

THE CHALLENGE OF HOMELESSNESS TO SPATIAL PRACTICES

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Abstract: In this article, Lefebvre's theory of space is utilized to understand the competing patterns in the use of public space by two different groups: the general public and homeless people as a sub-group. The general public perceives public space as distinctly separate from private space while the private space of homeless people is public space. This creates a dichotomy in their respective relationships to public space and their competing claims to their respective ways of using it. Despite the fact that homeless people only have public space at their disposal, legislative measures and administrative procedures—such as park bylaws which prohibit setting up temporary abode on parkland—are used to force them to abandon public space. Beyond the realm of legal regimes is the issue of representational space where homeless people are excluded from public space, which is seen as a sphere of consumption and enjoyment. Redevelopment plans (i.e., gentrification processes), are a prime example of a city's representation of space. The reality of propertylessness means that homeless persons are forced to live their lives at the mercy of property owners. In an attempt to maintain the spatial practices of the housed majority, the city aggressively enacts a system of control which places homeless persons in a situation of constantly transgressing the legal regime that threatens their practices of survival.

Keywords: Homelessness, gentrification, law, legal regimes, public space, spatial practices.

I. INTRODUCTION

Space, while existent, is always produced. It is through our use of space that we both come to create and understand it. Populations and groups come to understand space through its utilization and their interaction with it. We are socialized into proper patterns which prohibit or permit certain activities to be carried out in certain spaces. This process of

socialization tends to reinforce the standard use patterns of particular spaces and tends to cause us to conform to that particular pattern. After all, we do not bathe at the theatre nor do we eat in the bathroom. In part, this is a practical consideration; the function of the room can intrinsically guide us towards a type of activity but it is also a social and cultural phenomenon. Public space is in a state of continuous contestation. That is to say, that space is not a homogenous and uncontested realm which is permanently established. Its definition is shifting and may change due to several factors.

Various groups fight for access to the public realm and for what they believe is its proper use. While changes to space usage may be due to societal and technological innovations, it often comes as a result of a political—and occasionally a legal—struggle. Particularly, public space is often the realm of political contestation. It is the domain of both freedom and repression. Varying standards determine the use of public space in various countries; for example, in certain countries political demonstrations are allowed whereas in others they are explicitly banned. But more to the point, different groups tend to dominate public space and it is their usage patterns which ultimately define public space. Historically, public space has been the select domain of a particular group in society and others have been marginalized from it. In the past, minorities have often been displaced from public space and kept in ghettos. Similarly on a class level, many attempts were made to curtail the working classes' access to public space. Several cities have passed and utilized sidewalk ordinances to effectively ban political dissent by unionist groups, specifically the Industrial Workers of the World (Loukaitou-Sideris and Ehrenfeucht 2009; Blumenberg, Loukaitou-Sideris and Ehrenfeucht, 2005; Escobar, 1999; and Rabban, 1997). While such discrimination still exists in several countries, one of the greatest rifts over the contestation of

public space in North American societies is between the housed—or society at large—and the homeless. In this paper, we explore how these two populations confront each other in an attempt to determine the use of public space.

Homeless people are conditionally excluded from the regime of private property. The public sphere, which is property of the state, is the only place in which they can live without being at the mercy of a private property owner. Yet, attempts are continuously made at removing homeless individuals from public space or at least making them invisible. The reason is that their actions may be incongruent with the larger society. As people who have limited consumption ability, homeless people are discriminated against, because they actively contest the established spatial practices of the majority. Whereas the general public utilizes public space as an area of leisure, transport and consumption, homeless people's spatial practices of survival challenge this conception. In fact, the very sight of a homeless individual is an intervention into the debate on what nature public space has. By their presence, homeless people engage us to reconsider the homogenized perception of public space. Being outside the sphere of consumption, the homeless are a marginalized group not considered in the city's conceptual plan and its representations of public space. Often they are seen as a nuisance that must either be chased away or ghettoized, that is confined to a delimited geographic area, usually a neighborhood of limited economic means and opportunities.

