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Urban Definitions of Places and Behaviour

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INTRODUCTION

Although this paper is not based on empirical research, it is influenced by accounts of a selection of cases, in which the aim or result was that homeless people have been excluded from Swedish city centres. The four examples I have chosen are: conflicts between different groups of users in a suburban park; the subtle removal of a number of public benches in a gentrified area; an anti-begging project in Stockholm; and the closing at night of the central blocks in Göteborg. Thinking about these examples and some related court cases and searching for crucial decisions and regulation that enabled and influenced this devolution, I have come to the conclusion that they all concern struggles about definitions – of people, places and acts. Hence, the title of my paper is ‘Urban Definitions’, which refers to legal and formal definitions of places and behaviour, as well as the ‘definition of the situation’ in the symbolic interactionist, non-exclusive and social sense.

My point of departure is that the processes affecting homeless people’s place in the city on the one hand has its own dynamics, on the other hand reflects more stable relations of power and patterns of control. The interaction of city renewal, public-private partnerships and zero tolerance in urban policing have serious implications for the homeless, who may be excluded from the commercial and cultural centres both deliberately and unintentionally. Homeless users of public space is recognized as a dilemma within policy making as well as business, although from different (and sometimes contradictory) view-points. However, most parties agree that the presence of visibly homeless people should be interpreted as a need for containment, that is, institutions (shelters, hostels) where homeless people could be kept and taken care of. While the social services and NGOs want to facilitate homeless people’s inclusion into society, business companies and property owners primarily try to prevent their returning to the commercial centre. However, as these institutions usually reject trouble makers or expel clients as a sanction for misconduct, and as many who need shelter find some of these appalling, the excluded homeless people are likely to come back to the city centre as long as they do not have regular housing (Sahlin 2004).

The concepts *border control* and *discipline*, inspired by Foucault (1979) and his metaphors of how cities in ancient times used to handle the leper and the plague, respectively, have proven helpful to make sense of the different strategies of the landlord and the social authority

(Sahlin 2001). Border control consists of rejection and expulsion of problem people in order to keep the house or area “clean”, while discipline comprises to organise and control people spatially, as well as to supervise, train and teach them to make them behave properly while remaining in the community. The same strategies can be identified in means of keeping order: private guards and gate-keepers employ border to control to take care only of a delimited territory, while the police use discipline to keep order in public space (Franzén 2001, Mørk Lomell 2005). These broad concepts of power and control have been useful also in this paper to make sense of partly different ways to deal with the same target group, the homeless in urban space.

Besides the introduction and the conclusion, the paper has four sections. The first one is basically an attempt to translate and explicate the legal sections that I find relevant for homeless people’s access to (public) space. Legislation defines not only whether or not a specific act is illegal (and in that case in what way) but also whether or not (and in that case in what sense) a place is public or private, as well as the conditions for police intervention. The second section deals with definitions of places/spaces as public or private, respectively, and with the ambiguities that shape the grey zones between them or in transition stages. The topic of the third section is the fact that rules, norms and expectations referring to the usage of specific public places may differ between different kinds of users and even contradict or challenge each other. An obvious implication is that gentrification affects the design of urban space in a way that might deter homeless users. I suggest that the concept of *commons* be applied to space that is ‘formally’ public but socially defined as ‘local’, where settled neighbours and users want to define the decorum of the space. The fourth section starts from the recognition of new actors in urban policy – private investors, for-profit companies and public-private partnerships for city renewal, urban development, crime prevention and safety. I claim and try to illustrate that such *neo-corporatism* (Crawford 1997) entails that definitions of indecent behaviour (e.g., begging), public streets, and crime, are being displaced in a direction that threaten homeless users of the city centre.

LEGISLATION

Legislation is relevant for homeless people's presence and behaviour in public space for several reasons. If their activities are defined as crimes, they become vulnerable to police arrest and other people's or companies' attempts to exclude or question their presence might be legitimised (excused or entitled). This, in turn, may foster stereotypes of homeless people as criminals and as threats to "ordinary people's" safety. The latter reason refers to the interaction between law-making and public opinion (including powerful people's views and interests). On the one hand legislation may affect different parties' behaviour and acts (which is of course one of its main purposes) and their definition of spaces and what is going on there (see Goffman 1963/1966). On the other hand, legislation may be changed, or the interpretation of it altered, as a result of debate, lobbyism, pressure, cooperation, informal cooptation and other close interaction between various stake-holders and representatives of public authorities and experts. Finally, the legal regulation of police intervention is relevant for homeless people who are seen as violating the law.

In this section, I will go through the paragraphs defining, first, when it might be a crime to enter a place that is considered to be private or to which access is limited and, secondly, what behaviour may be regarded as a crime because it takes place in public space. Thirdly, I will relate the legislation on how to make rules of order in public space and, finally, refer the rules regulating police interventions.

The Penal Code: Trespassing, Intrusion, Disorderly Conduct

There are a few paragraphs in the Penal Code (*Brottsbalken* 1962:700) that homeless people, who are confined to live their private lives in public, more than others risk to violate; These are trespassing individuals' homes, or breach of domiciliary peace (*hemfridsbrott*) or the premises of business or organisations (*olaga intrång*), molestation (*ofredande*) and disorderly conduct (*förargelseväckande beteende*). While the first three refer to private property and/or personal privacy, the last one concerns behaviour in public space and may be a crime even if nobody is personally affected or files a complaint to the police about it.

Violation of the privacy of the home and intrusion are included in Chapter 4, "Crime against Liberty and Peace":

Section 6

A person who unlawfully intrudes or remains where another has his living quarters, whether it is a room, a house, a yard or a vessel, shall be sentenced to a fine for *breach of domiciliary peace*.

A person, who, without authorisation, intrudes or remains in an office, factory, other building or vessel or at a storage area or other similar place, shall be sentenced for *unlawful intrusion* to a fine.

