Governing 'the Homeless' in English Homelessness Legislation: Foucauldian Governmentality and the Homelessness Reduction Act 2017

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ABSTRACT

This article contributes to the growing body of work exploring governmentality theory in housing and homelessness law by engaging a Foucauldian neoliberal, governmentality framework to the recently-enacted Homelessness Reduction Act 2017. This is the first time this major piece of English homelessness legislation has been examined through a Foucauldian governmentality lens and this article therefore fills a gap in the literature. In so doing, this article locates the *place* of governmental activity to be scrutinized as the homeless population and contends that the Homelessness Reduction 2017 ('HRA 17') can be interpreted as operating according to three intersecting modes of problematization of the homeless: (1) biopolitical problematization; (2) governmental problematization; and (3) ethical problematization. Drawing on the writings of Dean (1999) , Rose (1999) and Hamann (2009) on neoliberal governmentality and building on the emerging governmentality literature in housing and homelessness law of Cowan and McDermont (2006), Cowan, Pantazis and Gilroy (2001), McKee (2009), Evans (2012) and others, this article explores the insights neoliberal governmentality provides. In so doing, this article reveals that the 2017 Act reflects a shift in neoliberal thinking on housing in constructing images of the homeless as forming a 'risk population', subjectified, autonomized individuals; exhorted to self-work and ethical self-fashioning as responsibilized citizens taking account of their own housing precarity. This article makes a novel and unique contribution to the scholarship in this field in arguing that the new 2017 legislation can be understood as operating according to an ordering theme of *risk*. This article proceeds in 4 parts. Part one introduces and unpacks the concept of neoliberal governmentality and reflects on its prescience as a tool for critical understanding of contemporary forms of political and legal governance of homeless populations in England. A second part offers a brief overview of the recently-enacted Homelessness Reduction Act 2017 and its key provisions before a third section operationalizes a neoliberal governmentality framework; locates *risk* as the organising rationale of the new legislation and explores the three, intersecting problematizations of the homeless at play under the 2017 Act: biopolitical, governmental and ethical. A final section explores the implications of the governmentality

framework and reflects on wider lessons to be learned including for homelessness legislation in other countries outside England.

INTRODUCTION: NEOLIBERAL GOVERNMENTALITY

Michel Foucault's now widely-renowned analysis of neoliberalism was offered in his 1978-1979 course lectures at Collège de France, *The Birth of Biopolitics* (Foucault, 1978-9). As part of his examination of political rule, Foucault developed the concept of governmentality.[1] Foucault defined 'governmentality' as the study of 'the art of government,' of administrative power which, 'has the population as its target, political economy as its major form of knowledge and, apparatuses of security as its essential technical instrument' (Foucault translated by Graham Burchell in Arnold I. Davidson, 2007). A lexical blending of *gouverner* ('to govern') and *mentalité* ('mentality'), governmentality, which was conceded by Foucault himself to be an 'ugly word,' (Foucault, 2007) highlights that it is not possible to study the technologies of power without analysis of the mentality or rationality of rule underpinning them (Lemke, 2002). In the 40 years since, Foucault's governmentality studies have garnered increasing attention and have been explored across a range of disciplines as a means of critical evaluation of contemporary forms of political governance from the US to the UK and beyond: from criminology to pedagogy, social welfare and medicine to education.[2] Governmentality and the literature that has sought subsequently to unpack and engage it, offer insights into how individuals and populations are governed by state and non-state actors and is a valuable theoretical framework and 'guideline' for understanding power and rule and for analysing the complex relationship between thought and government (McKee, 2009). In the field of law, and housing and homelessness law in particular, governmentality is increasingly being employed as a productive theoretical lens by UK scholars including Cowan, Pantazis and Gilroy (2001); Cowan and Marsh (2005), Cowan and McDermont (2006) Johnsen and Fitzpatrick (2010), Flint (2002) , McKee (2009) as well as widely in North American academia.[3] Less attention has been paid, however, to governmentality and English homelessness legislation, and the governmentality frame has not been applied to the new Homelessness Reduction Act 2017; a lacuna that this article seeks to fill.

Foucault was, crucially, not devising a definitive theory of the state but rather was 'interested in *how* polities function, that is, how specific rationales are brought into being and enacted, and the diverse mechanisms that attempt to enroll a wide array of actors into attaining particular

outcomes' (Hobson, 2010). Governmentality, then, explores practices of government as they interact with the creation of truth in social, cultural and political spheres. Whilst much of the work into governmentality has involved a top-down focus on those governing rather than those governed, increasingly from the field of geography and education in particular, scholars from Barnett et al (2008), to Evans, (2012) and Stenson (2005) have sought to 'ground' governmentality by using governmentality studies to interrogate the nexus of governmental practices and technologies at play in order to understand and explain the everyday subjectivities of lived experiences and actual lives. Dean, in his important treatment of governmentality identifies two meanings of the term 'governmentality' in Foucault's writings: a first, more generalized but arguably more practical meaning and, a second meaning which is 'a historically specific version of the first' (Dean, 1999, 16). The more general meaning, often referred to as 'the art of government' (and the most pertinent to this article) involves an enquiry into how we think about governing and the manifold mentalities of government. The second, historical meaning reflects the emergence of a distinctly new form of thinking about and exercising power in certain societies (Foucault in Burchell et al, 1991) and 'is bound up with the discovery of a new reality, the economy, and concerned with a new object, the population' (Dean, 1999, 19). It is the first, more general interpretation of governmentality which is explored in this article. As Huxley (2008) explains, governmentality in this sense, is the study of the means by which practices of power seek to direct and shape the actions of individuals towards strategic ends by informing how those individuals come to regard and understand themselves. Contemporary governmentality literature which has responded to the limitations of the top-down orientation of much governmentality literature, draws instructive attention to the conflicts, ambiguities and tensions that exists within a particular *place* of governmental activity (Garmany, 2009; Legg 2005, 2006, 2010). Importantly, this modern governmentality takes as its point of departure the concept of 'problematization' which Foucault employed as a means of conceptualising 'thinking' (Foucault, 1997). As Cadman (2009) explains, problematization describes a place-based practice of reflection that brings a difficult or uncertain situation into a specific domain of thought and intervention.

This article seeks to contribute to the existing governmentality literature by engaging a governmentality frame to homelessness legislation; to the recently-enacted Homelessness Reduction Act 2017 and does so by examining the technologies of rule inherent in the 2017 Act through a neoliberal governmentality framework. This approach is informed by Hamann's writings on 'neoliberal governmentality' (Hamann, 2009). As Hamann (2009, 38) elucidates:

'the central aim of neoliberal governmentality is the strategic production of social conditions conducive to the constitution of *Homo economicus*, a specific form of subjectivity with historical roots in traditional liberalism. However, whereas liberalism posits "economic man" as a man of exchange", neoliberalism strives to ensure that individuals are compelled to assume market-based values in *all* of their judgments and practices in order to amass sufficient quantities of "human capital" and thereby become "entrepreneurs of themselves."'

It is contended that, an examination of how the homeless are *problematized* and *governed* under the new legislation through a reading of Hamann's conception neoliberal governmentality is a deeply productive lens for critical understanding of the recently-enacted Homelessness Reduction Act 2017 both in confirming long-standing trends of homelessness policy drawn along distinctly (advanced) neoliberal lines but, crucially, also in novel insights into how the homeless are represented and constructed in legislation according to an ordering rationale and principle of *risk*. Before this, however, a brief overview of the key provisions of the HRA 2017 will be offered in order to nourish the critique that follows.