Increasingly, because of neighborhood revitalization projects and aggressive enactment of bylaws, there is nowhere to be homeless. An uncoordinated regime of security and violence is enacted against homeless people to ensure that they are neither seen nor heard. There is evidence of this in the reporting of violence by both police officers and non-state agents against homeless individuals¹. Furthermore, homeless individuals are increasingly being pushed to the margins of society as gentrification and urban renewal seeks to cleanse the “undesirables” out of their former neighborhoods. An attempt is made to ensure that homeless individuals conform to the spatial practices of the majority through legislative measures and police enforcement. Many acts which homeless people are forced to engage in publicly, such as bathing and sleeping, are made illegal through bylaws. For example, the City of Greater Sudbury's By-law 2013-54 prohibits the erection of temporary abode on parkland.

Such bylaws make illegal activities necessary for homeless individuals. In Sudbury and Edmonton existing shelter space cannot accommodate all the homeless population, yet the erection of a temporary abode or overhead shelter in public places is prohibited. These are necessary in order to protect oneself from the elements—rain, wind, snow, cold—and without them, homeless individuals sleeping outdoors risk grievous injury. Police enforce these bylaws and individuals found in breach of their provisions may be fined or even jailed. While this bylaw does apply to all equally, it has a different meaning for the housed and the homeless. For the former, its prohibition resembles the rule against jay-walking; but for the latter, such a prohibition which may significantly infringe upon their rights to life, liberty and security of the person as established in the Canadian *Charter of Rights and Freedoms*.²

II. SPATIAL PRACTICES AND REPRESENTATIONS OF SPACE

The issues surrounding the nonconformity between the representations of space put forth by the city and the spatial practices of the homeless must be considered. Our perception of the homeless as problematic makes the punitive measures enforced against them palatable. This, however, is not a modern phenomenon as history shows that homeless individuals and the poor have long been held accountable for societal ills (Barak & Bohm, 1989, 278). Furthermore, it seems that the public's general perception is that homeless people are nefarious and must be properly contained. Some common perceptions include notions that the homeless body is criminal, the homeless body is diseased, the homeless body is a menace, and the homeless body must be controlled. At the core of this is the assumption that homeless people do not belong in the public sphere. This position is however untenable once we are confronted with the reality that homeless people have only the public sphere. It is in this area where they maintain a modicum of freedom; everywhere else they are at the mercy of property owners. Their existence must be lived out almost entirely within the public sphere, as the condition of homelessness is one of propertylessness. However, the mere presence of homeless persons within public space is an intervention in the debate on the meaning attributed to the public sphere. According to Collins and Laurenson (2006): “Public space is conventionally understood as being space to which all members of society are allowed free and unrestricted access”. However, this definition does not sufficiently provide for the case of homeless populations who tend to be heavily regulated. Therefore it should be supplemented with White's (1996) caveat that states: “Public urban space is

¹ CBC News (2008). No charges in alleged police mistreatment of homeless. June 11. <http://www.cbc.ca/news/canada/edmonton/story/2008/06/11/edm-homeless-investigation.html>

² *Victoria (City) v. Adams*, 2008 BCSC 1363; 2009 BCCA 563.

regulated and functionally ordered in very specific ways. It tends to be subject to strict rules of entry and use, reflecting [...] the role of the state in maintaining a particular kind of spatial order.” The conceptualization of public space as an intermediate area between the personal space of one’s home and the commercial areas of mass consumption is directly challenged by homeless persons whose lives are lived out in that area.

The response to the problem posed by homelessness is often one of a declaration of illegality, enforced by the police through the legal system. The law is used as a system of restraints, seeking to banish the homeless from the public sphere. In effect, the law seeks to “annihilate” (Mitchell, 2003) the homeless without resolving the issues of homelessness. “Geographies of containment” (Kawash, 1998) are drawn up through the use of selective police enforcement. Bylaws are also an essential tool in the war on the homeless; they are utilized to make the homeless into criminals and to force them into a condition of placelessness. In effect, these bylaws are often used to make homeless people itinerants. The end result is that, ironically enough, there is no space to be homeless. The spatial practices of survival of the homeless are incongruent with those of the majority. This reality is not predicated upon a choice; rather, it is predicated upon their conditions of existence. The local state will attempt to coerce the homeless into usage patterns of the majority through ordinances and police enforcement.

