

The struggle to belong
Dealing with diversity in 21st century urban settings.

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Between public order and public health

**The formal and informal management of 'nuisance'
involving marginalised groups
in the urban public space**

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Abstract

The presence of marginalised groups in the public space has been increasingly experienced as a source of nuisance by 'insiders' and also criminalised as part of the repression of 'anti-social behaviour' and/or 'incivilities' in many cities, both in Europe and Northern America. As a result, some previously accepted behaviours have been increasingly penalised because they are viewed as a threat for the 'quality of life' of fellow users of the urban public space. However the presence of marginalised groups in the public space is not only a matter of public order, it is also a matter of public health for some other governmental agencies and some NGOs who are reaching out to these groups in order to enhance their condition and reduce risks commonly linked with their presence, either for the marginalised groups or for fellow users of the public space. To what extent are marginalised groups affected by being perceived as a 'nuisance'? How do they experience the (possibly conflicting) inputs by governmental agencies? In this paper I will show that the public space can both be viewed as an arena for open conflicts involving marginalised groups but also for insidious expression of negative views among 'insiders', possibly contributing to further stigmatisation among marginalised groups. A related phenomenon is the reluctance of some marginalised groups to enrol in either governmental or non-governmental programmes aiming at enhancing their health conditions and/or wellbeing in spite of their eligibility. Recent research into such attempts by local NGOs and how they are perceived by target groups in Montreal (Canada) shows that (a) understanding the reluctance and its roots is a key prerequisite for reversing marginalisation processes and (b) lack of recognition is a key issue to address, both in social, legal and political terms. Comparative observations show similar developments in continental Europe.

Paper

1. Introduction

The presence of marginalised groups in the public space has been increasingly experienced as a source of nuisance by 'insiders' and also criminalised as part of the repression of 'anti-social behaviour' and/or 'incivilities' in many cities, both in Europe and Northern America. Over the last few years, 'antisocial behaviour' has been a central focus in many new legal provisions in quite many Western countries. As a result, some previously accepted behaviours have been increasingly penalised because they are viewed as a threat for the 'quality of life' of fellow users of the urban public space. However the presence of marginalised groups in the public space is not only a matter of public order, it is also a matter of public health for some other governmental agencies and some non-governmental organisations (NGOs) who are reaching out to these groups in order to enhance their condition and reduce risks commonly linked with their presence, either for the marginalised groups or for fellow users of the public space. To what extent are marginalised groups affected by being perceived as a 'nuisance'? How do they experience the (possibly conflicting) inputs by governmental agencies? In this paper I will show that the public space can both be viewed as an arena for open conflicts involving marginalised groups but also for insidious expression of negative views among 'insiders' (either individual passers-by or institutions), possibly contributing to further stigmatisation and related feeling of rejection among marginalised groups. Indeed criminalisation of deviant behaviour runs parallel with more informal stigmatisation processes. A related phenomenon is the reluctance of some marginalised groups to enrol in either governmental or non-governmental programmes aiming at enhancing their health conditions and/or wellbeing in spite of their eligibility, unless specific attempts are made in order to approach them in their living environment.

2. Diversity in public space in metropolitan areas

In this paper diversity is defined as the coexistence of a variety of public space users in metropolitan areas of Northern America (we address here the particular case of Montreal, Canada). However such understanding of diversity also applies to other Western cities. Numerous scholars have shown the revival of interest of wealthy households for downtown areas, resulting in gentrification of previously poor areas (Smith, 1996 - among others). Although statistical data clearly show that low and middle income households tend to move out of downtown areas, a great diversity of people visit inner city areas on a regular basis, hence not only those who can afford a house there. Shopping malls, theatres, restaurants, tourist places and many other specific places such as working areas and educational facilities are indeed

matters of attraction for suburbaners and external visitors. However, inner city areas also remain attractive for other people, namely among marginalised groups. For some visiting downtown areas is part of survival strategies revolving around very low and precarious jobs and/or begging. Another matter of attraction is the presence of charities and advocacy groups who are providing resources and social support to marginalised groups in a greater extent in inner city areas than in suburban areas or even, rural areas. Diversity as considered in this paper does not only follow from international migration processes and related increasing ethnical diversity in dense areas but also from increasing social economic discrepancies as a result of economic crisis and how it was dealt with by Western societies and governments. In Montreal e.g., there has been an obvious revival of absolute poverty since the 1980s, affecting locals to a great extent. Nowadays, a common profile among urban outcasts in the second largest Canadian city is a white young man coming from a suburban area or from a middle-size city with low educational record and escaping unemployment and/or dysfunctional family background.