THE HOMELESSNESS REDUCTION ACT 2017: AN OVERVIEW

Homelessness in England has risen to the top of the political agenda (at least rhetorically) over the last 3 years in response to statistics revealing that the number of households accepted as homeless by local authorities in England in 2017/18 stood at over 56,600 almost 50% higher than in 2009/10; rough-sleeping had increased by 169% since 2010 (Homelessness Monitor for England, 2019) and homelessness deaths up by 125% in just five years (Guardian Newspaper, 2018). The evidence demonstrates that the loss of a private-sector tenancy remains the greatest single cause of homelessness and that reforms to Local Housing Allowance are the major driver of the association between loss of tenancies and homelessness (Homelessness Monitor for England, 2019). With the numbers of households placed in temporary accommodation in England in March 2017 sitting 60% higher than in March 2011, homelessness is estimated to cost the public sector in excess of £1billion per year. In response, every major political party manifesto at the 2017 snap General Election contained measures to tackle the growing homelessness problem in England which has been described variously as a 'a national crisis,' (Committee of Public Accounts, 2017), 'a scourge on our society,' (Harman, 2018), 'a disgrace' (Alafat, 2017), and 'a source of national shame' (May, 2018). Then UK

Prime Minister Theresa May pledged to halve rough sleeping by 2020, eliminate it altogether by the end of 2027 (Conservative Election Manifesto, 2017, 58) and even appointed a Minister for Homelessness who herself offered to resign if the targets were not met. The centre-piece of the UK Government's response, however, was the enactment of the Homelessness Reduction Act 2017 which began life as a Private Members' Bill which was subsequently supported by Parliament and entered into force on 3rd April 2018.

Described as 'the most ambitious legal reform in decades' (Javid, 2018) the HRA 2017 amends Part VII of the Housing Act 1996 (the principal piece of homelessness legislation in England) to 'bolt on' to the existing homelessness duties under the 1996 Act new legal duties on English local authorities in providing a sliding scale of assistance to those who are homeless or at risk of homelessness.[4]

The most prominent provisions of the 2017 Act are captured here. The new Act re-defines, under an amended section 175 of the Housing Act 1996, that a person is 'threatened with homelessness' if it is likely that they will become homeless within 56 days (an increase from 28 days under the 1996 Act). Those receiving a valid notice to end a tenancy (a 'section 21 notice') whose expiry date is within 56 days will be treated as 'threatened with homelessness.' Under the new law, if a local authority is satisfied that an applicant is homeless or threatened with homelessness and eligible for assistance, it must carry out a homelessness assessment investigating the circumstances behind the homelessness and consider the housing support needs of the applicant and their household. The authority must 'try to agree' with the applicant a personalized housing plan which sets out the steps the authority will take and the steps the applicant is 'to be required to take' to ensure existing accommodation is retained or new accommodation secured. Section 4 of the new legislation introduces the new 'prevention duty.' Where the authority is satisfied an applicant is 'threatened with homelessness' and eligible for assistance (an issue of immigration status), it must take 'reasonable steps to help the applicant ensure accommodation does not cease to be available;' it must assess the applicant and produce a housing plan. This duty comes to an end after 56 days (the duty continues if a valid section 21 notice has expired and no alterative accommodation has been secured) or if, under section 7, the applicant 'deliberately and unreasonable refuses to co-operate.' If the applicant becomes homeless, they will then be covered by the new section 5 'relief duty.' Under section 5, where the authority is satisfied an applicant is homeless and eligible for assistance, it must take 'reasonable steps to help the applicant secure that suitable accommodation becomes available,'

for a minimum of 6 months. The authority must again assess the applicant and produce a housing plan. This duty comes to an end after for 56 days or if, under section 7, the applicant 'deliberately and unreasonable refuses to co-operate' or refuses a suitable offer of accommodation. Applicants who are assessed as being in 'priority need' under section 189 of the Housing Act 1996 and unintentionally homeless fall back on the main homelessness duty owed by local authorities as contained in section 193 of the Housing Act 1996. Under the 'main housing duty', the authority must secure accommodation is available for occupation by the applicant. This duty comes to an end where an offer of suitable and settled accommodation is made either of social housing or a private rented sector offer of minimum 12 months' duration. Additionally, a new 'duty to refer' is introduced under section 10 of the Homelessness Reduction Act 2017. The effect is that public authorities specified in regulations (The Homelessness (Review Procedure etc.) Regulations 2018, Schedule) including NHS providers, prison governors and probation service providers) will, under section 10, be required to make a referral to the relevant local housing authority if a person it is serving becomes homeless or threatened with homelessness. Finally, under section 11, local authorities in exercising their homelessness functions under the Housing Act 1996 as amended by the HRA 17 must have regard to the new Homelessness Code of Guidance (Homelessness Code of Guidance for Local Authorities, 2018) and the Secretary of State is given the power 'from time to time to issue one or more codes.' The HRA 17 has incited much political debate: garnering both praise from some quarters such as housing and homelessness charities as well as cynicism and scepticism from others chiefly concerned that adequate funding has and will not be made available to the realize the Act's true potential.

THE HOMELESSNESS REDUCTION ACT 2017: OPERATIONALIZING A NEOLIBERAL GOVERNMENTALITY 'RISK' FRAMEWORK

In this section, a neoliberal governmentality and *risk* framework is deployed to critique the HRA 2017. This is informed by Rose and Miller's words in underscoring that 'government is a *problematizing* activity' (Rose and Miller, 1992, 181) by which they mean that government involves the identification and response of rulers to social problems. This invites evaluation and critique of how social problems are located, circumscribed and managed. In this section, drawing on this conception of problematization, the 2017 Act is analysed as operating according to three problematizations of the homeless: biopolitical, governmental and ethical. Each problematization will be unpacked in turn to address three central questions: how are the

homeless constructed or represented as a biopolitical problem under the 2017 Act? How is this biopolitical problem governmentalized i.e. how is it translated into the provisions of the new legislation? Finally, what ethical impact does this governmental activity have i.e. how do the forms of government inherent in the 2017 Act give rise to questions of self-government, ethical self-fashioning and subjectification of the homeless?

(1) Biopolitical problematization of the homeless

Foucault introduced the notion of 'biopolitics' to highlight a form of power – 'power over life' (bio-power) – a regularising technology of power that 'distributes the living in the domain of value and utility' (Foucault, 1990, 144) and which operates through administrative interventions designed to optimize life itself through health, sanitation, mental and physical capabilities. Foucault highlighted the evolution from the oppressive and centralized power of the sovereign to more decentralized forms of power via diffuse institutions and by citizens themselves. Foucault's concept of biopolitics, arguably one of his most elusive yet interesting, is best understood as a political rationality which takes the administration of life and populations as its subject, 'to ensure, sustain, and multiply life, to put this life in order' (Foucault, 1976, 138). Italian philosopher Agamben (1998), offers an interesting corrective to Foucault's theory of biopower, arguing sovereign power is itself already biopolitical. For Agamben, the emergence of the technology of biopower signifies, not a break in the history of Western politics, but instead an expansion of the existing biopolitical imperative of the state in which bare life moves from the periphery to the core of the state's concerns, entering in modernity into the political order as the exception increasingly becomes the rule. As Agamben wrote in his famous work *Homo Sacer*, 'placing biological life at the center of its calculations, the modern State […] does nothing other than bring to light the secret tie uniting power and bare life' (Agamben, 1998, 6)

Isolating the biopolitical problematization of the homeless under the 2017 Act requires reflection as to how the homeless are constructed and represented in the legislation as a biopolitical problem. As Evans (2012) and Legg (2005) have explored, when a fundamental aspect or incident of life becomes precarious, unstable or uncertain, such as loss of housing and decline into homelessness, political authorities and institutions are confronted with the problem of how to respond and how to rationalize interventions with reference to political and biological understandings of the individuals and collectivities involved. If you will, biopolitics

is the space that is opened up in this enquiry or what Evans has called 'the problem space' (Evans, 2012, 188). How, then, is this biopolitical problematization of the homeless rendered under the HRA 17?