Space, as Lefebvre (1991) famously proclaimed, is both physical and mental. This dual conceptualization of space is intertwined and cannot be separated. Lefebvre’s application of this synthesis of concepts dealt specifically with what he called social space. Lefebvre’s (1991, 26) proclamation that “(Social) space is a (social) product” demonstrates that because space is necessarily and always produced, it is therefore always social in nature. The space of the city is a product of action and interaction; it is the combination of norms, imperatives, dictates, thoughts and use patterns. The culmination of these acts create a specific social space which is at once both mental and physical. Lefebvre utilizes “a conceptual triad” (1991, 33) to illustrate the interactions that create space. This triad consists of spatial practice, representations of space, and representational spaces. Spatial practice can be conceptualized as the acts which make space; it can be described as “the daily life of a tenant in a government-subsidized high-rise housing project” (Lefebvre, 1991, 38). This ‘domestic’ interpretation does not, however, exclude other public spaces, such as motorways, sidewalks, plazas, etc. Representations of space are the spaces created and dominated by those who “identify what is lived

and what is perceived with what is conceived” (Lefebvre, 1991, 38). This is the domain of the urban planners, the architects and the administrators. Representational space “is the dominated—and hence passively experienced—space which imagination seeks to change and appropriate” (Lefebvre, 1991, 39). Lefebvre maintains that this domain is limited to the artist, the writer and the philosopher. On the other hand de Certeau holds that all can harness this space-making tactic as the practice of walking can create a second poetic geography which frees spaces from the “representations of space” put forth by the administrative system.

Lefebvre (1991, 26) suggests that space can be contested and created but it is often used as a tool of domination: “space [socially] produced also serves as a tool of thought and of action; that in addition to being a means of production it is also a means of control, and hence of domination, of power”. Social space is a product of prior action but also serves to legitimize and to delegitimize certain actions, which often creates an enforcing circular spatial construct whereby sanctioned actions go on continuously recreating the previously established social space.

The representation of space cannot be separated from social space, for the representation of space has a direct effect on the production of the latter. In large part, an administrative/legal process, which sanctions actions as mentioned above, regulates the creation of social space. Certain actions deemed legitimate by the civic administration can therefore be carried out in the public social space. As such, the social space of the city is political since it is in part produced by the political administrative structure. This term includes the various elements of the city’s governance structure. While the power to pass bylaws remains in the hands of city council, its decisions are in large part influenced by the reports from the various departments. Furthermore, it is the various departments of the city which are responsible for ensuring that city council’s vision comes to fruition. Taking into account the demands of its denizens, the city council, supported by the administrative structure of the city, actively models public space. Through its planning, zoning and bylaws this administrative/legislative structure in large part defines what is the public space of the city. This is particularly important for homeless individuals since many of the activities in which they engage are challenged by the representations of space put forth by the city. It is in this context that the spatial practices of homeless individuals are confronted with the spatial practices of the majority and the representations of space created by the city. This term here is used in the same manner as De Certeau (2008). It refers to the city as a

specific functionalist administrative system, in other words the local state. Wright (1997) explains further:

The deployment of truth regimes, as administrative knowledges working through specific heterotopias, is evident in the panoptic regulation of homeless bodies through the integration of shelter services and rules, police surveillance practices, and arrest procedures that convert those who find themselves homeless into statistical data that can then be integrated with other services or work opportunities.