As a result of this social economic diversity factor, some inner cities can still be typified as mixed areas, as far as the use of public space is concerned (in spite of gentrification). Being 'mixed' does not necessarily entail peaceful coexistence, rather the opposite. While getting familiar with different life-styles can be exciting and enriching for some, it proves to be a source of persistent discomfort for the people who fail to handle it at an early stage. Conflicts involving marginalised groups have been increasingly reported and discussed over the last few years, be it conflicts between shops' or restaurants' keepers and beggars; or conflicts about the presence of shelters for homeless people in certain areas. Since the revival of interest for inner city areas among the wealthy groups and the 'creative class' has been largely praised and powered by the will of local governments to attract and maintain the tax paying and highly consuming groups in these inner cities, managing conflicting diversity has merely been understood as managing the presence of the marginalised, mostly undesirable outsiders. In the upcoming sections I will consider two different modes of management - exclusive modes vs. inclusive modes - and the interactions between them. Through these management processes, public space is both an arena where conflicts break out and a stake for control. Public space can also be regarded as a resource for intervention (to be developed).

3. Managing diversity along an exclusive line. 'Nuisance' as a formal and informal matter in the public space

A highly emphasised way of dealing with the presence of marginalised groups in the urban public space is to fight the prohibited business some of them happen to be involved in, such as drug use and sale or prostitution. The target is then the disappearance of the undesirable individuals or groups. The

nexus between urban street life, poverty and crime is an old issue across the Western world, as Chevalier showed by surveying the Parisian working class during the first decades of the 19th century (Chevalier, 1958). The presence of deprived groups in cities has long been experienced as a threat for public safety.

However, over the last decades, the 'crime' category has been significantly extended. Next to 'danger', 'disorder' has come to the fore, as a result of the popularity of the 'broken window theory' (Wilson & Kelling, 1982). By establishing a deterministic relation between minor offences such as vandalism and serious forms of crime, the broken window theory was highly debated among scholars (Harcourt, 2001) but also very influential within policy-making circles. Throughout the 1990s, zero tolerance policy unfolded in New York City but also in European countries (Wacquant, 1999). Besides firmer implementation of existing laws, new legal provisions were enacted in some countries, resulting in the criminalisation of previously accepted behaviour. The English Crime and Disorder Act passed in 1998 - providing a legal definition of anti-social behaviour but also introducing the Anti-Social Behaviour Order (ASBO) - is probably the most famous one (Crawford, 2008; Millie, 2009). Throughout the 1990s a number of continental European cities passed municipal acts in order to prohibit begging. In Canada, the Province of Ontario passed the Safe Streets Act in 1999, followed by the Province of British Columbia in 2004. This way 'solicitation in aggressive manner' became a penal offence. The two acts raised intense criticism among civil society. Namely they were accused of being vague and leading to the criminalisation of survival strategies among homeless people such as squeegee kids. In Montreal (Province of Quebec), there is no new penal legislation about anti-social behaviour but existing municipal and provincial legal provisions have been increasingly used since the beginning of the 2000s, regarding hanging around; drunkenness in public settings; lying down on public benches; solicitation; presence in public parks out of opening times (Bellot et al., 2005).

Most likely changes in law and in law enforcement follow from lesser tolerance within political circles and/or influential interest groups towards marginalised sections of society. However criminalisation of disorder and nuisance has obviously also fostered lower tolerance and increasing fear of aggression among 'insiders' over the last few years. By criminalising a wide diversity of nuisance on the basis of vague criteria, the anti-social behaviour legislations tend to foster a climate of suspicion within mainstream society. Hence marginalised groups do not have to face only increased risks of being criminalised but also increased risks of meeting unfavourable fellow users of the urban public space. Ethnographic research shows that being viewed as a source of 'nuisance' is an important matter of discomfort and stress for marginalised people, even when not involved in serious forms of criminal business.