If the crime mentioned in the first or second paragraph is gross, imprisonment for at most two years shall be imposed.¹

The Supreme Court settled in 1995 (Case No B4354-93; NJA 1995:13) that a person who violates a shop-keeper's decision to blacklist him/her because of previous shoplifting or noisy behaviour is not guilty of unlawful intrusion, since a shop in this context is to be regarded as a public place, rather than as a place for work or production during opening hours. However, to enter a premise without permission when it is closed in order to find a place for rest, something that rough-sleepers sometimes do, is no doubt unlawful intrusion.

Another section in Chapter 4 of the Penal Code, sometimes suggested to apply to begging, is molestation (*ofredande*).

Section 7

A person who physically molests or by discharging a firearm, throwing stones, making loud noise or other reckless conduct molests another, shall be sentenced for *molestation* to a fine or imprisonment for at most one year. (Law 1993:207).²

Disorderly conduct or offensive behaviour considered to be aggravating for the public may be a crime when it takes place in public. This legislation is found in Ch. 16, "Crime against Public Order":

Section 16

A person who is noisy in a public place or who otherwise publicly behaves in a manner apt to arouse public indignation, shall be sentenced for *disorderly conduct* to pay a fixed fine (Law 1991:240).³

This law is quite old but it seems not to be applied very often today. Most of the sentences published on the net as guiding verdicts (www.rattsinfosok.dom.se/lagrummet/index.jsp), seem to concern racist utterances or Nazi gestures in public.

¹ Ch. 4, 6§ *Den som olovligen intränger eller kvarstannar där annan har sin bostad, vare sig det är rum, hus, gård eller fartyg, dömes för hemfridsbrott till böter.*

Intränger eller kvarstannar någon eljest obehörigen i kontor, fabrik, annan byggnad eller fartyg, på upplagsplats eller på annat dylikt ställe, dömes för olaga intrång till böter.

Är brott som i första eller andra stycket sägs grovt, dömes till fängelse i högst två år.

² Ch. 4, 7§: *Den som handgripligen antastar eller medelst skottlossning, stenkastning, oljud eller annat hänsynslöst beteende eljest ofredar annan, döms för ofredande till böter eller fängelse i högst ett år.*

³ Ch. 16, 16 § *Den som för oljud på allmän plats eller annars offentligen betar sig på ett sätt som är ägnat att väcka förargelse hos allmänheten, döms för förargelseväckande beteende till penningböter.*

The Public Order Act and Local Ordinances

The current Public Order Act (*Ordningslag* 1993:1617), valid since 1994, regulates the conditions and terms for public arrangements (political manifestations as well as cultural or commercial events), public places and some public transports. The second section in Chapter 1 identifies ‘public place’ (*offentlig plats*) as public roads, streets, squares, parks and other places that in the municipality’s planning documents are defined as public (*allmän*) place and are accessible for the general public. If such access pertains only to certain hours, the place is defined as public during this time.

Relevant for rough-sleeping people is the first general section on use of public places in Ch. 3 (on public order and security):

1 § A public place within an area subjected to urban planning (*detaljplanelagt område*) must not, without permission from the police authority, be used in a way that is not in accordance with the purpose for which the place has been let or with what is generally accepted. However, permission is not needed if the place is occupied only temporarily and in a non-significant extension and without violating the permission of somebody else. (My translation).

The Public Order Act states further that the Government or – after having been empowered by the Government – the municipality, may decide on the additional proscriptions (*föreskrifter*) for the municipality or for a part of it that are necessary to keep up general order in public space (Ch. 3, 8 §). However, according to 12 § in the same chapter, these ...

... proscriptions must not put unnecessary coercion on the general public (*lägga onödigt tvång på allmänheten*) or else imply unwarranted constraints of the individual’s freedom (my translation).

With reference to this section and to the Order Bill, the Swedish Supreme Administrative Court (*Regeringsrätten*) in 1997 (RÅ1997, ref. 41, case No 2481–96), annulled a local ordinance adopted by Göteborg City that prohibited the consuming of alcohol in all public space in the municipality, except for in licensed restaurants and bars. In spite of this restriction on *general* prohibitions, the municipalities may state rules of behaviour in designated public spaces (as well as designate places as public), and according to a verdict in the Supreme Court (Case No B2346-95, NJA 1997:37), the municipality may adopt ordinances that go beyond what is stated in the Public Order Act. Both Göteborg and Stockholm have restrictions against camping in public space and both cities have decided to

prohibit drinking of alcohol in a wide selection of public places, including certain parks etc. This kind of ordinances make many homeless people vulnerable to police arrests.

Seizing, Arresting and Expulsion

According to the Police Act, the Police may seize and eject a person or take him/her into temporary custody in a wide range of situations.

Section 13

If a person by his conduct disturbs public order or poses an immediate threat to the same, a police officer may, if this is necessary to maintain public order, turn away or remove that person from a certain area or certain premises. The same applies if such a measure is required for the aversion of a punishable act. If a measure referred to in the first paragraph proves inadequate for achieving the intended result, the person may be taken into temporary custody.

Thus, the police may take these actions in four kinds of situation: when the order is disturbed or when there is an immediate risk for order disturbance, and when a crime is proceeding or there is a danger of crime (National Police Board 1999, p. 58f.). It goes without saying that the definition of a situation as a “risk for order disturbance” is a matter of judgement where there is considerable room for interpretation.

Accordingly, the law provides the police with wide space for action and discretion, something that interviewed rough-sleepers in Göteborg frequently complained of (Sahlin 2000). Some of them told, for instance, that the police would seize them and drive them by car out of the city, where they were let loose but had to walk for many hours to get back to the city centre again. A published “guiding sentence” by a court of appeal (Svea Hovrätt RH 1996:24, Case No B1890-95) relates to a similar case in Stockholm. The district court had found two police officers guilty of unlawful capturing (*olaga frihetsberövande*) since they had seized a man that they found in a building and driven him in the police car far out of the centre. The victim, who was homeless, told the court:

He had no housing at the occasion but slept in an elevator, that had stopped between two floors. The entrance of the building was open when he entered. He had possibly drunk something but was not affected. /.../ ‘Illegal intrusion’, they (the police/IS) said. They were told (by phone) that he was ‘green’ and could leave. The police officers were annoyed at him and took him immediately into their car. In the car they said nothing about where they were going or why. They said: ‘let’s drive him there’. The car then stopped at a side-way in the forest. They threw out his bag and said ‘you can stay here’. He does not live anywhere, sometimes with friends but anyway not in the forest. The police were not in a good mood and said that they were fed up with him. It was all dark and it was in the middle of the forest. He did not know where he was. He saw no bus stop. When the police car left, they tore off so that the snow splashed on him. There were no houses nearby (ibid.).