The extrapolation of Wright's argument to its logical end supports the idea that the spatial practices of homeless individuals are in conflict with the representations of space made by the city. Most often the spatial practices of the former are 'corrected' through bylaws enforced by the police. Because their spatial practices are not congruent with those put forth by the city they find themselves in a contest over the creation of their social space in the public sphere. In essence, this is a judgment on who is allowed into public space. By decrying certain spatial practices—those in which only the homeless engage—the city effectively denies them the right to operate within the public space.

One of the reasons why homeless individuals are so persecuted in society is that their actions directly challenge the concept of public space. Mitchell (1996, 155) posits that "Public space is not just a contested concept in political theory and general discourse; it also is contested over and for in spaces of the city". As we have seen above, the actions of homeless individuals go against the grain of both spatial practices and representations of space in such a way as to undermine the social imagery of broader society. Wright (1997, 43) suggests as much by stating, "The social practices of homeless rebellion and resistance, of defiance toward established authoritative practices, can work to shake the very foundations of the dominant social imaginary". Even without actual organized rebellion the very act of existing within the public space is a form of defying the established authoritative practices. The acts in which homeless individuals engage, often for their very survival, contest entrenched social practices and the general conceptual divide of space. This axiomatic conceptual divide of space segments the spheres of public and private space and retains certain behaviors for each respective sphere. However, this conceptual divide is predicated on the existence of both a physical private space and a public space, which is not the case for all individuals. This divide between public and private space, particularly inherent to a capitalist society based on the conception of private property, negates the reality of homeless individuals whose only domain is public space.

III. SPATIAL PRACTICES AND SOCIAL PRACTICES

Having addressed the nonconformity between the representations of space put forth by the city and the spatial practices of the homeless, we will now illustrate the incongruence between the social practices of the masses, centered on commercial consumption, and the spatial practices of the homeless, centered on survival. The conception of the inner city's public space is often centered on conspicuous consumption (Goss, 1996, 235). The public spaces surrounding certain areas are more often than not seen as a pathway towards consumption. In recent years, many cities have moved towards remodeling their downtown areas into consumer friendly Meccas (Ferrell, 2001). In fact, "urban real-estate development—gentrification writ large—has now become a central motive force of urban economic expansion, a pivotal sector in the new urban economies" (Smith, 2002, 447). Redevelopment plans are best categorized as representations of space and through them the city actively intervenes in the creation of geographies of consumption. These urban redevelopment plans often include the removal of the poor and homeless. As Smith (1996) notes in his gentrification thesis, this renewal of urban space with the intention of attracting capital often has the effect of removing lower income residents from the area. Although this is not usually explicitly stated, in many redevelopment plans, the intention of creating a concentrated area of consumption—a geography of consumption—nearly always means the dispersal of so-called unsavory elements, such as the homeless (Swyngedouw, 2000; Harvey, 2000; and MacLeod, 2002).

Downtown Sudbury. A plan for the future going downtown, growing downtown (2012, 8 & 50) explains how the downtown area's future is predicated on its ability to continue to attract growth and investment, especially population growth. The plan does not address the income range of the projected new inhabitants but seems to imply the inclusion of people from a range of incomes. However the plan does not address the poor, the marginalized and, for our purposes, especially the homeless. This is somewhat surprising as the downtown is the locus of a range of services, including shelter—Samaritan Centre, N'Swakamok Native Friendship Centre, Clinique du Coin and the Salvation Army hostel—for poor and homeless people.

The Downtown Sudbury plan (2012) appears to be subservient to the demands of capital to make the area attractive to consumers through enhanced commercial and residential development. Such a plan, as Fraser (2004, 442) suggests is built upon a neoliberal political rational which seeks to create new urban spaces. This vision of Edmonton's downtown fits

well with what Wright (1997, 46) describes as the role of downtown space:

Downtown spaces are produced to facilitate financial exchanges, light manufacturing, and the reproduction of middle-class lifestyles, while an adjacent space is consumed in the form of visiting museums, art galleries, sports games, and the like. Insofar as urban spaces are imagined as playgrounds for tourists, those people who conflict with the imagined realm of tourism will be effectively locked out of such spaces through police practices designed to restrict movements of those thought of as “out of place”.