It is argued that the biopolitical problematization of the homeless under HRA 17 epitomises and encapsulates notions of advanced and neoliberalism. Rose identifies 'advanced liberalism' as, 'a new diagram of the relation between government, expertise and subjectivity' which shares many premises of neo-liberalism and in which 'social government [is] be restructured in the name of an economic logic' and 'all aspects of social behaviour are … reconceptualized along economic lines – as calculative actions undertaken through the universal human faculty of choice' (Rose, 1999, 141). According to this mentality of rule, the ideal of the social state gives way to the 'enabling state' under which the state is no longer required to provide all the answers but individuals are expected to take responsibility for their own well-being. Fukuyama (1996, 357) therefore writes that, 'a liberal State is ultimately a limited State, with governmental activity strictly bounded by the sphere of individual liberty.' Advanced liberalism as a mentality of government rests not on notions of *active citizenship* which were prevalent in policy and academic discussion of the 1980s but in the 'activization of the powers of the citizen' (Rose, 1999, 166) as autonomous and responsibilized subjects – activated in the self-government and self-realization of their own destinies. This draws naturally on the work of Burchell and Rose on the notion of enterprise of the self: a conception of the human actor as an entrepreneur of him or herself, making choices to further their own interests and self-government (Burchell, Gordon and Miller, 1991). For Lemke (2002), neoliberalism (and advanced liberalism) characteristically develop indirect techniques for leading and controlling individuals whilst eschewing responsibility for them. The main mechanism for this is through the technology of responsibilization under which responsibilized citizens see social risks such as illness, unemployment or homelessness not as the responsibility of the state, but as a problem of 'self-care' to which the individual is to attend. This is very much reflected, it is argued, in the biopolitical problematization of the homeless as depicted under the 2017 Act. The provisions of the 2017 Act seemingly present a newly expanded raft of obligations owed by local authorities to the homeless, however, behind this is a motivating and deeply neoliberal mentality that constructs the homeless as a 'risk' population requiring self-work in order that they re-join the housing market and the respectability of that market. As Sajid Javid, then Secretary of State responsible for housing and communities, announced in the days leading up to the new law coming into force, 'the government is determined to break the cycle of

homelessness once and for all' (Javid, 2018). Locating a neoliberal policy landscape in housing and homelessness law and policy in England is, of itself, nothing new (Hodkinson, 2011).[5] Indeed, one can readily trace the neoliberal ideological impulse in homelessness legislation dating back to the Housing (Homeless Persons) Act 1977 and later and more profoundly into the Housing Act 1996. The 1977 Act (De Friend, 1978; Crowson, 2013) a landmark statute which for the first time made local authorities responsible for housing certain groups of homeless individuals in England and the 1996 Act (Cowan, 1997, 1998) which updated, consolidated but largely retained the broad framework of the 1977 Act (and remains the major source of homelessness law today), can both be interpreted as neoliberal projects. The 1977 legislation introduced the first definition of homelessness in England. It required applicants to apply for homelessness assistance whereupon the local authority would decide whether it owed the applicant a graduated series of duties depending chiefly on whether the applicant was homeless, in priority need, and not intentionally homeless. Yet, the history of the 1977 Act, its difficult parliamentary passage, its eventual enactment in terms quite different from those originally intended including an increased number of conditions that applicants must meet before being entitled to assistance and its narrow interpretation by the courts to minimise duties owed by local authorities to the homeless can be seen as the beginning of a move to deeply neoliberal thinking in homelessness law in England. The 1977 legislation, although premised on welfarist notions and the idea of a 'needs-based' system whereby those in need of housing will receive it was, in practice, arguably an early example of the politics of constraint, of conditionality of housing assistance, of gatekeeping of resources and of burgeoning neoliberal conceptions of a small state and the start of the market-led approaches to and privatization and financialization of housing that has dominated the policy landscape ever since. The 1966 Act which largely re-enacted the framework of the 1977 Act imported even greater conditionality into the new law through an 'eligibility' requirement to prevent those from abroad having access to housing. Additionally, local authorities were required to consider the availability of accommodation in the private rented sector in satisfying its main housing duties to the homeless. Against the backdrop of the Thatcherite 'Right to Buy' policy which led to significant residualisation of social housing, changes to housing tenure, New Labour's 'modernization' (consumerization) of housing provision, the rise of housing associations and an expanding private sector, the relationship of the homeless applicant to local authorities and qualification for housing has increasingly been remoulded in line with neoliberal ideas prioritizing markets, individualism and emphasizing that the role of the state should be limited. Thus, neoliberal interpretations of homeless law are not novel but the HRA 17, it is argued,

does represent a new iteration or variant of neoliberalism and of advanced liberalist thinking which marks a notable shift from previous neoliberal policy in housing towards a construction of the homeless as a 'risk' population which is responsibilized, rendered responsible for their own housing precarity. The 2017 Act reflects a reimagination of the homeless applicant not as passive recipient of housing assistance but as actively necessitated to take personal responsibility, to positively engage and co-operate with authorities to resolve their own housing crisis in a process that might be described as 'de-risking' themselves in order to re-join the private sector housing market. It is in this way that the ideology underpinning the 2017 Act represents a break from the particular neoliberal policy landscape of the past. The policy discourse surrounding the enactment of the 2017 Act thus focused on chronic, cyclical homelessness and on the abstract, statistical increase in the scale of homelessness. The homeless, under the provisions of the 2017 Act, and in policy representations, are presented as a risk population, warranting intervention, risk assessment, personalized housing plans and required to follow mandated activities in order to liberate themselves from their own housing precarity. How does this manifest in the express provisions of the 2107 Act? First, the provisions of the 2017 Act are only triggered once homeless applicants self-identify as either already homeless or 'threatened with' i.e. at *risk* of becoming homeless. Thereafter, local authorities are required to drawn up personalized housing plans which set out mandated steps that applicants must take if continued support is to be provided and, at all times, there remains an overarching *risk* that homeless applicants will lose housing support if, in the perspective of the authority, there has been a failure to co-operate including a failure to follow the personalized plan. Becker's examination of the notion of 'human capital' is instructive here (Read, 2009). Human capital describes the agglomeration of an individual's innate genetic material and qualities but also the skills, capacities and knowledge she has acquired. In his reconstruction of 'wage earners,' for example, Foucault presents workers as liberated, autonomous entrepreneurs responsible for their own destinies. As Brown (2005) captures, individuals are constructed as rational, calculating entrepreneurs responsible for caring for themselves:

'The model neoliberal citizen is one who strategizes for herself among various social, political and economic options … the body politics ceases to be a body but is rather a group of individual entrepreneurs and consumers' (Brown, 2005, 43)

Hamann explained the rationality of neoliberalism as one in which individuals are regarded not as demonstrating predictable forms of behaviour but 'instead as forms of subjectivity that must be brought into being and maintained through social mechanisms of subjectification … [through] forms of knowledge and relations of power aimed at encouraging and reinforcing individual practices of subjectivation' (Hamann, 2009). Neoliberalism as a mentality of rule encourages individuals to undertake self-care, ethical reformulations, practices of subjectivation through processes of social subjectification to become new, ethically-complete citizens. This is precisely how the homeless under the HRA 2017 are represented and biopolitically problematized: as risky individuals; not merely roofless but as if living under a medical illness, a pathology that can be removed through self-work. The 2017 Act represents the homeless as autonomized, free individuals, able to self-define as being in need of housing assistance, docile and malleable in submitting to the assessment process and the mandated steps a local authority will lay down if continued support from the state is to be maintained. The neoliberal *Homo Economicus* is represented as an autonomous 'atom' of self-interest; responsibilized in circumnavigating the social sphere making rational judgments and cost-benefit analyses. This is the predominant biopolitical problematization and framing of the homeless under the 2017 Act. The technologies of power and techniques of government through which this neoliberal, biopolitical problematization is manifested are explored in greater detail in the next two sections.

