



# I·SPHERE

## Controlling homeless people? Power, interventionism and legitimacy

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Housing Studies Association, April 2017 #hsa17

## Rough sleeping and behaviour change

- Longstanding, intense and emotive debates about the legitimacy of ‘interventionist’ approaches
  - Arrests for begging/rough sleeping ‘criminalise’ poor and vulnerable people
  - Assertive outreach and motivational interviewing paternalistic and patronising
  - Unconditional acceptance of soup kitchens and open door day centres sustain/perpetuate harmful lifestyles
- Polarised views among academics and practitioners in area of significant international/increasing policy relevance

## Aim

- Propose a framework for evaluating the legitimacy of efforts to change the behaviour of street homeless people
- Conceptualise forms of social control employed to shape conduct of street homeless people
- Explicate empirical questions germane to assessment of interventions in this area
- Offer fresh normative perspective on the ‘controlling’ role of social policies targeting vulnerable people
- Make the case for philosophically-informed normative exploration of policy dilemmas

## The project

- ESRC-funded study (2013-18) on ‘Welfare Conditionality’ in England and Scotland – its ‘*efficacy*’ and ‘*ethicality*’ – conducted by 6 UK universities
- Conceptual and theoretical mapping exercise to illuminate and critique potential ethical justifications of welfare conditionality
- 8 groups of ‘welfare service users’ including sub-groups among unemployed, those subject to antisocial behaviour interventions, social tenants and homeless people
- National key informant interviews, practitioner focus groups and qualitative longitudinal research with sample of 480 welfare services users

# Conceptualising interventionism: a power-based typology of social control measures

*Interventionist approaches* seek to alter individuals' behaviour by employing different modes of power:

- **Force:** compliance is secured via the removal of the possibility of choosing not to comply
- **Coercion:** compliance is ensured via the threat of deprivation
- **Influence:** compliance is sought via persuasion, 'nudges' or bargaining to shape beliefs and behaviours

*Non-interventionist* or **tolerant** approaches involve little or no overt attempt to secure behavioural change.

## Evaluating interventionism

- Ruth Grant's work on the ethics of incentives
- Incentives as a form of power
- Critique of hierarchical normative reasoning

*“There are varieties of coercion as well as varieties of persuasion, and they are not all equally legitimate. The use of force includes the legitimate police powers of the state as well as tyranny; it includes a fair fight as well as overpowering the defenseless. Persuasion too is not a simple category. It includes demagoguery, begging, flattery, and fraud as well as rational conviction” (Ruth Grant, 2006, p31)*

## Four normative criteria for judging the legitimacy of a deployment of power

1. Whether it serves a *legitimate purpose*
2. Whether it allows for a *voluntary response*
3. By its effects on the *character* of the parties involved
4. Whether it is an *effective, proportionate and balanced* means to pursue the (legitimate) purpose(s) for which it is deployed

## Legitimate purpose

- ‘Revanchist urbanism’ seeking to ‘sanitise’ the city to satisfy the ‘aesthetic’ concerns of wealthy gentrifiers
- Ordinary local residents’ concerns about human excreta and used needles
- Liberty-based critique of interventionism - individual choice (‘right’) to sleep rough
- Well-being of extremely vulnerable people engaged in street-based lifestyles

# Voluntariness

- For Grant, capacity to respond voluntarily is necessary but not sufficient condition of legitimacy of a deployment of power, **but...**
- Severe addiction/mental ill health can severely constrain capacity to make decisions/look towards the future
- Free will not merely preference satisfaction, but about *autonomy*
- If concerned about autonomy “*complete disavowal of ‘paternalistic’ responsibility for others... looks more like a moral abnegation rather than respectful distance*” (Gregory, 2014)
- In that case, require defensible basis for external ascription of ‘interests’ e.g. the capabilities approach
- Can restriction in short-term freedom of action be demonstrated to restore or establish basic level of personal autonomy where this would otherwise be absent or threatened?

# Character

- Can the deployment of power undermine ‘good character’ of those involved?
- Impact on ‘consumers’ as well as ‘producers’ of welfare relevant
- But undue emphasis on ‘character’ of service provider organisations, could be considered ethically dubious...?
- Extrinsic vs. Intrinsic motivations underpinning individual rough sleepers engagement with services

# Effectiveness, proportionality and balance

The deployment of power is:

- a) Effective i.e. likely to produce the desired (legitimate) result
- b) Proportionate i.e. more likely to produce this result than other, less controlling, alternatives
- c) Balanced i.e. any unintended (negative) consequences are outweighed by the benefits accrued by the intervention

# Examples

## 1. Anti Social Behaviour Orders

- Effective? *Sometimes*
- Proportionate? *It varies*
- Balanced? *No*

## 2. ‘Unconditional’ soup runs, day centres and night shelters

- Effective? *Not clear*
- Balanced? *Not clear*

## Concluding remarks

- These normative criteria may conflict: in this context, legitimacy of purpose and outcomes particularly important
- ‘Paternalistic’ interventions may be defensible if demonstrably prevent harms that irreparably damage long-term autonomy
- Autonomy can be understood in terms of central capabilities everyone needs to live a well lived life (of their choice)
- ‘Tolerant’ non-interventionist responses require ethical scrutiny alongside hard and soft interventionism
- ‘Hard’ forms of interventionism subject to very high bar of justification
- Clear empirical and normative questions to consider: a priori arguments and emotional intuition insufficient and potentially unhelpful