Downtown Sudbury (2012) recommends investing in significant existing public open spaces, new smaller parks and green areas. It also identifies many retail areas. This signifies a desire to homogenize the population of the area and to avoid “mixing the unmixable” (Lofland, 1998, 118). The Greater Sudbury Police began a poster campaign that recommended not giving to panhandlers. The Downtown Sudbury executive director supported the poster campaign. The increased policing of poor and homeless individuals is a response to their very presence and activities which transgress and contest the social space. The effective net effect of increased policing is to cause their displacement from the area. The spatial practices of the poor and homeless are in direct conflict with the spatial practices of consumers. The need for enjoyment and consumption tends to supplant the needs of the homeless in the urban economy centered on consumption.

This dichotomy between public and private space particularly affects the homeless since they are often at the mercy of the owners of private property and the rules that govern the use of public space. The existence of homeless people is often guided by a geography which seeks to exclude them (Kawash, 1998). If in order to be free one must have space to perform actions of daily living, then homeless individuals are categorically less free since they lack one part of the equation in the spatial divide, private property. The reality of a regime of enforced private property is that there is a limited space in which homeless individuals can carry out their activities. Waldron (1991, 300) elaborates on the effect that a regime of private property has on the homeless:

For the most part the homeless are excluded from all of the places governed by private property rules, whereas the rest of us are, in the same sense, excluded from all but one (or maybe all but a few) of those places. That is another way of saying that each of us has at least one place to be in a country composed of private places, whereas the homeless person has none.

Because being a homeless person is by definition, being without private property, s/he must necessarily be excluded from private property. While it is possible that homeless individuals may be invited into private property (such as a restaurant, a shelter, a residence), they nonetheless remain at the mercy of the owner of the private property who maintains the rights of exclusion. To be on private property requires *a priori* permission (Mitchell and Staeheli, 2006). For example, bathrooms in restaurants are often off limit to homeless individuals since they are either barred explicitly or implicitly by not meeting the requirements of being a paying customer (Waldron, 1991, 311).

Their exclusion from the regime of private property means that for the most part they must experience the majority of the facets of their lives in public space. It is therefore quintessential to understand the interaction of homeless people with public space. Mitchell and Staeheli (2006, 151) elaborate:

It remains that the case that public property is the only place that homeless people—who otherwise have no place over which they have private property rights—can live or act autonomously. The nature of the laws that govern public space, therefore, also determine the sorts of autonomy homeless people may possess, even as these laws establish the rules by which people may be invited into or excluded from public space.

As Mitchell and Staeheli propose, the autonomy of homeless people, because of their relative exclusion from private property, must be understood as constrained by the rules governing the use of public space. In a certain sense, it is possible to gauge their relative level of freedom by seeing the degree of constraints imposed upon them. In order to understand this it is mandatory look at the civic ordinances and regimes of enforcement in place in cities. This must be done while keeping in mind that the homeless’ relationship to public space is different because they altogether lack access to private property of their own.

In fact, increasingly cities have been aggressively targeting homeless individuals and the behavior in which they engage (Foscarinis et al., 1999; Foscarinis, 1996; and Brown, 1999). Such behavior, which for homeless individuals is merely an act of survival, is reconstructed as criminal behavior threatening the good functioning of the city. Through the selective application of bylaws and passing of restrictive laws, homeless individuals are further marginalized. Their existence is tolerated only so long as it does not interfere with the functioning of the city and business interests. The crux of the matter is that there is an increase of legislative constraints on activities carried

