

‘This is home for us’: questioning banishment from the ground up

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Banishment is an increasingly common tool for urban social control. In Seattle and other cities, new tools give the police stronger authority to create and enforce zones of exclusion. Deployed most commonly in neighborhoods populated by homeless people and members of other disadvantaged populations, banishment orders seek to coerce individuals to relocate. As an attempt to reduce crime and disorder, however, we suggest that banishment fails. We demonstrate this by drawing on interviews with forty-one Seattle residents who live with at least one exclusion order to ascertain how their strong connections to place make compliance with banishment an oppressive burden. Even if banishment increases the authority of the police, and thereby helps them to respond to public concern about ‘disorder’, it makes everyday life more perilous for the socially-marginalized. This suggests that banishment’s increased popularity deserves robust contestation.

Key words: banishment, social control, law, homelessness.

Introduction: Pioneer Square as ‘home for us’

Pioneer Square is one of Seattle’s most iconic neighborhoods. Its history is rich. For the Duwamish people, one of the American Indian tribes who inhabited the area prior to settlement by people of European ancestry, it was known as ‘Little Crossing-Over Place’. That name derived from the fact that, at low tide, a land bridge emerged that enabled transit to the Duwamish River valley (on this history, see Thrush 2007). As a transit node, ‘Little Crossing-Over Place’ was used as an

important meeting place for the region’s tribes. The significance of the area remained notable post-settlement. It was the site of the first major economic enterprise, Henry Yesler’s sawmill. Logs were frequently slid to Yesler’s mill down a trail on the steep hillside to the east. That trail—now a street named Yesler Way—was once called ‘Skid Road’ (Andrews 2005; Morgan 1960; see also Spradley 1970). That term eventually was appended to the roughhewn neighborhood that emerged to the south, one full of saloons, houses of prostitution, and rooming houses, all there to cater to an itinerant working-class population.

Soon the term ‘skid row’ became a common signifier for similar neighborhoods in other American towns.

Because of its bawdiness, congestion and sometimes disease-ridden accommodations, the Pioneer Square area came to host several social service agencies. Religious missions and other institutions sought to provide various forms of succor to the downtrodden. Some of those missions remain to this day, along with other agencies that provide emergency shelter, food, health services, and other forms of assistance. For this reason, the neighborhood fits the definition Wolch and Dear (1993) offer of a ‘contemporary service ghetto.’ Walk through the area today, and one will likely spot dozens of individuals who appear to lack permanent housing.

One of those is Jerome. Although his status as un-housed might seem to attenuate his connection to any particular place, he revealed in an interview that he feels quite attached to the Pioneer Square neighborhood:

But you got to realize, too, this is the only place I know. Good or bad, good or bad. It’s the only place I know. I can get food, get housing, take a shower, brush my teeth, this place it provides for me, you know what I’m sayin’, it provides for me, and then, even if I’m doing wrong, it still provides. Cuz if I mess up on my money, I can still go up to the park to eat. You know what I’m sayin’. So, you have to know that some people live here. This is home for us.

Jerome made this observation during a conversation about the re-emergence of banishment as a social control technique in Seattle. Through a series of mechanisms described below, the police in Seattle possess notably enhanced power in their efforts to clear neighborhoods like Pioneer Square of people like Jerome, people who are oftentimes

considered scary by the homed population. Such police capacity is hence welcome to many, given the fear and repulsion that Jerome and his brethren can generate. Given this, downtown business owners, amongst others, regularly seek to see homeless people swept away, the better to ensure a ‘clean and safe’ shopping environment (see Gibson 2004). Dismissed too readily as symbols of ‘disorder’, as ‘broken windows’ that need to be repaired (see Kelling and Coles 1998; Wilson and Kelling 1982; for critiques of broken windows theory, see Duneier 1999; Harcourt and Ludwig 2005; Herbert and Brown 2006), those who appear to be unhoused and others who frequent public space face increased pressure to relocate. Not content with enforcing ‘civility codes’ passed in the 1990s—which criminalized various behaviors commonly engaged in by homeless people, such as sitting down on sidewalks and camping in parks (see Foscaranis 1996; Mitchell 1997)—Seattle is helping pioneer a range of social control tools that effectively give the police the power to banish.

Yet the banishment strategy deserves critical assessment. There are multiple reasons for this, but Jerome articulates the factor we explore in some depth in this paper: people’s attachment to place. It may seem a simple matter to ideologists and agents of social control to seek to force those who appear to be transient to relocate (see Ellickson 1996; Kelling and Coles 1998; National Center for Community Prosecution 2004), but Jerome and others make plain that ties to place are not easily sundered. Even those who are un-housed still frequent places of attachment from which they do not wish to part.

We use this paper to assess contemporary efforts to rid cities of those commonly considered scary. We do so by seeking to understand what social control means to those

who are its targets. Rarely are the impacts of criminal laws investigated in any depth by analysts (for exceptions, see Duneier 1999; Fagan, West and Holland 2003; Gowan 2002), particularly in terms of their influences on the time-space movements of the socially marginalized. A complete picture of any criminal law—or any public policy, for that matter—can only emerge through such a bottom-up examination. In this instance, we learn from banishment's targets that spatial exclusions make their already-challenging lives all the more difficult, and lead them to experience even greater stigma. For these reasons, banishment deserves scrutiny.