Although the Court of Appeal changed the sentence for one of the police officers from unlawful capturing to breach of duty, it concluded:

In the view of the Court of Appeal, it is thus not compatible with the given general principles for police interventions to move a homeless person in a cold night from the place where he is staying to another area – at a far distance and maybe totally unknown for the concerned person – without making clear how he could spend the rest of the night (ibid.).

To their defence, the police claimed that they had only ‘removed’ the man and tried to prevent him from relapsing in ‘unlawful intrusion’ in the same building again during the night. Similar explanations were given to the rough-sleepers that – irrespective of the guiding sentence – were being removed from the shopping centre in Göteborg (Sahlin 2000).

DEFINING PUBLIC SPACE

The definition of places as public or private is more complicated than it appears at first sight. Land or buildings owned by the municipality or the central state may very well not be public in the sense of the Public Order Act. For instance, institutions and offices do not constitute public space and dwellings owned by municipal housing companies are of course just as private as owner-occupied homes. Conversely, privately owned land may be defined as public. The problem is, though, that when public places are privately owned, the owners may try to enforce home-made rules and make their possible security guards act according to these, even if they are legally unfounded or outright illegal. For people in general, and for disadvantaged people such as the homeless especially, rejections and exclusions are deterring even if they are unwarranted.

An issue of interest for homeless people is the right to sell street papers in the city centres. Both Stockholm and Göteborg have decided in their local ordinances (§16 and §12, respectively) that temporary sale in public space requires permission from the police in (specified) parts of the city, with the explicit exception of the sale of printed matters. Accordingly, selling street papers is allowed. Nevertheless, vendors of the street paper *Faktum* in Göteborg have been repeatedly rejected and ejected from public places. According to one of its reporters, the real estate company owning *Fröunda torg*, an indoor shopping centre and square in a suburb of Göteborg expelled the vendors with reference to its decision to prohibit all commerce outside shops that paid rent for their premises. *Västtrafik*, the public

transport company that controls regional buses and trains, had taken a similar decision regarding the bus station close to the Central Station. However, according to the police as well as the city authorities, these places are public and the vendors actually have the right to be there and sell their paper (Sernbo 2001).

In the countryside, similar problems occur. Since centuries, the public (that is, in this context, anybody) is entitled to stroll, pick flowers, mushrooms or berries and enjoy the nature in other ways, even if the land is privately owned, as long as one does not harm or make difficult for farmers to do their trade or enter private gardens. Camping, for instance, is in principle allowed in the countryside temporarily (up to three nights) without the permission of the land owner. Nevertheless, this old customary right, *allemansrätten*, is sometimes violated by land owners who try to keep other people out from their territory through fences, signs warning for angry bulls or stating “private land” or simply through telling visitors off.

Limited public space

In their study of local squares, Olsson, Ohlander & Cruse Sondén (2004, p. 277 ff.) distinguish between public space and limited public space. The latter is constrained in the sense that owners and/or employees exert control over people and activities. Three subtypes are identified: shops, post offices etc. where visitors are expected to be customers and enter the premises with a certain purpose; cafés and restaurants where visitors are expected to buy something to eat or drink while they are sitting down; and meetings and other activities which the visitors are expected to take part in. Although the groups who predominate these different places vary, marginalised people – almost per definition – tend to be excluded and are more often found in non-limited public space, like the square (ibid.). The public library may be an exception. Even if it is a limited public place, it is indeed possible to stay there for free, and reading is the only activity expected from its users.

The interaction between limited public places like restaurants and wholly public places like streets and squares has been analysed by Franzén (2001) in terms of border control and discipline. In the limited public places like restaurants, the proprietor can expel misbehaving customers or use gate-keepers and guards to reject unwanted guests. However, such intervention causes frustration that must be contained in the truly public space, like the pavements. Here, the police is responsible for keeping order but they must not intervene unless they have legal grounds for it. Furthermore, they cannot exclude people from public

space without a cause. Hence, they rather use discipline: supervise the risky persons' behaviour and try to distribute them in public space in a way that reduces the danger of fights and fright.

Ambiguities

Limited public space may of course be more or less 'open' for the public and – as will be more developed in the next section – it is sometimes a matter of interpretation whether or not a place is at all public. What Newman (1972) calls 'defensible space' may also be described as semi-public. Small lots of land close to dwellings tend to be looked upon and guarded as if they were private or semi-private, even though they are indeed public. Currently, urban planning explicitly encourages this kind of appropriation as it is considered to prevent crime. If neighbours react to and tell off youngsters trying to vandalise bicycles or covering walls with graffiti etc., it is supposed to improve order and reduce crime. But the feelings that are provoked by somebody's intrusion in 'our' territory with a criminal intent will probably also be aroused if homeless people try to spend the night, sit down or bring their things to such a space. Put differently, space seen as 'defensible' will probably not be taken as public.

Another ambiguity regarding what is 'public place' stems from the fact that the concept is used in different ways in the Penal Code and the Public Order Act, respectively. In the former, also a shop or another indoor place may be public, while 'public place' in the Public Order Act "is tied to planning and building legislation and in principle does not include indoor localities" (Supreme Court Case No B4354-93, NJA 1995:13). Furthermore, traditionally "outdoor" space, such as squares and streets, are to a growing extent resembling "indoor" places through gates and walls and through glass ceilings. This tendency may in the long run affect the legal and social conception of the place (see below on Nordstan).