(2) Governmental problematization of the homeless

Legislation such as the HRA 2017 is merely the legal infrastructure within which biopolitical problematizations are operationalized. Thus, government mentalities feed, support and are *translated* into programmes and action (Rose and Miller, 1992). It is in seeking to better understand this *translation* that governmentality theory offers us the vocabulary, the frame to interrogate how 'governing' of, in our case, homelessness, is fostered and forged. How then, is the biopolitical problematization outlined above governmentalized? Put differently, this section considers how the 'biopolitical problem' of the homeless is translated into technologies and techniques of government under the 2017 Act. It is contended that the ordering theme or organising rationale underpinning the HRA 17 is *risk* (Castel in Burchell, Gordon and Miller, 1991) and that *risk* has a strong explanatory power in elucidating the key provisions of the new legislation. As regards how this rationale of *risk* is manifested, four key technologies of

government are identified in this section; each nourished by and premised on the concept of *risk*.

First, is the technology of *risk* assessment and *risk* management. The headline provisions of the legislation (i.e. the prevention and relief duties) are triggered only once the *risk* and *threat* of homelessness are proven to exist to the satisfaction of the housing authority (section 1 of the HRA 17 which amends Section 175 of the Housing Act 1996). Once demonstrated, the authority will conduct a *risk* assessment of the applicant's housing and wider circumstances. This is government according to *risk*. Higgs has referred to government as 'the ordering of populations around particular ideas or discourses with the object of administering them' (Higgs, 1995, 456). As Higgs highlights, the ordering of populations according to *risk*-avoidance or *risk* management has immense implications for the art of government; namely that assessment and administration of *risk* become the central features of the welfare state rather than therapeutic interventions. The effect, as Castel (in Burchell, Gordon and Miller, 1991) explores, of a *risk*-centred technology, is that modes of government shift from a subjective focus to an objective assessment, to government through guiding, assigning and assessing rather than direct, therapeutic action. Castel argues that such 'sanitary policy' and strategies of *risk* seek to 'dissolve the notion of a *subject* or a concrete individual, and put in its place a combinatory of *factors*, the factors of risk' (Castel in Burchell, Gordon and Miller, 1991, 281). Essentially, the citizen or subject is displaced and replaced with a status of *risk* within a defined, problematized population. We see evidence of this at work in housing and homelessness policy more widely where the role of housing officers has shifted from practitioners to administrators, information providers and *risk* assessors – providing *risk* management and 'tutoring [the homeless] in the techniques of self-government' (Rose, 1999, 145). This is government by *risk* assessment; government by dossier – what Balint, in the field of medicine, called 'the collusion of anonymity' (Balint, 1993). We see precisely this administrative government of target populations under the HRA 17 which is premised exclusively on housing officers' assessment of an applicant's homelessness *risk* through the objective criteria of number of days within which the applicant is likely to face eviction. This evidently ignores the complexity of the histories and subjectivities of the causes of homelessness. Access to assistance from the authority is therefore governed by a numbers game and discounts any role for vulnerability, domestic violence, relationship breakdown, financial insecurity and wider medical/mental health concerns. Such formulae for administering populations are described by Castel as falling within, 'the emerging framework of a plan of governmentality appropriate to the needs of

advanced industrial [and advanced liberal] societies' (Castel in Burchell, Gordon and Miller, 1991, 235).

Risk as a governing mentality or rationality of rule is again evident in the second and third technologies of government under the HRA 17 which work in tandem with one another and must therefore be considered together. These technologies are of care and control. Once an applicant is accepted as being threatened with homelessness, it is for the local authority in question to conduct a full assessment of that applicant's housing circumstances and agree a personalized housing plan and to assist the applicant in securing accommodation. The personalized housing plan is central to the operation of the 2017 Act and contains mandated, 'reasonable steps' that the applicant must take if the obligations and duties placed on the authority are to continue. While the plan is notionally designed to respond to a homeless applicant's particular circumstances, in essence, the plan comprises measures of compliance; steps that if not followed will result in the ending of the authority's duties to the applicant. Thus, while the personalized housing plan outlines and details the support (and care) the applicant can reasonably expect from the local authority, it takes the form of a veiled threat of removal of support in the event of non-compliance. This is thus a key technology of care working in parallel with control which keeps homeless applicants engaged, compliant and pliable. The personalized plan therefore results in an imposition on the homeless applicant of a series of actions or activity that must be pursued; a vacillating see-saw of rewards if certain steps are followed and incentives to act balanced against the ever-present threat of removal of support if not followed to the satisfaction of the authority. Whilst evidently therapeutic in part, as the statutory guidance issued to local authorities makes clear, vitally the steps mandated in the plan are to be focused chiefly on identifying 'practical … steps for applicant to take to help the applicant retain or secure suitable accommodation' (Homelessness Code of Guidance for Local Authorities, 2018, Chapter 11). This very much underscores the complex and uneasy duality that exists within the 2017 legislation of care and control, of neoliberal considerations set against a laudable ambition to prevent and reduce the incidence of homelessness. The concomitant technologies of care and control are therefore central to the operation of the HRA 17 and must be seen as situated within the wider sociological and socio-legal literature on social control as explored by scholars including Dean (1991), Harrison and Sanders (2016) and Jones et al (2013). Geographical scholarship in particular has made a profound contribution to understanding technologies of care and control.[6] In the homelessness context most specifically, Johnsen et al have identified the growing incidence of social control mechanisms in housing

services which adopt a 'softer' form such as coercion, bargaining and influence and the ways that such techniques are being employed to shape and otherwise bring about behavioural change. Johnsen et al distinguish between the various 'modes of power' that are employed as social control to deliver behavioural change ranging from threatening sanctions to 'influencing' applicants to secure compliance with behavioural norms via persuasion or bargaining (Johnsen et al, 2018, 1109G). The mandated steps contained in the personalized housing plans provide one example of subtler forms of social control through party bargaining whereby the authority will provide support and care so long as the applicant is compliant.

