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# Punitive Approaches and Welfare State Intervention: Reflections and Future Research Directions

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Jürgen von Mahs

The New School, New York, USA

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## Introduction

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O’Sullivan’s article is an important and timely contribution to a growing body of literature that cautions against a simplistic analysis that US style neoliberalism is the main reason for a proliferation of punitive policy against homelessness across Europe. As a researcher who has discussed the question of a potential “Americanization” of homelessness in Germany (von Mahs, 2011a) and who, with Don Mitchell, edited a special collection of articles on the topic, I agree with O’Sullivan that European responses are, by no means, as revanchist as those displayed in virtually any US city (see von Mahs and Mitchell, 2011). A similar point was also made in a much noted study by Doherty and colleagues in 2008. I also agree that European circumstances cannot simply be explained through “neoliberalism” and thus emulation of US practices alone.

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## Managing Marginals in Europe and the US

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O’Sullivan carefully crafts his argument by first delineating the comparative context of punitive policy and tremendous variations that exist between industrialized countries depending on their underlying welfare regimes, and thus circuits of inclusion and exclusion. His main contention hereby is that Europe has a long, but varied history of punitive policy and currently has, in virtually every member state, disproportionate numbers of foreign nationals in prison or jail. This, so the author contends, implies that Europe has its “own” history of legal exclusion, and that current exclusionary practices are literally homegrown rather than imported from the US’s neoliberal regime. He used two main bodies of evidence including, a) the

extent of racial and anti-immigration bias in the current criminal justice systems of Europe more generally, and b) a long history of treating vagrancy, and homelessness in particular, through punitive means across virtually any European country.

Particularly convincing are O'Sullivan's accounts about distinct European practices of managing marginals which provide a historical perspective that shows, rather clearly, that most European countries have long dealt with surplus labour in a very controlling and systematic fashion, arguably more so than in the US. The author sets up his argument carefully by first discussing punitive responses to homelessness in the US offering a poignant synthesis of the US literature on the topic which helps the reader to more clearly see the differences between US and European approaches. This, in turn, allows him to challenge the dystopian American narratives, and thus refocus the debate on the distinct historic origins of the social control of vagrancy in Europe, and more recently, a rise in anti-immigration sentiments, rather than an anti-homelessness backlash causing a more punitive bent in Europe.

While I find his arguments very persuasive with regards to variations among different welfare regimes and the legacy of historic labour colonies to control surplus labour, I was less convinced of the author's relatively brief discussion of current racial bias in European criminal justice systems. For one, the figures provided in Table 2 (p.82) do not indicate the extent of disproportionate conviction rates in Europe – a second measure indicating the proportion of foreign nationals within the proportion of the overall population would have helped to show such bias more clearly. What's more, the author brushes over US statistics which, if included in the table, would have shown the absurdity of a comparison more clearly, both in the overall extent of prison populations and the disproportionate share of ethnic minorities among the over two million people currently residing in penal facilities in the US. If anything, wouldn't the disproportionately high overall numbers of prisoners and the highly disproportional representation of minorities over the past few decades be an indication that European countries may follow the US? Moreover, how is such punitive policy related to homelessness? Like most studies, O'Sullivan cannot provide us with an answer for the simple reason – to this day there are virtually no statistics that clearly differentiate prison populations by previous housing status. This, ultimately, weakens the argument a bit.

What's further missing, in my opinion, is a more scalar analysis. O'Sullivan refers in his abstract, to "local variations", yet rarely moves below the scale of the nation state when discussing European circumstances. This, to me, is a major omission because the real scale of neoliberal contention and ultimately enactment of punitive policy is the urban local scale and scale of lived experience. I have long contended that, in agreement with O'Sullivan, there are few indications of neoliberal inroads at the national or even state level in most European countries, but there are indications

that US style rhetoric and exclusionary measures are rather evident at the urban scale. In cities across industrialized nations in the global north, private capitalist interests (i.e. public private partnerships) have long infringed on public spaces and their regulation. This practice is then accentuated by new means of spatial control such as the omnipresent surveillance of public, private, and semi-private spaces. The public responses, in Europe at least, then may not be based on explicit anti-homeless ordinance as the in the US, but the ultimate consequences of using general laws and ordinances pertaining to public conduct remain the same: The homeless and other fringe groups are the ones who have to go.

Similarly important urban factors, rather implicitly addressed in O’Sullivan’s article, pertain to post-Fordist urban economic restructuring with its ramifications on local labour and housing markets whereby welfare regime specific arrangements determine outcomes. I found in my own research that local welfare state deficiencies – most notably insufficient cash assistance and inadequate job referrals – cause many homeless people to engage in sanctioned behaviours, even in Germany where the extent of public intervention is much higher than in the US and recent neoliberal inroads and experimentation with workfare will likely bypass homeless people and further reinforce their marginality and exclusion. This local welfare-criminalization nexus – one hallmark of neoliberal local practice – appears rather peripherally addressed in O’Sullivan’s article and is certainly worth being explored further.

## Conclusion

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Ultimately, O’Sullivan provides us with a very important discussion that lays bare some of the limitations of current debates that focus too narrowly on neoliberalism as an explanatory framework for understanding homeless people’s exclusion. The author makes a persuasive case for what I called elsewhere “path dependence” in that both punitive approaches and welfare state intervention produce different penal outcomes with attendant potential implications for homeless people (von Mahs, 2011b). O’Sullivan’s paper, clearly, advances our understanding of the inter-relations of punitive policy and homelessness by showing that punitive policy in Europe is by no means only a question of an emulation of neoliberal, US-style practice. Still there is ample of room for further research as we ultimately still lack a clear understanding of both the extent and consequences of punitive approaches to homelessness, its economic (neoliberal?) causality, how it intersects with welfare and social service intervention, and what outcomes it produces.