Another phenomenon that feeds into ambivalence in terms of a place being public or not, is what has been called 'spaces of uncertainty' (Cupers & Miessen 2002), that is, places that have been left over when the city is planned, developed and renewed, or – what is maybe more common – places that are 'waiting' for development but which nobody makes claim on or takes care of. This space is sometimes useful for those of the homeless who have nowhere else to stay, meet or keep their things, but sooner or later the police, municipal authorities or property owners will try to get rid of them, for instance when neighbouring real estates are ready to be demolished or complemented. These uncertain places may be publicly or privately

owned but are not taken notice of in the planning documents or local proscriptions, and there are often no signs or implicit instructions on how they should or must not be used (Aspenström 2006).

To sum up, what kind of behaviour is allowed or prohibited (or even criminal), or whether access is open, restricted, conditioned or denied or who may at all enter, remain or reside depends on whether the place is private or public, and if public, on the specific rules and norms that are valid for the ‘territory’. What places are public or private, in turn, is determined partly in general terms, partly for specific places – and subject to change.

Such changes, in turn, are sometimes the result of political and administrative decisions in the municipality’s planning process, or regarding its local rules of order but may also correspond to the interests of private owners or business. While many places that are wholly or partly privately owned may remain truly public, privatisation is often an element in a project of renewal and change. Private property owners or developers may be willing to invest in a planned change on the condition that the area becomes their private property. Conversely, the municipality may require that they arrange for some public space or improve its public accessibility as a precondition for the right to implement development plans. Hence, both the definition and the actual usage of a specific piece of land are often subject to negotiations. Sometimes this entails that the private owner can determine or at least influence what rules of behaviour should be valid in the spot. In addition, the balance between different parties’ responsibility for keeping order and regular maintenance may be a matter of negotiations.

As long as it is open for the public, the Public Order Act applies also to privately owned space. Likewise, publicly owned places (for instance an office or a shelter) may be ‘private space’ in legal terms.

		Ownership	
		Public	Private
Legal status	Public	streets squares	shopping malls (squares)
	Private	work-places shelters	homes

As was obvious in the court case on a shop's black-listing of one of its customers, the very same place can be defined as a shop (public) or as a work-place (private) depending on time of the day. The kind of places where definitions of unlawful or improper behaviour are most likely to be subject to change and ambiguous to visitors as well as owners are those which are privately owned but defined as public by the local authorities, but there may also be different opinions regarding publicly owned places to which access is restricted. In addition, the design of the place as well as its location may deter some sections of the general public and make others feel more comfortable, which can influence the prevailing norms of behaviour regardless of legal status and ownership. This is the topic of next section.

DEFINING THROUGH DESIGN AND DECORUM

From the point of view of the homeless, legislation and law enforcement are not the only constraints on their everyday life and survival. More important are sometimes financial or physical obstacles for their practical life. For instance, the availability of public (clean) toilets, benches, paper baskets, unlocked doors and entrances and sources of heating, as well as generous opening hours in public halls and waiting-rooms, facilitate the life without a home; conversely, the removal of such assets or of free access to places makes rough-sleeping harder or impossible.

In addition to legal, physical and financial obstacles for using space in a certain way, the location and design of a place influence the perception of what is possible and appropriate to do in it. At the same time they have an impact on the image of the users of the place as 'normal' or 'deviant' and on whether they become targets of aversion or deterrence, even if their activities would not be forbidden or illegal.

Crime prevention advice often include that residents in a neighbourhood regard their yards, lawns and parking lots outside the dwellings as belonging to the house, and such places may also be designed in a way that make strangers avoid them, and the neighbours take better care of them. To make a place 'defensible' (Newman 1972), is also to make people define it as semi-private and belonging to a specific collective of residents, rather than to 'everybody'.

Gentrification and the A-team

To illustrate the dynamics of competing definitions of public space and of its main users, I will give a short description of the fate of a few public benches in my neighbourhood. In 1999, I moved into a flat in a private rental building in what was considered to be a nice part of Göteborg: rather old but well-kept multi-dwelling houses, lots of restaurants at the ground floor, several small cinemas and the like. There are also some facilities for homeless people, such as a café and a shelter, and some institutions of control, like a police station and a place for sobering up, run by the social authorities, in the neighbourhood. However, already after half a year my neighbours organised a tenant owner's society and claimed precedence to buy the building if it would be for sale, and in the following years almost all rental dwellings in the neighbourhood have been converted into owner-occupied homes.⁴ In these cases, the first tenant-owner will make a considerable profit, but it is not realised until the dwellings are sold anew. Hence, they soon change owners,⁵ which speeds up a gentrification process that is further fostered by the tendency of these conversions to spread like an epidemic in the neighbourhood. In the quarters where I live, most flats have been transformed from rental to owner-occupied in the course of only a few years.

In the short walk from home to the nearest tram stop, I pass seven restaurants, a tobacco shop, a non-profit cinema, a grocery shop, and a deli. I used to pass also two couples of benches, partly concealed by rhododendron bushes in the broad pavement, and a little triangular square, with five or six benches facing each other in the shadow of a couple of old trees. These benches were often occupied by people who sat and talked, drank beer or liquor or just took a rest. However, about a year ago the benches by the bushes were suddenly replaced by cycle stands. At about the same time, the triangular public place was fenced in, and tables and chairs belonging to a café nearby now substitute for the benches. An old neighbour of mine has noted that there is no longer any place to sit down and rest for free on her way to and from the shop. She did not particularly like the middle-aged beer-drinking men that used to

⁴ This development is possible through, first, a law that gives precedence for such societies of renters to buy a property that is for sale and, second, the tax legislation that makes it more profitable for private landlords to sell their real estates to the sitting tenants than to other companies. As a result, they are sold below the market price.