The fourth and final technology of government operating under the 2017 Act set in the wider context of *risk* is the technology of discipline or sanction. Building on the technologies of care and control as just outlined, local housing authorities function as gatekeepers, assessing *risk* and rationing their scarce resources according to their legal obligations. A key technology in the armoury of local authorities in this exercise is the ability to sanction applicants by withdrawing support and ending the housing duties owed in the event that the applicant is deemed not to be complying with the mandated steps set out by the authority in the personalized housing plan. As housing charity Shelter has recently acknowledged, there is growing evidence of authorities intending, 'to give the applicant a long list of [mandated] steps and end the [prevention/relief] duty if they are not happy with the progress made' (Shelter, 2017, 7). Nowhere in the legislation nor the newly-published Homelessness Code of Guidance is this proposed exclusionary tactic prohibited. Thus, the HRA 17 reflects a deeply redemptive quality which is consonant with an advanced liberalist mentality of government; namely that the homeless can be cleansed, cured of their housing precarity by submitting to defined, obligatory patterns of behaviour and acceptable housing norms. In essence, the homeless are encouraged to self-work, to improve themselves in order to ameliorate their own housing position. This has strong echoes of Dean's study into how the unemployed were problematized and governed in the mid-1990s through job readiness strategies, skills, training schemes and 'back to work' initiatives to implant the aspiration of work in the unemployed (Dean, 1995). In a similar vein, under the HRA 17, only those individuals willing to play the game, jump through the defined hoops and comply with the housing authority's prescription of normalized housing behaviours, are eligible for assistance. Applying Hobson's governmentality empirics (Hobson, 2010, 253), we might say that the HRA 17 renders visible this advanced liberalist mentality by constructing an image of the compliant, acquiescent, submissive homeless applicant who is to be rewarded

with assistance as juxtaposed with the non-compliant, excluded, resistant applicant for whom the stain of homelessness will remain. The HRA 17 therefore constructs a sharp opposition in its messaging of the 'redeemable and compliant homeless' versus the 'un-redeemable, resistant homeless.' This key technology of discipline and sanction is most clearly seen in the 'failure to co-operate' provisions of the new legislation. Section 7 of the HRA 17 provides that if an authority considers an applicant has 'deliberately and unreasonably refused' to co-operate including failing to follow any steps contained in their personalized housing plan, the housing authority's prevention and relief duties can be brought to an end. Calls for this to be circumscribed in the Code of Guidance and designated 'an action of last resort' to be used only in 'an exceptional or extreme situation' such as wilful or sustained refusal to co-operate from housing charities (Shelter, 2017, 8) went unheeded. Indeed, in the earlier Draft Code of Guidance it was even suggested that 'prioritis[ing] attending a Jobcentre or medical appointment, or fulfilling a caring responsibility' (Draft Code of Guidance, 2017, paragraph 14.51(d)) was an example of a failure of co-operation. This has strong echoes of the work conducted by Evans into the government of homeless street drinkers in Canada and the 'dosing' and punitive 'probation' rules instigated under a therapeutic scheme known as 'Mountainview' to encourage the 'out of control' street homeless back into compliance with the programme (Evans, 2012, 193).

(3) Ethical problematization of the homeless

Having located the organising theme of *risk* and the technologies of control, care and discipline operating in the HRA 2017, this final section considers the ethical problematization of the homeless under the 2017 Act. Put differently, this section concerns the relations the homeless have towards themselves and the nature of 'ethical work' that is prompted or stimulated by this new homelessness legislation. What this article has revealed is that the internal logic of the HRA 2017 is distinctly neoliberal in its construction of the homeless and, strongly in that tradition, autonomy and responsibility can be isolated as central to the ethical problematization of the homeless here. Of course, much post-Foucauldian governmentality work emphasises advanced or neo-liberal political rationalities exhorting people to work on themselves (Bevan and Cowan, 2016; Gordon, 1980). Such rationalities offer the promise of removal of the stain and stigma of non-optimal behaviours if the applicant agrees to improve him or herself. This discourse is stark under the HRA 17. At the heart of the operation of the HRA 17 is an exhortation to the homeless to 'self-work.'[7]

Before a housing authority's prevention and/or relief duties are initiated, it is for the homeless individual perceiving a threat of homelessness within the newly-extended 56-day period to self-identify as being 'threatened' by homelessness and self-direct, self-refer to their local authority for assistance. Rather than an active state that intervenes early to prevent homelessness or, alternatively, pro-actively seeks to tackle the broader, structural causes of homelessness, the governing mentality of the 17 Act places the onus, the burden on the homeless subject, on their own autonomy to self-diagnose their problematic behaviour and to seek to rectify it. As Cowan and Marsh have noted in relation to the allocation of social housing, 'in housing there has been a quasi-commodification of the social which seeks to employ the self-regulatory capacity of individuals by an alloy of autonomy and responsibility' (Cowan and Marsh, 2005, 23, 24). The homeless subject as an autonomous and responsibilized citizen is therefore called upon to recognize and problematize its own housing instability and precarity and to act upon it. Equally, under both the new prevention and relief duties, the local authority is required to take reasonable steps to help *the applicant* to ensure that accommodation does not cease to be available to them (under section 4) or that suitable accommodation becomes available (under section 5). Crucially, under both duties, assistance from the authority is limited to helping *the applicant* as autonomous architects of its own housing stability. The HRA 17 therefore urges the homeless into ethical self-work towards forms of self-government to align the self-regulating capacities of the homeless with the governmental aspiration of reducing the instance of homelessness. The homeless are exhorted to self-work, self-improvement via mandated steps and quasi-pedagogic techniques which include family mediation, guidance on managing income, paying down debt/arrears, identification of safe and unsafe behaviours, attendance at support services/courses and employment-related action contained in housing plans. In essence, the homeless are urged as free, autonomized, responsibilized individuals to work on themselves to either remain within or to re-admit themselves to the housing market and embrace what might usefully be called 'housing citizenship.' This 'housing citizenship' can only be meaningfully realized once the process of ethical self-work or self-fashioning and lifting oneself out of the threat of homelessness is achieved. These technologies of self and techniques for self-improvement are distinctly advanced liberal in nature. They reflect a call to 'become whole, become what you want, become yourself … through enhancing [one's own] autonomy' (Rose, 1996, 158) and have at their base a notion of 'ethical incompleteness' (Miller, 1993): the idea that there is more to be done, something missing to become complete, coherent and virtuous, self-actualized subjects. Thus, under the HRA 17, we might say the

homeless are constructed as ethically 'incomplete' and, through the prescribed steps of the personalized housing plans, the housing authority provides those homeless applicants with the means to strive for self-fulfilment, respectability and ethical completion (Rutherford, 2007) through a process of, what might be termed here, 'de-*risking'* or *risk*-removal. This ethical dimension and ethical problematization extant in housing and homelessness policy has a long history in England reaching back to Octavia Hill's philanthropic intervention into housing management in which the poor were represented as requiring improvement both physically and morally (Malpass, 1999). Foucault's analysis of panopticism (Foucault, 1995, 195-228) described how the disciplined subject was made to internalize forms of responsibility for herself through practices of subjectivation. In *Discipline and Punish*, Foucault detailed the importance of continued surveillance and examination as the subject moved from one institutional space to another. This sounds loudly in the provisions of the HRA 2017 which construct images of the homeless as rational, individualized atoms of self-interest; exhorted to self-care; to take responsibility for their own compliance and co-operation with housing plans; ultimately, for their own behaviour and housing predicament. This requirement for 'ethical work' updates Foucault's discussion of panopticism and of docile bodies subject to continuous training and judgement through cross-fertilization with neoliberalist and advanced liberalist ideas. Thus, in the contemporary panopticism of homelessness, the view promulgated is entrepreneurial. The homeless are not presented as idle or criminal but rather as autonomized, 'clients' of their own destinies who are able, with help of state, to strategize, manage their own housing precarity. The HRA 2017 advances one dominant view of freedom and ethical completeness; understood as operating according to a single, specific notion of self-interest: the prospect of re-joining the housing market. Of course, this neoliberal construction of homelessness as 'client responsibility' is deeply problematic for its market-led assumptions take no account of the wider structural problems that cause homelessness including the lack of housing supply, affordability crisis and wider implications of inequality in education, healthcare, gender, diversity and opportunities.