out by the homeless through the enactment of legislative bylaws and civic ordinances. In fact, what we are witnessing is a structural transformation of the public space into a limited sphere of codified and normative interaction. Behavior digressing from this norm, even if it is necessary for survival, is transformed into a criminal act. Mitchell (1997, 307) suggests that “The intent [of this legal regime] is clear: to control behavior and space such that homeless people simply cannot do what they must do in order to survive without breaking the law”. One example of such an ordinance that we commonly find enforced by many municipalities is the ban on sleeping in public. While such a ban does not seem to be discriminatory in nature, for it is applied equally to rich and poor alike, in reality it denies the most destitute of citizens’ rights crucial to their existence. Ferrell (2001, 43) elaborates, “In total, these laws ensure that homeless populations are perpetually in the wrong place, that they are perpetually and unavoidably occupying space that has been legally defined as outside their rights and control”. Homeless people who have no private sphere—rather, they have the public sphere as their private sphere—are pushed into a position of criminality by their very existence. Other ordinances that seem completely logical, such as the ban on urinating in public, can be conceptualized as affronts to the liberty of homeless individuals. Waldron (1991, 301) explains:

What is emerging—and it is not just a matter of fantasy—is a state of affairs in which a million or more citizens have no place to perform elementary human activities like urinating, washing, sleeping, cooking, eating, and standing around. Legislators voted for by people who own private places in which they can do these things are increasingly deciding to make public places available only for activities other than these primal human tasks.

Therefore, the ‘paying citizens’ are deemed the only legitimate entity with regard to the usage of public space. The perverse effect of this is that “The annihilation of space by law is unavoidably (if still only potentially) the annihilation of *people*” (Mitchell, 2003, 173). The dynamic reality of the annihilation of homeless people through the criminalization of their existence is a policy that has been utilized in many cities. Ferrell (2001) cites Flagstaff, Arizona, as an example, and Mitchell (2003) cites Tempe, Arizona, as another.

In many ways the issue of a tent city is a locational one; an attempt at contesting the geography of public space by asserting the right of existence of homeless people and homeless communities as free from criminalization. Mitchell (1992, 152-153) explains:

Locational conflict in the contemporary world is not merely conflict over the siting of particular (often noxious) facilities. It is rather a more fundamental conflict over the meaning and definitions of basic rights within our society—a conflict over how ‘rights’ are allocated and over who controls the process by which conflicting rights are adjudicated.

Thus, locational conflict is in many ways a contestation of the conferral of particular ‘rights’ onto a minority group. In the case of a tent city, the conflict is one of the location of homeless individuals in public space, but it is also a contestation by homeless individuals of the rights granted or rather foreclosed by the values of a dominant majority. The creation of a tent city is also the metaphorical and literal conquering of space and the assertion of the right of an individual to live, despite the threats of legalistic annihilation imposed upon him/her based upon his/her socio-economic standing. In essence, a tent city becomes the site of resistant “heterotopias” (Foucault, 1967) in the downtown area. By establishing a community, they were contesting the legal and geographic limitations imposed on the homeless. Wright (1997, 266) reinforces this notion by stating “Resistance by establishing encampments and by being involved with activists networks appeared as adaptive survival strategies and also an “escape” from bourgeois sensibilities of the subject, both adaptive and defiant”. Thus, the establishment of a tent city by homeless people can be perceived as a strategy of resistance and a mode of reclaiming the merit of their lives as lived out in the public sphere. In essence, it is a contestation of the dichotomous relationship existing between private property and public property, which inhibits the existence of those living in social space.

A tent city is not just a gathering of homeless individuals, for as a site of resistance, it had become much larger than the sum of its parts. It served an essential role in providing these homeless individuals with a sense of community. A parallel can be drawn between a tent city and the “Hut dwellers” of “Tranquility City” in Chicago and the “Bridge encampment” in San Jose which existed in the early 1990s. Wright (1997, 265) elucidates this point:

The hut-dwelling communities were places where one could experience protection against external authority and power, if only momentarily [...] In looking out for each other, homeless members attempted to craft a power that could limit assaults on their camps by the police, hostile neighbors, or each other.

Thus, the creation of homeless communities is an assertion of the rights of homeless people to live in

safety and in community. This is a feeling echoed throughout the various encampments in North America. For example, Marty Lang relates how “Tent City” in Toronto gave him a sense of community and wellbeing (2007, April 8).