⁵ When tenants of public housing in Stockholm were offered to buy their flats some years ago, 51 percent of those who did sold them further within six months. The average profit per flat was 700,000 SEK (\approx 75,100 EURO) (*Göteborgs-Posten* 8.9.2006).

dominate the place under the trees, but she does not feel more at home with the young fancy people nowadays having their cafe latte in the privatised, fenced-in place.⁶

In most town centres and many local squares in Sweden you find a corner or a place with a pretty stable group of middle aged, substance abusing men, commonly called *A-laget* (“the A-team”; A being the initial of the Swedish words for alcoholics, as well as unemployed). Some of them are homeless, but most of them are not. In their study of local suburb squares in Göteborg, Olsson, Ohlander & Cruse Sondén (2004, p. 194) noticed that the A-team is “a planning problem”, but that the tolerance for this kind of people varies with other factors, such as whether they tend to remain in a specific corner or part of the square, or if they spread all over it, and whether or not other people interact with them. Where such interaction goes on, a common attitude is that “since we know them, we are not afraid”. The authors identify three qualities of a place where the A-team gathers: the availability of benches, an open view over the square, and bushes that allow them to be partly shut off from people’s view. And they conclude:

... in most cases it is better to let the A-team take place at the square and that this place can be created according to the above-mentioned requirements. To try to drive them out or minimise their presence through making places uncomfortable may work for a while and will often result in bigger congregations somewhere else. In addition, and this is also a crucial point, what makes the squares nice for the A-team, is also what makes other people like it there. Seats in various locations so that you can watch the life in the square and get in touch with other people are something many people appreciate and that have a great impact on the atmosphere in the square. To impoverish the square is not a good way to develop it (ibid., p. 199).

A new way to deal with men with a drinking problem and/or having no place to live has been tried in Denmark. Special premises like pubs and day centres are being established for “marginal men”, beside similar places for “ordinary” people. Elm Larsen (2002) describes these places as “marginal rooms for marginal people”, an expression that reminds of the Danish solution to build “weird houses for weird people”. Strangely, these marginal rooms make up a specific kind of public space, to which other people have access formally, but where they in reality would not go. The consequence is that “regular public space” is deprived

⁶ Who took the decisions to remove the benches and privatise the square – and why and on whose behalf? I live in the block and nobody asked me, and I have not seen any general information on these step-by-step changes of my neighbourhood in the municipal newsletter that is regularly distributed to all inhabitants within the district. And where did the beer-drinkers go? Probably most of them do have a home but not a job, why they prefer to socialise with friends in daytime. While some obviously have deserted the blocks, others are found at the tram stop, where the only remaining benches in the neighbourhood are found.

of some of its elements, while marginal people are micro-segregated from others, although not in different parts of the city (Elm Larsen 2002).

Defining Decorum in Commons

Concerns on real estate prices and on the status of the neighbourhood are the main causes for home-owners and settled residents trying to control public space close to their own ground and turn it into “defensible” space (Newman 1972). Another important reason for their involvement is of course that more distant places cannot substitute for their “common”. The commons of the traditional village were pieces of land to which local inhabitants had equal access, but there were nevertheless moral restrictions in terms of how they should be used, when, and who were eligible (Gallardo 1998). The concept *commons* is therefore well suited for places that are open for the public but where those living close to it claim, if not exclusive access, at least authority to define what norms should prevail in it. Accordingly, they also determine what behaviour should be regarded as violating the decorum at this very place, or as ‘situational improprieties’ (Goffman 1963/1966). When the municipality make plans for developing or changing such places, NIMBY-reactions frequently express or imply these locally specific place norms and the fear that they would be breached and undermined if new kinds of people move into the neighbourhood.

Those who lack private homes and also are excluded from most other places in the city, such as homeless people, on the other hand, may be equally emotionally involved in what they consider to be their last or only resort. However, when they frequently gather and find shelter in a specific place, other users may experience this as an invasion of “their” common and as a threat against their safety. Subsequent struggles sometimes result in physical exclusion of the homeless.

There are in Göteborg and most certainly in other towns and cities a great number of places regarded as commons by residents living nearby, but treated as public place – or as their own common – by other groups, e.g., homeless people. One way of understanding the conflicts that might occur in these sites is to regard them as accounts of rivalling definitions and perceptions of the place-specific *decorum*, i.e., minimal rules of decent conduct (Goffman 1963), and to what extent different kinds of users comply with it.

An instance of such a conflict was related in *Faktum*, the Göteborg street paper (Adolfsson 2004a). In a park in a suburb of Göteborg, young families with children sit in the grass in one part, while homeless people, some of whom drink and smoke, use another part of it. However, the latter group is often expelled by the police on behalf of the families. The young parents claimed that the homeless users of the park scared them as they were noisy and talked loudly (ibid.). One of the homeless interviewees maintained his right to be in the park, firstly because he used to live nearby it, and secondly because he had nowhere else to go. Old people in a third part of the park, on the other hand, seemed more tolerant and less afraid and accepted both categories of fellow users of this public space.

In the language of Goffman (1963/66, p. 20), “the same physical space may be caught within the domain of two different social occasions. The social situation then may be the scene of potential or actual conflicts between the sets of regulations that ought to govern.” The intensity of the conflict is likely to grow with the distance between the parties’ norms and cultural traditions and decrease with their access to alternative space. Similar conflicts take place concerning public squares (see Olsson, Ohlander & Cruse Sondén 2004).

DISPLACED DEFINITIONS

After a short introduction on the kind of public-private partnership that currently determine the direction of a lot of urban renewal, I am going to present a few examples of proceeding re-definitions of relevance for homeless people. These concern begging, the status of space as public and crime prevention.

New Actors, New Corporatism

Despite the fact that it is not possible for the municipalities to forbid or punish begging, city authorities may try to counteract it in other ways, such as through joining public-private networks and associations that work for this aim. Many of these partnerships explicitly target the appearance of the downtown area or the ‘city core’, with the sometimes less outspoken aim to attract certain kinds of people and deter others. The Association Swedish City Cores (*Föreningen Svenska Stadskärnor*), which also runs a limited company with the same name, works for renewal of city centres in a way that fosters commerce, safety and niceness. Members of the board represent property owners, companies and authorities

(www.svenskastadskarnor.se). Other examples are Stockholm City in Cooperation (*City i Samverkan*, www.cityisamverkan.org), which in 1998 ran a project against begging in Stockholm City and managed to involve the local social authority's unit for homeless men in this work, and Malmö City Cooperation (*Malmö Citysamverkan*) (www.malmocity.se), presented below. Typically, these neo-corporative organisations (Crawford 1997) nowadays provide very little information and hardly any controversial news for non-members on their websites. But with their focus on profit and commerce, there are all reasons to suspect that they are not fond of homeless people in the centre, and that the goal to promote 'safety' implies exclusion of people who are blamed for causing insecurity, if not crime. Moreover, such associations provide direct access to policy-makers for business members (*ibid.*, p. 213 ff.), whose interests may be at odds with the ones of the homeless.

