1976 Richard Sennett argued that public space was becoming increasing irrelevant for many urban inhabitants (Sennet, 1978). Later work by Sharon Zukin (1995) and Don Mitchell (2003) reinforced this conclusion. For all these authors such trends, for a variety of reasons, are considered regrettable. A conclusion that can be drawn from their work, however, is that this lack of perceived interest in public space has resulted in a diminished commitment to its preservation, thereby creating a permissive climate in which the process of enclosure and privatisation can be freely enacted. The absence of effective opposition to the enclosure of public space can then be interpreted as a reflection of the fact that many residents of and visitors to the cities of Europe (without necessarily recognising the consequences) support the introduction of regulations which limit the access to public space by homeless people.11

10 See Also Goheen (1998)

11 This again contrasts with events in the USA where many instances of ‘resistance’ to public space enclosure are on record. See for example Smith (1996)
Conclusion

Zygmunt Bauman (1998) in his consideration of trends in modern western society draws a distinction between what he calls ‘vagabonds’ and ‘tourists’. Tourists are those who are embedded in society, articulating the values and behaviour norms of society in being productively employed and conspicuous consumers. Vagabonds are the opposite, those who are excluded from society in that they are neither workers nor (for Bauman of equal importance) consumers. In our post modern world of ‘liquid modernity’ (Bauman, 2000) they are a redundant population, surplus to the requirements of functioning capitalism. Such a division is of course too starkly drawn in that the wall dividing vagabonds from tourist is permeable, with, for example, immigrants as part of the international reserve army of labour recruited to fuel the burgeoning economies of European and elsewhere regularly moving back and forth from one status to another. In the world of European policy Bauman’s vagabonds are the socially excluded and among these homeless people are perhaps the most socially excluded of all. With the increasing regulation of public space a further domain is added to the exclusionary experiences of the homeless. As a facet of social exclusion homelessness has always been more than a bricks and mortar issue. It is a multifaceted problem involving social relations and personal welfare along side the material conditions of housing circumstances. The regulation of public space, however, further restricts the lifeworlds of homeless people, squeezing their autonomy of action, impinging on their personal security and diminishing their claims to dignity and respect (Waldron, 1993).

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