The spatial practices of survival of homeless individuals place them in constant transgression of the established law, but through the force of numbers they may be able to avoid the harassment which typifies their existence as marginal citizens. However their existence and community, if tolerated, is dependent on the whims of an administrative system and the leeway the police choose to accord them. Once again, homeless individuals find themselves less free, since their existence is dependent on the acceptance and toleration of their behavior—such as the establishing of shelter—by those in positions of authority.

Space is always a social product as its use is predicated upon the attributes that we give it. Lefevbre’s theory of space presents us with a conceptual triad, which demonstrates how space is created, reinvented and maintained. The two principal elements of his theory deal with how space is generated through spatial practices and representations of space. This model can be utilized to understand how and why groups come into conflict over space, particularly public space. In the case of homeless people, their spatial practices are incongruent with those of the majority and thus they come into conflict. Accordingly, the spatial practices of the homeless, which in many cases are necessary to their survival, run counter to the established spatial practices of public spaces. The city and its administrative system also come into conflict with the homeless as this group and its spatial practices do not fit into its representations of space. This being the case, an attempt is made to coerce the homeless into ‘correct’ spatial practices via police enforcement of bylaws. Ironically enough this means that public space, which should be open to all, and particularly to those without private property, is significantly closed off to the homeless. This population finds itself further marginalized by a regime which does not recognize their rights to access and use public space. In fact, one of the biggest transgressions perpetrated by the city is the ban on taking up temporary abode by the homeless. This prohibition makes homeless individuals choose between foregoing shelter and contravening the bylaw.

IV. CONCLUSION

Space, particularly public space, is a social and political product. We are all responsible for its creation and its purpose. It is within this purpose that we find the need to come to terms with the various usage

patterns of public space. Historically, marginalized groups have seen their exploitation of public space contested by dominant majorities. A dichotomy exists between the housed and the homeless. A central point of contention between these two populations is their differing usage patterns of public space. Homeless individuals do not fit in the dominant majority’s spatial practices, representations of space, and representational space. An area of acute contention is when the majority is confronted with the spatial practices of survival of the homeless in public space. These spatial practices of survival, such as eating, cooking, sleeping, urinating and bathing in public, are a moral indictment of the dichotomy of property. It renders evident the reality that not all people have access to private property.

The city’s response to this dichotomous relationship is further marginalization or enforced obedience of the homeless. The city will attempt to control and force back into its administrative system those deemed deviants. Through its legal apparatus and the political system—the provincial government and the city government—the state will attempt to coerce these marginalized populations into its administrative power to ensure that they do not threaten the moral authority of the majority’s perception of public space. This is not uncommon at all, since property, space and violence are often intertwined (Blomley, 2003). The state, as the sole legitimate source of violence, is the active enforcer of the established order and consequently, legitimate enforcer of the proper perceptions of public space and its role in society. The establishment of tent cities is an attempt by the homeless at procuring the elements necessary for survival, including escaping the violence and coercion that surrounds their lives. These communities not only provide the sense of kinship, which this alienated group needs but, also serve to buttress the individuals of the group against aggression and violence. However, the establishment of such communities is generally not tolerated and is nearly always explicitly forbidden through various bylaws. They have the effect of excluding homeless people from setting up encampments in parkland areas, thus limiting their spatial practices of survival.

REFERENCES

- Barak, G., & Bohm, R. (1989). The crimes of the homeless or the crime of homelessness? On the dialectics of criminalization, decriminalization, and victimization. *Contemporary Crises*, 13, 275-288.
- Blomley, N. (2003). Law, property and the geography of violence: The frontier, the survey and the grid. *Annals of the Association of American Geographers*, 93(1), 121-141.