Malmö City Cooperation (*Malmö Citysamverkan*) can serve as an illustration. It is a limited company consisting of the following members: Malmö City, primarily represented by the Technical Board's politicians and officials from the Street and City Building Office (*Gatu- och Stadsbyggnadskontoret*); property owners (private individuals as well as companies) within the area of activity and the 'City Association', whose members run shops or represent other trade or industry within the area. In addition there are stake-holders "like sponsors that contribute financially without having a vote and companies, associations and authorities sharing the same interests and without financial ties" (www.malmocitysamverkan.se).

According to the association's website, its idea is to work together to counteract "vandalism, violence, littering, begging and graffiti", in order to: "1) create an attractive city core, 2) extend our shares of the market, and 3) increase the cooperation between the parties." The first goal includes extended parking space in the city centre and reduced shop-lifting and graffiti, while the second goal is to increase the number of customers and visitors (*ibid.*).

In this kind of neo-corporative private-public partnerships, politicians and officials in the local authorities agree to work for (and financially contribute to) specific parties' commercial interests in the city. Hereby, important employers and property owners are being informally co-opted (Selznick 1949) in the city's planning process and gain an influence over municipal rules, norms, decisions and priorities that many residents would find undue and at odds with the principles of democracy. What goes on and is decided in the associations' board rooms,

unlike debates and decisions in the municipal parliaments, is hidden from public control and escapes political debate.

Redefining Begging

Begging used to be a legal way to support oneself but was subjected to increasing regulation in the 19th century. It was forbidden in 1847 and punished as vagrancy. Special supervisors saw too that beggars were being prosecuted (or taken care of, if they were entitled to poor relief). Today, begging *per se* is no crime, but aggressive panhandling can theoretically still be a crime if it is classified as disorderly conduct (*förargelseväckande beteende*) or molestation (*ofredande*) (see above).

The presence of beggars in the subway or in other public transports, primarily in Stockholm, has been a recurrent topic in the debate since a decade. In 1998 the public-private partnership City in Cooperation, involving business companies, the police and the local social authorities, announced its ‘Begging Project’ aiming at “making commerce more nice and cosy for our customers” through “getting rid of the beggars in the streets” (*Dagens Nyheter* 4.12.1998 and 6.12.1998). As the public reaction to the project was quite critical,⁷ the businessmen soon withdraw from public involvement, while the social authority continued. For instance, it printed and distributed a booklet which urged people not to give alms to beggars, since these would not spend this money on shelter but only on liquor and drugs: “instead of helping, a gift will risk aggravating substance abuse” (Stockholm City 2000).

The subway of Stockholm is run by the French company Connex that has attempted a zero tolerance approach, similar to the one introduced by William Bratton in the New York subway before this approach was universalised to all local policing in that city (Kelling & Coles 1996). Special measures has been taken in order to reduce free riding in the Stockholm subway, and contacts were also made with the subway police to reduce begging. Connex as well as SL (*Stockholms Lokaltrafik*), which runs buses and commuting trains in the area and is responsible for the subway stations, have reported beggars to the police, who in turn have tried to persuade the district attorneys to prosecute the beggars (Connex 2004). However, as begging is no crime according to the Swedish law, prosecution requires that it is judged to be

⁷ According to the Stockholm newspapers, the general public was rather angry of the campaign since it perceived beggars as a sign of deficiencies of the welfare state, rather than of the moral character of those who beg (cf. Fooks & Pantazis 1999 on a similar tendency to conceive of homeless people as victims in London).

disorderly conduct (see above), something the attorneys have not been willing to claim so far. One of them even wrote an angry debate article on this issue:

There are many behaviours in the society that are disapproved of and many among these are not fit for handling by the criminal justice system. Begging belongs to them. First, it is ethically dubious to intervene with criminal law against something that has no punish value and at the same time is a consequence of a social problem. /.../ Secondly, it is a hopeless task with the current legislation to try to get a beggar convicted for disorderly conduct. So far I have not seen any beggar that has lived up to the current requirement on what should be regarded as offensive. /.../ If, on the other hand, somebody is too pushy, it would be a different thing. Then, one could imagine that the beggar would be guilty of molestation /.../ Thirdly, the planned method is so impractical that it would have no consequences. If the behaviour was criminalised, fines would be the only possible punishment. It is in the nature of things that the persons that could be involved have hardly no capacity to pay. Furthermore, it should be necessary to reach them by mail, which would not be easy as many of them probably have no fixed abode (Hillegren 2004).

The public transport companies in Stockholm will not give up, though. Besides that SL is might start reporting beggars for molestation, it is considering a re-formulation of the terms of travelling:

If a person has a valid ticket he/she is entitled to travel with us, not to collect money or play an instrument. If we manage to include this in our travelling terms we would have the right to eject the beggars, says (...), associate security director in SL (*Dagens Nyheter* 2.8.2006a).

The company has also asked its own lawyers to find other ways to solve the begging problem in buses and trains. Since the Public Order Act has not been useful for them, they consider claiming that public transportations constitute *private* space. In that case, the company believes, it is up to itself as the owner to state local rules of order, including whether or not begging shall be allowed (*ibid.*). However, as we have seen above, this would require municipal and court decisions that such an interpretation is valid.

Begging through distributing a note, claiming the need for money (e.g., for hospital care for a sick child) to the passengers in a coach and then collect the notes and possible alms, has become common in recent years. However, many of these beggars live abroad and come to Sweden with tourist visa, and may not suggest that they are homeless.⁸ Swedish police regularly check that tourists like these have enough money to support themselves during their

⁸ Maybe because of the new beggars' foreign origin and residence, the newspapers sometimes write about them in a quite degrading tone. In *Hallandsposten* (6.5.2006) a beat cop was quoted, claiming that beggars in Halmstad come from Slovakia and are driving "a fine Mercedes". In *Dagens Nyheter* (2.8.2006b) a Roma family from Romania, staying in an overcrowded caravan in a camp site outside Stockholm were interviewed. Their golden teeth were highlighted in the article, which also told that they were evicted from the camp site last year, blamed of having polluted the laundry room.

stay in Sweden and take measures if children are involved, but have otherwise no legal cause to arrest or question them (*Dagens Nyheter* 2.8.2006b).