3. Managing diversity along an inclusive line

Meanwhile the resurgence of absolute poverty in metropolitan areas since the 1980s has not only been a law-and-order issue but also a social issue, as shown by conflicting welfare and criminal justice discourse on the nature of homelessness (Wardhaugh, 2000). Numerous charities and advocacy groups are willing to address the presence of marginalised groups in the urban public space along an inclusive line by attempting to reverse marginalisation processes when they are not choice-based. By providing a wide array of services ranging from meals, showers and laundry facilities, temporary shelters to semi-permanent housing and guidance towards regular paid work or additional professional training, they attempt to give a chance to escape marginality and exclusion by opening up avenues towards inclusion in mainstream society.

However providing social service or support is not the only inclusive strategy. Public health agencies have also been involved in addressing the presence of marginalised groups in the urban public space over the last decades. In their view, marginalised groups such as street youth are at high risk of a number of diseases such HIV/AIDS or Hepatitis C virus (Roy e.a., 2007a; Roy e.a., 2007b). By providing targeted prevention through e.g. needle exchange programmes, they attempt to enhance the health condition of the marginalised groups themselves and reduce risks commonly linked with their presence, either for the marginalised groups or for fellow users of the public space.

4. Interactions

The two lines introduced above are not necessarily mutually exclusive per se. As a matter of fact zero tolerance ingredients have been purposefully included in integral approaches of public safety such as community safety programmes (Hughes et al, 2002). However a number of interactions contribute to mutual hindrance (to be developed).

Suspicion towards marginalised groups eventually leads to more difficulties for inclusive projects. For instance the 'not-in-my-back-yard' effect hinder the development or the relocation of facilities such as shelters or medically assisted drug injection programmes. At a micro level (interpersonal), suspicion climate fosters the insidious expression of negative views among 'insiders' (either individual passers-by or institutions), possibly contributing to further stigmatisation and related feeling of rejection among marginalised groups. Criminalisation of deviant behaviour runs parallel with more informal stigmatisation processes (to be developed).

Turning disorder and nuisance into crime not only fostered suspicion among mainstream society towards marginalised groups; it also fostered suspicion

among marginalised groups towards mainstream society and, more specifically, agencies that could possibly be connected to repressive power. Partly because of that, some marginalised groups have become reluctant to enrol in either governmental or non-governmental programmes aiming at enhancing their health conditions and/or wellbeing in spite of their eligibility (to be developed).

5. Public space as a resource for the inclusive line

Interestingly the reluctance among marginalised groups towards inclusive programmes raises intensive discussion within governmental and non-governmental circles. How far should agencies insist in approaching marginalised groups? In the name of public health or in the name of social justice some governmental and non-governmental agencies have set outreach programmes towards marginalised groups. Some of these programmes primarily aim at pulling back the marginalised groups to the agencies while some other programmes primarily aim at understanding the reluctance among marginalised groups towards support programmes and explore avenues for alternative service and support. Recent research into these programmes¹ shows that (a) understanding the reluctance and its roots is a key prerequisite for reversing marginalisation processes and (b) lack of recognition is a key issue to address, both in social, legal and political terms (to be developed).

6. Conclusion

Formal and informal recognition as a key challenge for the reversal of marginalisation processes and the role of social intercourse in public space (to be developed).

7. Literature

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¹ The point of the research was to explore the attempts made by professionals at reaching out to marginalised groups who are not applying for social assistance provided by governmental or semi-governmental bodies although they are entitled to and although they are widely regarded as facing social problems. The research consisted in analysing the rationales of such attempts and how they are embodied; how they are legitimised and what are the outcomes according to the frontline professionals and the target groups. The research was carried out in three Western metropolitan areas: Amsterdam, Montreal (Canada) and Barcelona (Spain) (Baillergeau e.a., 2009).

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