IMPLICATIONS OF A NEOLIBERAL GOVERNMENTLITY 'RISK' RENDERING OF THE HOMELESSNESS REDUCTION ACT 2017 & LESSONS FOR OTHER COUNTRIES

Building on the conception of neoliberal governance as elucidated by Dean, Rose, Hamann and others and drawing across from the instructive work of social geographers into Foucault's

conceptualization of *problematization*, this article has offered a critical examination, for the first time, of the latest, major piece of homelessness legislation in England, the Homelessness Reduction Act 2017. In so doing, this article has located and unpacked three, intersecting modes of problematization of the homeless under the HRA 17: biopolitical, governmental and ethical and set these in the context of an ordering theme of *risk*. This, it has been argued, delivers productive, critical insights into how the homeless are represented, constructed and governed as a '*risk* population' under the new law. The HRA 17 is exposed as a deeply neoliberal project under which the homeless are constructed as autonomous individuals, responsibilized for their own housing precarity and exhorted through technologies of care, control and discipline to ethical self-work in order to re-join the housing market. However, what this article has revealed is that the 2017 Act represents a new iteration or variant of neoliberal policy in housing; marking a significant break from past neoliberal thinking in homelessness law and policy. The 2017 Act reflects a reimagining of the homeless applicant not as a passive recipient of housing assistance but, rather, as an active, responsibilized member of a '*risk*' group exhorted to take personal responsibility to resolve their own housing precarity. Thus, while this analysis affirms and aligns with long-standing trends of neoliberal rationalities in welfare reform in homelessness in England, the 2017 legislation, it has been argued, exemplifies a re-modelling of the image of the neoliberal homeless applicant as citizen-consumer, as an active participant in their own 'self-work' in order to re-join the housing market albeit under the 'tutelary gaze' (Cowan, 2019, 123) of the welfare state.

Rather than promulgate the all-too often simplified presentation of neoliberalism as a coherent and complete, uncontested project in the housing literature, it is argued that the marriage of a neoliberal governmentality frame with a *risk* analysis as deployed in this article offers a distinct, novel and productive lens through which to explore homelessness legislation and the newly-enacted 2017 Act in particular. However, if this conceptualization according to *risk* is to be persuasive, the case for its potency, its potentiality and purpose must be made out. Put differently, what does this reading of the 2017 Act according to *risk* offer to the housing case study? In addressing this vital question, a number of observations and reflections are presented here.

First, deploying a governmentality-*risk* analysis provides a new way of 'seeing' the legislation. In particular, it is argued that *risk* exhibits a strong explanatory power in explicating how the provisions of the law operate and are framed empirically and *in practice*; rendering visible how

the homeless are construed, managed and governed. A *risk* framework allows us to see and appreciate the re-imagining of the neoliberal homeless subject under the new law in a manner that, for example, a conceptualisation according to a simple notion of prevention could not. Although the aims of the 2017 legislation are distinctly prevention-orientated in a bid to intervene earlier to assess and prevent homelessness, prevention alone does not explain the construction of the homeless at play in the legislation. Prevention is a one-dimensional somewhat empty concept focused on achieving a distinct end: the avoidance of an event's occurrence cannot describe or illuminate the particular and complex representation of the neoliberal homeless applicant as active, responsibilized citizen-consumers that is observed under the 2017 Act. By contrast, a *risk* lens is able to do this work and is therefore instructive in revealing how programmes or 'technologies' of *risk* are used as 'modes of power,' as methods of social control and how the homeless are represented in statute and policy discourse and the tensions inherent in governing the homeless through law. These tensions are demonstrated most plainly through the technologies of care, control and discipline that seemingly work hand-in-hand under the HRA 17 which both support the homeless, extending local authority duties to intervene earlier to help prevent housing deprivation and the homeless back into stable accommodation but equally with an overarching and implied (but very real) threat of withdrawal of support in the event of insufficient progress being made (on mandated steps in personalized plans) or non-co-operation. There will be those who would argue that housing and welfare policy has always been concerned with *risk*; citing perhaps the historic imprisonment of vagabonds or the Speenhamland System in support. However, such an approach is rejected here. Rather than premised on *risk*, these examples are better be regarded as policy responses to concerns as to respectability and by reference to the predominant and almost universally-promoted view in housing policy and academia that welfare law operates according to a broad concept of *need*. However, it is argued here that while the concept of *need* is undoubtedly pertinent in the history of homelessness and welfare provision more generally, it does not embody the same potent, explanatory power to explicate the *modern* law as does the notion of *risk*.

Secondly and relatedly, the concept of *risk* is an eminently robust and rich notion such that it is able to capture the essential logic and contested nature of the homeless legislation itself. *Risk* reveals in sharper focus the difficult balance the law (and local authorities) must strike between the rationing of scarce housing and the management of constrained local authority resources whilst, at the same time, ensuring effective provision to those at greatest *risk* of harm from

housing deprivation. A *risk* analysis demonstrates how *risk* considerations operate both *internally* within local authorities' decision-making and *externally* in the homelessness legislation itself that serves as the scaffolding of local authorities' organizational structures and delimits the duties they owe to the homeless. This fundamental fracture and disconnect between housing the most vulnerable whilst vindicating local authorities' legitimate desire to protect themselves from *risks* to their budgets and housing stock are aptly captured by the ordering theme of *risk*.

Thirdly, a *risk* analysis serves as a powerful motivator for prompting as well as nourishing broader debates around reform to homelessness law. The deployment of a combination of a neoliberal governmentality analysis with an examination of the 2017 Act set within a *risk* framework elucidates the messy, contradictory and contrary machinations of power and rule in homelessness law and policy. Seeing and reading this legislation through a *risk* lens manifests this incoherence; an incoherence long present within neoliberalisation itself as Larner has explored (Larner, 2000). In this way, this article makes a contribution towards the literature of what Brenner and Theodore termed 'actually existing neoliberalism' which emphasises the need to examine the contextual embeddedness of neoliberal projects as they function within national, local contexts as defined by legacies of inherited institutional frameworks, policy regimes, regulatory practice and political struggle (Brenner and Theodore, 2002). A governmentality-*risk* frame enables a critical examination of the multidimensional facets of rule in order to inform wider considerations as to the efficacy and appropriateness of our law. Foucault (1993, 203) wrote:

'Governing people is not a way to force people to do what the governor wants; it is always a versatile equilibrium, with complementarity and conflicts between techniques which assure coercion and processes through which the self is constructed or modified by himself.'

It is precisely this versatile equilibrium, complementarity and conflict that this article has teased out by locating *risk* as operating under the HRA 17. This echoes strongly with Nelken's account of legislation as being a 'managed activity' (Nelken, 1982) and his work underscoring that legislation is rarely univocal operating according to a single ideology. The governmentality-*risk* framework is productive here in unlocking, exposing and helping to explain this messiness, this multi-dimensional nature of governance, of ideologies and of law itself. This framework has the real potential to inform research and analysis of housing and

homelessness legislation both in and outside England in contributing to the reform agenda and existing wealth of work around housing as a fundamental human right, the wider economic, social and culture rights agenda (Young, 2019) and, more precisely, in policy discourse at the national level as countries across the globe continue to grapple with how law can be best deployed and optimized to address the growing social problem of homelessness. Put simply, a governmentality framework opens up the space for consideration of and greater theorising around the technologies of rule in homelessness and housing law more broadly. By understanding the construction of the new neoliberal homeless applicant in the 2017 Act, the impetus is provided to delve more deeply into how and why homelessness law is shaped in the way that it is and how our law might be optimized in future to take better account of the subjectivities of the homeless experience to deliver a more dynamic and person-centred law.