Redefining Public Space: The Nordstan Case

In the centre of Göteborg there is a huge indoor shopping centre *Nordstan*⁹ (also called *Femman*), consisting of eight city centre blocks, the buildings of which were completely demolished and replaced in the late 1960s. The streets follow the old city plan, carry the old names and continue outside the centre, but they were now covered by roofs of glass. Although the land is totally privately own, the fact that it includes original streets and squares entailed that these parts of the centre were always defined as public space, and the police responsible for keeping order. Nordstan's position in the centre of the city, attached to the Central bus and railway station with a short tunnel, gives reason for a great number of people to walk through the centre every day, whether they want to shop or not. Accordingly, Nordstan used to be viewed as not only a commercial centre but also a public place where people gathered, and when these were youth, substance abusers or homeless people, this was frequently constructed as a social problem – just like in other parts of the city. Nevertheless, the issue of locking the centre at night-time kept returning on the agenda.

In the beginning and 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 (Göteborg City 1996), who on the other hand agreed that the city should cooperate with business and property owners for improved order. Later on, the suggestion to close the centre has primarily been voiced by business organisations and the police and targeted homeless people and substance abusers.

⁹ According to the website of the organisation of property owners and shop tenants in the area, (www.Nordstan.se), Nordstan is the largest indoor shopping centre in Northern Europe with an area of 320 000 square meters. It was established in 1972 but has expanded since. Nowadays it includes 170 shops and restaurants, 150 offices and 2 700 parking places. 5,000 employees work in the nine large buildings, which form eight blocks. An estimated number of 29 million people visit Nordstan every year (www.angelfire.com/my/spartrafik/galleria.html).

In the middle of the 1990s, property owners and tenants (that is, shops and restaurants with business 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 (Göteborg City 1998). In 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 (besides in the local restaurants) 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 (ibid.).

On 4 October 2004, the centre was indeed locked and since then the centre is swept for remaining people each night. Nowadays it is closed and empty between 0200 and 0530. The decision was taken by the owners alone, who were eventually empowered by the municipality to do so (*Göteborgs-Posten* 27.5.2003). The formal reason was to “facilitate cleaning¹⁰, make building work more rational and make it easier to organise exhibitions”, and to “save costs for the guards” (*Göteborgs-Posten* 26.5.2004). Getting rid of homeless people was not mentioned as an argument at this time.

However, already before the implementation of the decision it had become gradually harder, and finally more or less impossible, for homeless people to remain in the indoor centre at night (*Göteborgs-Posten* 1.2.2004). In an interview study of rough-sleepers in Göteborg 1999–2000, many of them complained that neither the police nor the security guards accepted their lying down on the floor/ground in Nordstan, despite the fact that it was public space and that sleeping rough is no crime (Sahlin 2000).¹¹

¹⁰ However, the company responsible for cleaning Nordstan, told in another newspaper report, published in February 2003, that their 25 cleaning workers do not clean the centre while it is locked. One of the employees was interviewed, and declared that she had always found the rough sleepers friendly, helpful and anxious not to be in her way or obstruct her work (webnews.textalk.com/se/article_print.phtml?id=29823).

¹¹ In the University of Göteborg, a demonstration of security guards’ work included a video of the removal of a rough-sleeper from Nordstan. When asked on what grounds they took this action, the representative for *Securitas* claimed that the expelled homeless man had been obstructing the entrance to the shop through lying down outside it, despite the fact that it was in the night and the shop was closed. In addition, he was not sleeping by any entrance. Many of the shops in the centre have no doors or walls towards the street but instead the shops are distinguished from the streets by large glass screens that are removed when the shop is open. The guards obviously interpreted this to mean that the whole border to the street constituted the entrance.

(In Nordstan) you cannot sit down for more than 40–50 minutes before the guards come by on their round. If you're lucky, they say nothing but only pass by. Or else you have to stand up and start walking and keep walking until they have left, then you can sit down again for a while. And you have to keep on like that (interview with rough-sleeper in *ibid.*).

Another interviewee said that he tried to keep walking in Nordstan all night, “but of course you feel very degraded. People look at you and you realise what they think”. Most of the interviewed rough sleepers described the police and security guards as the worst threat they experienced in Nordstan, but they were also afraid of theft, since they did not experience the guards as protecting them against others (cf Ballentyne 1999).

According to an article in the street paper *Faktum*, unknowingly echoing the Order Group in 1998, nobody wanted to recognise that the rough sleepers really existed – or if they did, it was somebody else's responsibility. Although the homeless people in Nordstan did not want to make trouble but obeyed the order to leave when the centre was locked, they expressed frustration on the way the centre was privatised, since they defined the streets and squares as public space. “These streets belong to the people in Göteborg, so they are also ours.” They feared that some of them would freeze to death because of the decision to close Nordstan at night (Adolfsson 2004b).

Redefining crime prevention

In December 2000 the local radio station reported that Nordstan was going to be the first place in Göteborg where the police had been replaced by Securitas guards, ‘since the shop keepers are fed up with trouble and thefts’. These guards (*ordningsvakter*) have extended capacity to intervene and they have the same right as the police to expel people from the area. The market director of the indoor centre, Anders Larsson, claimed in the radio interview that surveys proved that visitors were getting an ever more positive attitude to Nordstan because of the improved order (*Västeko/P4 Göteborg 12/19/2000*).

In the context of a series of seminars on conflicts of space use in Göteborg University 2004/2005, observations of Nordstan were made by several researchers, including the author, at different times of the day and the night. Besides that the centre is now completely emptied of benches or other places to sit down for free, there is absolutely no place to hide when the shops are closed, no partitioned places – nowhere to shut off the camera gaze. A sociologist who made a study of Nordstan in 1986/87 reflected in his paper on how the surveillance and the control of the centre had changed.