- Blumenberg, E., Ehrenfeucht, R., & Loukaitou-Sideris, A. (2005). Sidewalk democracy: municipalities and the regulation of public space. In E.B. Joseph and T. Szwoold (Eds.), *Regulating Place: Standards and the Shaping of Urban America*. New York: Routledge.
- Brown, K. (1999). Outlawing homelessness. National Housing Institute, Shelterforce Online, 106.
- CBC News. (2008). No Charges in alleged Police Mistreatment of Homeless. June 11. <http://www.cbc.ca/news/canada/edmonton/story/2008/06/11/edm-homeless-investigation.html>
- City of Greater Sudbury. (2012). *Downtown Sudbury. A plan for the future: Going downtown growing downtown*. Urban Strategies Inc.
- City of Greater Sudbury. (2012). *Parks by-law 2013-54*. <http://www.greatersudbury.ca/linkservid/841B298C-A1F8-9D80-2CDAFF89B672FB0B/showMeta/0/>
- de Certeau, M. (2008). Walking in the city. In S. Doring (Ed.). *The cultural studies reader*. New York: Routledge.
- Escobar, E. (1999). *Race, police, and the making of a political identity*. Los Angeles: University of California Press.
- Ferrell, J. (2001). *Tearing down the streets*. New York: Palgrave.
- Foscarinis, M. (1996). Downward spiral: Homelessness and its criminalization. *Yale Law and Policy Review*, 14(1), 580-595.
- Foscarinis, M., Cunningham-Bowers, K., & Brown, K. (1999). Out of sight—Out of mind? The continuing trend toward the criminalization of homelessness. *Georgetown Journal on Poverty and Law and Policy*, 6, 145-157.
- Foucault, M. (2002). Of other spaces. In N. Mirzoeff (Ed.). *The visual culture reader*. New York: Routledge.
- Fraser, J. (2004). Beyond gentrification: Mobilizing communities and claiming space. *Urban Geography*, 25, 437-457.
- Harvey, D. (2000). *Spaces of hope*. Edinburgh: Edinburgh Press.
- Kawash, S. (1998). The homeless body. *Public Culture*, 10(2), 319-339.
- Kilback, K. (1994). To be human: Selective reflections on the sanctity of life in Rodriguez. *Health Law Journal*, 2, 39-66.
- Lang, M. (2007, April 8). A home of their own in tent city. *Toronto Star*, A6.
- Lefebvre, H. (1991). *The production of space*. (D. Nicholson-Smith, Trans.). Oxford: Blackwell.
- Lofland, L. (1998). The public realm: Exploring the city's quintessential social territory. New York: Aldine de Gruyter.
- Loukaitou-Sideris, A., and Ehrenfeucht, R. (2009). *Sidewalks: Conflict and negotiations over public space*. Cambridge: MIT Press.
- MacLeod, G. (2002). From urban entrepreneurialism to a revanchist city? On the spatial injustices of Glasgow's renaissance. *Antipode*, 34, 602-624.
- Mitchell, D. (1996). Political violence, order, and the legal construction of public space: Power and the public forum doctrine. *Urban Geography*, 17, 152-178.
- Mitchell, D. (2003). *The right to the city: Social justice and the fight for public space*. New York: Guilford Press.
- Mitchell, D., and Staeheli, L. (2006). Clean and safe? In S. Low and N. Smith (Eds.), *The politics of public space*. New York: Routledge.
- Rabban, D. (1997). *Free speech in its forgotten years*. Cambridge: Cambridge UP.
- Stricker, L. (2012, September 25). Posters target panhandlers. *The Sudbury Star*. <http://www.thesudburystar.com/2012/09/25/posters-target-panhandlers>
- Swyngedouw, E. (2000). Authoritarian governance, Power, and the politics of rescaling. *Society and Space*, 18, 63-76.
- Victoria (City) v. Adams*, 2008 BCSC 1363; 2009 BCCA 563.
- Waldron, J. (1991). Homelessness and the issue of freedom. *UCLA Law Review*, 39, 295-324.
- White, R. (1996). No-go in the fortress city: Young people, inequality and space. *Urban Policy and Research*, 14, 37-50.
- Wright, T. (1997). *Out of place: Homeless mobilizations, subcities, and contested landscapes*. Albany: State University of New York Press.