NOTES

[1] On Foucault's concept of governmentality, see Foucault, M. 'Governmentality' in Burchell, G., Gordon, C., and Miller, P. *The Foucault Effect: Studies in Governmentality*, (1991) Hemel Hempstead: Harvester Wheatsheaf; M. Dean, *Governmentality: Power and Rule in Modern Society* (1999) London: SAGE; T. Lemke, 'Foucault, Governmentality, and Critique' (2002) 14(2) *Rethinking Marxism*, 49.

[2] In criminology, see: Garland, D. 'Governmentality and the Problem of Crime: Foucault, Criminology, Sociology', (1997) *Theoretical Criminology* 1(2), 173; Stenson, K. 'Sovereignty, Biopolitics and the Local Government of Crime in Britain', (2005) 9 *Theoretical Criminology*, 265; Stenson, K. 'Beyond Kantianism – Response to Critiques', (2008) 6(1) *Social Work and Society* [online], 42. In pedagogy, see: Ball, S. *Foucault and Education: Disciplines and Knowledge* (1990) London: Routledge; Morgan, A. 'Governmentality versus Choice in Contemporary Special Education', (2005) 25(3) *Critical Social Policy*, 325. In social welfare, see: Baistow, K. 'Liberation and Regulation? Some Paradoxes of Empowerment', (1994/5) 14(2) *Critical Social Policy*, 34; Cruikshank, B. (1994) 'The Will to Empower: Technologies of Citizenship and the War on Poverty', (1994) 23(4) *Socialist Review*, 29; Cruikshank, B. *The Will to Empower: Democratic Citizens and other Subjects* (1999) Ithaca and London: Cornell University Press; Marston, G., McDonald, C. *Analysing Social Policy: A Governmental Approach* (2006) Cheltenham: Edward Elgar; Lewis, G. (2000), *Race, Gender, Social Welfare: Encounters in Postcolonial Society.* Cambridge: Polity Press. In medicine, see: Alaszewski, A.

‘Drugs, risk and society: Government, governance or governmentality?’ (2011) 13(5) *Health, Risk & Society* 13(5), 389; Petersen, A., Bunton, R. *Foucault, Health and Medicine* (2002) London: Routledge; and in education, see: Peters, M., Besley, A., Olssen, M. *Governmentality Studies in Education (Contexts of Education)* (2009) Rotterdam: Sense Publishers; Fimyar, O. ‘Using Governmentality as a Conceptual Tool in Education Policy Research,’ (2008) *Educate, The Journal of Doctoral Research in Education Special Edition March* (2008), 3; Besley, T. ‘Governmentality of Youth: managing risky subject’ (2010) *Policy Futures in Education* 8(5).

[3] On North American engagement of governmentality, see, for example, Kingfisher C. (2007), ‘Discursive constructions of homelessness in a small city in the Canadian prairies: Notes on destructuration, individualization, and the production of (raced and gendered) unmarked categories’ 34(1) *American Ethnologist*, 91; Evans, J. (2012) ‘Supportive measures, enabling restraint: governing homeless ‘street drinkers’ in Hamilton, Canada’ 13(2) *Social & Cultural Geography*, 185.

[4] The Homelessness Reduction Act 2017 was based on the recommendations of a review conducted by an independent panel of experts, convened by Crisis in 2015 which proposed alternative legislation based on that introduced by the Housing (Wales) Act 2014.

[5] For a helpful summary of the differing accounts and definitional variants of neoliberalism examined in housing literature, see Hodkinson, S. ‘Housing regeneration and the private finance initiative in England: Unstitching the neoliberal urban straitjacket,’ (2011) 43(2) *Antipode*, 43(2); on contemporary accounts of neoliberalism and housing, see generally, Glynn, S. (2009) Introduction, in: Glynn, S. (Ed), *Where the Other Half Lives*, pp. 1–8 (London: Pluto Press); Madden, D., Marcuse, P. (2016) *In Defense of Housing* (London: Verso); Slater, T. (2012) The myth of broken Britain: Welfare reform and the production of ignorance, *Antipode*, 46(4), 948–969.

[6] On technologies of control and care, see, among many others, Conradson D. (2003), ‘Geographies of Care: Spaces, Practices, Experiences’ *Social & Cultural Geography* 4(4), 451–54; Johnsen S., Fitzpatrick S. (2010) ‘Revanchist Sanitisation or Coercive Care? The Use of Enforcement to Combat Begging, Street Drinking and Rough Sleeping in England.’ *Urban Studies* 47 (8): 1703–23; DeVerteuil, G. Wilton R. (2009) ‘Spaces of Abeyance, Care and Survival: The Addiction Treatment System as a Site of ‘Regulatory Richness.’’ *Political Geography* 28 (8): 463–72; G. DeVerteuil (2014), ‘Does the Punitive Need the Supportive? A Sympathetic Critique of Current Grammars of Urban Injustice.’ *Antipode* 46 (4): 874–93; Hennigan B., J. Speer J. (2018) ‘Compassionate Revanchism: The Blurry Geography of Homelessness in the USA.’ *Urban Studies*, April.

[7] On the concept of self-work, see Baistow K. and Cruikshank B. who have drawn attention to how empowerment of targeted populations is increasingly engaged as a tool of self-government, responsibilization and self-improvement: Baistow, K. 'Liberation and Regulation? Some Paradoxes of Empowerment', (1994/5) *Critical Social Policy* 14(2), 34; Cruikshank, B. (1994) 'The Will to Empower: Technologies of Citizenship and the War on Poverty', (1994) 23(4) *Socialist Review*, 29; Cruikshank, B. *The Will to Empower: Democratic Citizens and other Subjects* (1999) Ithaca and London: Cornell University Press.

REFERENCES

Agamben, G. 1998. *Homo Sacer: Sovereign Power and Bare Life* (translated by Heller-Roazen, D. Stanford, California: Stanford University Press.
Alafat, T. 2017. Chief Executive of the Chartered Institute of Housing, Speech to the Housing Conference 2017.
Balint, E. 1993 *The doctor, the patient and the group: Balint revisited*. London: Routledge.
Barnett, C., Clarke N., Cloke P., Malpass A. 2008. 'The Elusive Subjects of Neo-liberalism.' 22(5) *Cultural Studies*, 624.
Bevan, C., Cowan D. 2016. 'Uses of Macro Social Theory: A social housing case study.' 79(1) *Modern Law Review* 76.
Brenner, N., Theodore N. 2002. 'Cities and the Geographies of 'Actually Existing Neoliberalism.' 34(3) *Antipode*, 349.
Brown, W. 2005. *Edgework: Critical Essays On Knowledge and Politics*. Princeton, NJ: Princeton University Press.
Cadman, L. 2009. 'Life and death decisions in our posthuman(ist) times.' 41 *Antipode*, 124.
Castel, R. in Burchell, G., Gordon C., Miller, P (eds). 1991. 'From Dangerousness to Risk' in *The Foucault Effect: Studies in Governmentality*. Chicago: University of Chicago Press.
Committee of Public Accounts. 2017. The Committee of Public Accounts, Report 18th December 2017; available at: https://publications.parliament.uk/pa/cm201719/cmselect/cmpubacc/462/46202.htm
Conservative Election Manifesto, 2017. 'Forward Together: Our Plan for a Stronger Britain and a Prosperous Future.'
Cowan, D. 1997. *Homelessness: The (In-)Appropriate Applicant*. Aldershot: Dartmouth.
Cowan D. 1998. 'Reforming the homelessness legislation.' 55 *Critical Social Policy*, 435.
Cowan D. 2019. 'Reducing Homelessness or Re-Ordering the Deckchairs?' 82(1) *Modern Law Review*, 105.
Cowan D., Marsh A. 2005. 'From need to choice, welfarism to advanced liberalism? Problematics of social housing allocation.' 25(1) *Legal Studies*, 22.
Cowan D., McDermont M. 2006. *Regulating Social Housing: Governing Decline*. New York: Routledge-Cavendish.
Cowan D., Pantazis C., Gilroy R. 2001. 'Risking housing need.' 26(4) *Journal of Law and Society* 403.
Crowson, N. J. 2013. 'Revisiting the 1977 Housing (Homeless Persons) Act: Westminster, Whitehall and the Homelessness Lobby.' 24 *Twentieth Century British History*, 424.
Dean, H. 1991. *Social Security and Social Control*. London: Routledge.