Up to 2000 there was a police station in Nordstan. The police is much more seldom there nowadays; there are fewer field workers from the local social authority. Instead there is a system of surveillance that covers all public spaces through video cameras who are running all the time. They are not visible for the visitors – but somewhere there should be signs informing that the place is subjected to CCTV. Guards sitting in a separate room survey the cameras and intervene when something unwanted occurs. This means that responsibility for surveillance has shifted from representatives for the society (the state) to the guardians of the private society (the business interest). In addition, there is an apparent transfer from the police in the environment to the more anonymous surveillance through cameras. (Olsson 2004).

As an element in the privatisation of public control, private security companies have partly replaced, partly been integrated with the police. ‘SafeSite’ (www.safesite.se) is a tool which coordinates information from the police and security guards in order to warn customers (which can be shops, hotels or other work-places) that a suspected shop-lifter or thief or somebody with an unwanted appearance – “in short, everything that might affect your business” (ibid.) – is hanging out in the neighbourhood or approaching the premises. The system is run in cooperation between two of the biggest security companies (Securitas and Falck Security), the police and the business network City in Cooperation in Stockholm (see above).

The consequences of this exchange of information and private security substituting for public police are not quite known but may be worrying. Through participant observation of what goes on in the control rooms for CCTV-cameras in Oslo, Mørk Lomell (2005) made a comparison between police surveillance of a public outdoor space, on the one hand, and security guards’ supervision over privately owned shopping-malls on the other hand. She found that the police surveillance was primarily oriented towards keeping an eye on what was going on and where different kinds of people, like drug addicts and youngsters, were to be found – and see to that they did not mix too much. In the shopping malls, however, the function of the camera control was primarily to identify and expel people who were defined as unwanted in the territory, above all people who looked as if they were homeless or drug addicts – and regardless of if they intended to shop or not (see also, e.g., Amster 2003). The private security system, in other words, practiced border control, while the public police used discipline (Mørk Lomell 2005, Hier 2004).

Returning once again to Göteborg and Nordstan: In spring 2004, the local crime prevention council for the central district claimed that it had decided to prioritise prevention of false identification, black taxi driving and shoplifting in Nordstan (press message 20.4.2004). The city’s acceptance of the closure of a substantial part of the city at night for the public,

combined with its ambition to prioritise crime that may reduce the profit of Nordstan's companies (but which is not likely to cause unsafety or else damage the general public), seem to underline a shift in the constituency of the local crime prevention council, as well as undermine the democracy in the city. Although the New York model of policing was never officially or generally applied by the police force in Sweden (Lindström 2006), this is one of many indications that the general idea of broken windows has indeed influenced local crime prevention in the country.

WHOSE CITY?

In the article cited in the introduction, I claimed that private for-profit companies may be at the same time anxious to exclude homeless people from their territory and willing to fund and organise shelter for them – as long as it helps keeping homeless people away from their territory (Sahlin 2004). In other words, the enclosure of homeless people in shelters or specific “marginal rooms” such as cafés for homeless people etc. is promoted not only as a way to include them in society, but also as a measure to exclude them from places where those in power do not want them to be.

The development since has been somewhat more negative than I suspected. For instance, the central blocks of Göteborg are indeed emptied and closed by night, despite the fact that this idea was repeatedly rejected in the 1990s with reference to streets and squares being public space. In the city parliament debates in 1996–1998, many members, associations, and authorities wanted more activities for youth and more public events with free access in Nordstan. It seems as the development has gone in the opposite direction – also in contrast to the tendency of isolated American shopping malls pretending to be ‘community centres’ (Staeheli & Mitchell 2006). Except for shopping, there is not very much left to do in the central blocks of Göteborg city today. “Of course we don't want people to fare badly”, said the Market Director of Nordstan regarding the decision to close it by night, “but *now it is made clear for whom Nordstan exists.*” (*Göteborgs-Posten* 1.11.2004. Emphasis added).

Cooperation between for-profit companies, property owners and authorities in determining the goals of city renewal, including the definitions of rights, rules, purpose and legitimate use of different places and spaces in the city, tends to favour the interests of business more than

the ones of citizens in general, and far more than the needs of the disadvantaged, to whom the homeless belong. While businessmen and their partnerships have become more cautious not to annoy the general public with brutal wordings since the anti-beggars campaign in Stockholm city in 1998, they stick to their agenda although it is more hidden and discrete.

On the other hand, many residents and visitors of city centres may rather support the urban development with the current limitations of public space and the subtle border control that keep homeless people out of their environment – and even if they do not, their wants, visions and norms probably differ from the ones of the homeless. Nowadays, gates and staircases are locked in order to keep possible criminals and rough-sleepers out from multi-dwelling houses and their yards, while benches and seats are removed from pavements and squares – a situation that increases the pressure on remaining indoor public places in the city. In parks and open places not quite in the city core, settled residents sometimes try to exclude homeless people by help of the police. Mobile out-reach teams have been formed in the big cities to help rough-sleepers find other places to spend the nights than the commercial centres. All in all, the homeless are being squeezed out from public space and into shelters. However, this paper has not dealt with the other dilemma facing the roofless, namely that access to shelters and homeless tend to depend on the homeless persons' compliance with work-plans, sobriety requirements and similar preconditions, and that the shelters themselves may be very unsafe places to dwell in (see, e.g. Ballentyne 1999, Sahlin 2000) and therefore might not solve the problem.

Although property owners and business companies are the major actors in the shopping malls and commercial centres of the cities, they cannot actually close or fence off or else restrict homeless people's access to their quarters unless local authorities empower them to do so. The real danger is embedded in the new public-private partnerships, formed in order to renew and improve the city and make it more attractive for affluent customers and visitors. This neo-corporatism might lead to – and speed up – a gradual displacement of the definitions of places, behaviour and legitimate control: public space becomes private, private security guards replace public police, legal behaviour becomes improper, begging is redefined as molestation and local crime prevention councils turn into informal guardians of the new private order and profit.

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