Controlling Homeless People? Power, Interventionism and Legitimacy

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A heated debate

- Public and academic debate about rough sleeping and street activity highly emotive
  - 'Criminalisation' of vulnerable groups reflecting 'punitive' and 'revanchist' politics
  - 'Aggressive begging' damaging business and tourism and not 'genuinely homeless'
  - Behaviour change interventions seen as 'paternalistic' and 'patronising'… *or* morally required
  - 'Innovative' and/or 'community led' responses attract adulation
- Debates at fever pitch in context of high and rising levels of rough sleeping

- Can moral philosophy help us navigate this terrain constructively?

Responses to rough sleeping: a typology

Interventionist approaches seek to alter individuals' behaviour by employing different modes of power/social control

- **Force**: removes possibility of non-compliance
- **Coercion**: secures behaviour change via threat of 'deprivations'
- **Influence**: employs persuasion, 'nudges' or bargaining to shape beliefs and behaviours

Non-interventionist or **tolerant** approaches: no active/deliberate attempt made to promote behaviour change

(Johnsen, Fitzpatrick and Watts, 2018)

Ethical legitimacy

"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, p. 31)

Four questions

1. Does it serve a *legitimate purpose?*
2. Does it allow for a *voluntary response?*
3. Are its effects on the *character* of those involved acceptable?
4. Is it an *effective* means to pursue the (legitimate) purpose(s) it seeks?

1. Legitimate purpose?

- 'Revanchist urbanism' of policy-elite with 'punitive intent' seeking to 'sanitise' the city to satisfy the 'aesthetic' concerns of wealthy gentrifiers

- Liberty-based critique of interventionism - individual choice ('right') to sleep rough

- Ordinary local residents' concerns about human excreta and used needles

- Well-being of extremely vulnerable people engaged in street-based lifestyles

2. Voluntariness

- Capacity to respond voluntarily to an intervention (i.e. choice) usually seen as central central to legitimacy

- But severe addiction/mental ill health can constrain capacity to make decisions/look towards the future

- Immediate preference-satisfaction vs. longer-term autonomy

- If concerned about autonomy *"complete disavowal of 'paternalistic' responsibility for others… looks more like a moral abnegation rather than respectful distance"* (Gregory, 2015)

- Ascribing 'real interests' to others highly (and rightly!) controversial, but some tools can help navigate tricky terrain, e.g. capabilities approach, in small number of cases where it may be justified

- Can restriction in short-term freedom protect/restore basic level of personal autonomy where this is threatened/absent?

3. Character

- Impact of deployment of power on 'character' of those involved?
- On organisations deploying it
  - Homelessness organisations working with Police/Home Office
  - Faith-based organisations' ethos of 'Christian caritas' or secular commitment to 'open door' 'unconditional' support
- On those targeted by it
  - Extrinsic vs. intrinsic motivations underpinning individual rough sleepers engagement with services

4. Effectiveness

- 'Innovation' and 'good intentions' valued highly in public debate… and some philosophical traditions

- But well-being of highly vulnerable group at stake, so moral obligation to consider likely (and measure actual) consequences and accord priority to 'good' outcomes for most disadvantaged

Is the deployment of power:

a) Effective i.e. likely to achieve the (legitimate) purpose?

b) Proportionate i.e. more likely to achieve this result than other, less controlling, alternatives?

c) Balanced i.e. are any unintended (negative) consequences outweighed by the benefits?

Examples

1. **Anti Social Behaviour Orders**
   – Legitimate purpose? *Assumed not, but potentially yes*
   – Voluntary response? *Ultimately, no*
   – Impact on character*: Not clear (extrinsic motivation; turning point)*
   – Effective? *Sometimes*
   – Proportionate? *Varies depending on implementation*
   – Balanced? *Likely not (risks of damaging unintended consequences)*

2. **'Unconditional' soup runs, day centres and night shelters**
   – Legitimate purpose? *Potentially, but not necessarily*
   – Voluntary response? *Yes*
   – Impact on character? *Not clear (facilitate street lifestyles, seperation/stigma and poverty of ambition?)*
   – Effective? *Not clear (ameliorative but not transformative)*
   – Proportionate: *Not applicable*
   – Balanced? *Unintended consequences not clear (but legit question)*

Concluding remarks

- A framework for thinking through the ethics of responses to rough sleeping, not 'the answer'

- Criteria may conflict: legitimacy of purpose and outcomes particularly important in this context

- 'Tolerant' non-interventionist responses require ethical scrutiny alongside hard and soft interventionism

- 'Hard' forms of interventionism subject to very high bar of justification (but not necessarily unethical)

- Clear empirical and normative questions to consider: brute intuitions insufficient and potentially unhelpful

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