Dean, M. 1995. 'Governing the unemployed self in an active society.' 24(4) *Economy and Society*, 559.

Dean, M. 1999. *Governmentality: Power and Rule in Modern Society*. London: SAGE.

De Friend, R. 1978. 'The Housing (Homeless Persons) Act 1977.' 41(2) *Modern Law Review*, 173.

Department for Communities & Local Government, *Draft Homelessness Code of Guidance for Local Authorities* (2017): available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/652343/Draft_Homelessness_Code_of_Guidance.pdf

Evans, J. 2012. 'Supportive measures, enabling restraint: governing homeless 'street drinkers' in Hamilton, Canada.' 13(2) *Social & Cultural Geography*, 185.

Flint J. 2002. 'Social Housing Agencies and the Governance of Anti-social.' 17(4) *Housing Studies*, 619.

Foucault M. 1976. *The Will to Knowledge: The History of Sexuality Volume 1* (translated by Hurley, R. London: Penguin Books.

Foucault, M. 1978-9. *The Birth of Biopolitics: Lectures at the Collège de France, 1978-1979*, translated by Graham Burchell, 2008, edited by Arnold I. Davidson. New York: Palgrave Macmillan.

Foucault, M. 1990. *The History of Sexuality, Volume 1: An Introduction* (translated by Hurley, R. London: Penguin Books.

Foucault M. Burchell, G., Gordon C., Miller, P. 1991. 'From Dangerousness to Risk' in *The Foucault Effect: Studies in Governmentality*. Chicago: University of Chicago Press.

Foucault, M. 1993. 'About the Beginning of the Hermeneutics of the Self: Two Lectures at Dartmouth.' 21(2) *Political Theory*, 203.

Foucault M. 1995. 'Panopticism' in *Discipline & Punish: The Birth of the Prison* (translated by Sheridan, A. London: Vintage Books.

Foucault, M. 1997. *Ethics, Subjectivity and Truth*. New York: The New Press.

Foucault M. 1977-1978. *Security, Territory, Population: Lectures at the Collège de France, 1977-1978* (translated by Burchell G. edited by Davidson, A. I. New York: Palgrave Macmillan, 2007.

Fukuyama, F. 1996. *Trust: The Social Virtues and the Creation of Prosperity*. London: Penguin Books.

Garmany, J. 2009. 'The embodied state,' 10 *Social & Cultural Geography,* 721.

Gordon, C. 1980. *Power/Knowledge: Selected Interviews and Other Writings 1972- 1977*. Brighton: Harvester.

Guardian Newspaper. 2018. 'Deaths of UK Homeless People More Than Double In Five Year' (11th April 2018); available at: https://www.theguardian.com/society/2018/apr/11/deaths-of-uk-homeless-people-more-than-double-in-five-years

Hamann, T. H. 2009. 'Neoliberalism, governmentality, and ethics.' 6 *Foucault studies*, 37.

Harman, H. 2018. Member of Parliament for Camberwell and Peckham; Mother of the House of Commons: https://www.harrietharman.org/homelessness_is_a_scourge_on_society_we_can_end_it_and_we_must_sth_ldn_press_column

Harrison, M., Sanders, T. (eds). 2016. *Social Policies and Social Control: New Perspectives on the 'not-so-big Society*. Bristol: Policy Press.

Higgs, P. 1995. 'Citizenship and old age: the end of the road?' 15 *Ageing and Society*, 456.

Hobson, K. 2010. 'Beyond the Control Society.' 32(2) *Administrative Theory & Praxis*, 252.

Javid, S. 2018. Secretary of State for Communities & Local Government (March 2018) reported: insidehousing.co.uk; available at:

https://www.insidehousing.co.uk/news/news/government-announces-30m-rough-sleeping-fund-as-new-legislation-comes-into-force-55573

Johnsen, S., Fitzpatrick, S., Watts, B. 2018. 'Homelessness and social control: a typology.' 33(7) *Housing Studies*, 1106.

Jones, R., Pykett, J., Whitehead, M. 2013. *Changing Behaviours: On the Rise of the Psychological State.* Cheltenham: Edward Elgar Publishing.

Huxley, M. 2008. 'Space and government: governmentality and geography.' 2(5) *Geography Compass*, 1635.

Larner, W. 2000. 'Neoliberalism: Policy, ideology, governmentality.' 63(1) *Studies in Political Economy*, 5.

Legg, S. 2005. 'Foucault's population geographies: classifications, biopolitics, and governmental space.' 11 *Population, Space and Place*, 137.

Legg, S. 2006. 'Governmentality, congestion and calculation in colonial Delhi.' 7(5) *Social & Cultural Geography*, 709.

Legg, S. 2010. 'Ambivalent improvements: biography, biopolitics, and colonial Delhi.' 40 *Environment and Planning A*, 37.

Lemke, T. 2002. 'Foucault, Governmentality, and Critique.' 14(2) *Rethinking Marxism*, 49.

Malpass, P. 1999. *The Work of the Century: The Origins and Growth of the Octavia Hill Housing Trust in Notting Hill*. London: Octavia Hill Housing Trust.

May, T. 2018. Prime Minister (2016-2019) Speech at London Planning Conference, 8th March 2018.

McKee, K. 2009. 'The "Responsible" Tenant and the Problem of Apathy.' 8(1) *Social Policy and Society*, 25.

Miller, T. 1993. *The Well-Tempered Self: Citizenship, Culture, and* the Postmodern Subject. Baltimore: Johns Hopkins University Press.

Ministry of Housing, Communities & Local Government, *Homelessness Code of Guidance for Local Authorities* (2018); available at: https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities

Nelken, D. 1982. 'Is There a Crisis in Law and Legal Ideology.' 9(2) *Journal of Law and Society,* 177.

Rose, N. 1996. *Inventing Our Selves: Psychology, Power, and Personhood*. Cambridge: Cambridge University Press.

Rose, N. 1999. *Powers of Freedom: Reframing Political Thought*. Cambridge: Cambridge University Press.

Rose, N., Miller, P. 1992. 'Political Power Beyond the State: Problematics of government.' 43 *British Journal of Sociology*, 173.

Shelter. 2017. *Consultation response: Department for Communities and Local Government consultation on Draft Homelessness Code of Guidance for Local Authorities Executive Summary*; available at: https://england.shelter.org.uk/__data/assets/pdf_file/0009/1474515/2017_12_11_Shelter_response_to_draft_Homelessness_Code_of_Guidance_December_2017_EXEC_SUMMARY_FINAL.pdf

Stenson, K. 2005. 'Sovereignty, Biopolitics and the Local Government of Crime in Britain.' 9 *Theoretical Criminology*, 265.

The Homelessness Monitor for England. 2019. Crisis. Available at: https://www.crisis.org.uk/media/240419/the_homelessness_monitor_england_2019.pdf

Young, K. G. (ed). 2019. *The Future of Economic and Social Rights*. Cambridge: Cambridge University Press.