We move through four sections. In the first, we contextualize and describe the key forms of banishment in Seattle. Here, we accentuate the largely-unchecked capacity that banishment provides for the police to harass individuals in public space. In the second section, we outline the range of reasons why individuals refuse to comply with their banishment orders. They persist in particular places for the same reasons everyone does: because their needs—for social support, for work, for security—are largely met there. These places, as Jerome puts it, 'provide.' We use the third section to assess how these attachments to place render illusory any hope that banishment will entice people like Jerome to relocate to other locales. In our fourth and concluding section, we consider the political utility of banishment—namely an opportunity for the police and other city officials to claim that they are responding to public concern about 'disorder.' Because this is not a sufficiently legitimate reason to justify unnecessary complications to the lives of the disadvantaged, we are left to question whether banishment deserves support in Seattle or any other city.

The context and practice of banishment

The desire to relocate vagrants and others deemed undesirable is hardly a new phenomenon. Exile to encourage conformity was a practice featured in the Old Testament, and was employed in ancient Babylon, Greece and Rome. It was practiced, as well, by British authorities throughout its colonial empire. Even though it was considered repulsive, it was employed in the new republic of the USA (see Armstrong 1963; Borrelli 2002–3; Dubber 2005; Snider 1998). When miscreants proved troublesome, many towns shooed them out. Although the appeal of banishment to societies that lacked formal law and formal social control mechanisms makes retrospective sense, most countries today prohibit the banishment of their citizens. In the USA, too, most states disallow inter-state banishment. As one legal scholar noted, 'Banishment would seem more appropriate to Romeo and Juliet or Great Expectations than to the solution of problems in a modern society' (Armstrong 1963: 768).

The re-emergence of banishment may thus seem anomalous. However, it is entirely consistent with the recent history of urban social control in the USA. Arguably, such a history might best begin in 1972, when the US Supreme Court agreed in *Papachristou vs. City of Jacksonville* to invalidate laws that criminalized vagrancy as excessively vague. This vagueness, the court reasoned, gave the police too much arbitrary authority. Yet by the early 1980s, concern with visible 'disorder' grew (Wilson and Kelling 1982), and persists to this day. Much of this can arguably be traced to the remarkable rise of homelessness (for overviews of the multiple causes of this increase, see Burt 1991; Wolch and Dear 1993; Wright 2000). The first major set of social

control efforts to ‘clean up’ areas visited by ‘disorder’ came to be grouped together under the aforementioned term, ‘civility codes.’ These codes gave the police greater license to arrest individuals for such acts as sitting or lying on sidewalks, camping in parks, engaging in public elimination, and storing belongings in public space (see Mitchell 1997). By specifying the behaviors that triggered police intervention, civility codes responded to the constitutional issues raised by *Papachristou* (see Kelling and Coles 1998). Seattle was one of the pioneering cities in issuing and enforcing these codes, just as it now helps usher in a renaissance of banishment. This is not surprising, because the banishment practices we assess here simply extend the logic of the civility codes. More precisely, they enhance the capacity of the police to exercise territorial control over the spaces they patrol (on police territoriality, see Herbert 1997), and thereby diminish whatever restrictions that *Papachristou* was meant to establish. This has been accomplished by lowering the standard for a criminal offense to a remarkably low level (see Beckett and Herbert 2009). To see how this happens, it is best to first explain the three key banishment practices themselves—parks exclusion orders, innovations in trespass law, and off-limits order.

In relation to the first of these—parks exclusion—it is worth noting that the homeless and others frequently deemed disorderly often concentrate in parks. This is hardly a surprise, given that parks are publicly-accessible, usually possess bathroom facilities, and offer multiple places to rest and relax. In response to this pattern, Seattle is one of a number of cities that possesses a ‘parks exclusion’ law. Prior to the adoption of this law in 1998, individuals could be removed from public parks only if there was probable

cause to suspect that they had committed a criminal offense. More minor rule violations, such as being in the park after closing time, resulted in a citation. Parks exclusion laws authorize police and parks officials to ban persons for committing minor infractions (such as being present after hours, having an unleashed pet, camping, urinating, littering, or possessing an open container of alcohol) from one, some or all public city parks for up to one year (depending on the number and type of violation). Although the parks exclusion order is defined as civil and remedial rather than criminal and punitive in nature, violation of a parks exclusion orders is typically a misdemeanor criminal offense. The Seattle ordinance authorizes the police to exclude an alleged rule-violator without providing any evidence of wrong-doing.

Secondly, citizens in Seattle increasingly find themselves arrested for the offense of ‘criminal trespass.’ This long-standing infraction was historically used when an individual refused to leave private property after being requested to do so by that property’s owner. The increase in arrests for this crime in Seattle results from a more recent creative application of trespass law. This innovation stems from contracts that are signed by property owners with the Seattle Police Department. These contracts, in essence, enable the police to share the trespass authority of the owner. In this way, the police can act as a trespass agent without the permission of the owner in any given case. As a consequence, if the police see a person ‘without legitimate purpose’ on a property where a contract is in operation, the officer can ‘trespass admonish’ that person. That means that the person cannot re-appear on that property for the next year. A violation of the trespass admonishment leaves a person vulnerable to arrest for criminal trespass.

In Seattle, people are routinely ‘trespass admonished’ from libraries and recreation centers, the public transportation system, college campuses, hospitals and religious institutions, social service agencies and commercial establishments. In some cases, a cluster of properties are gathered together into one overarching trespass program. That way, anyone banned from one of the participating businesses is banned from all of them. For example, the West Precinct Parking Lot Trespass Program includes 320 downtown parking lots. Anyone excluded from a participating parking lot is subsequently subject to arrest for walking through any one of the 320 lots. In many US cities, including Seattle, police officers and others issuing these ‘civil’ trespass admonishments are not required to record the reason for the exclusion. Allegations of criminal conduct are not required. Nor does the banished person possess an opportunity to contest his or her exclusion.

Thirdly, in Seattle and many other US municipalities, judges and/or correctional officers increasingly require those convicted of certain offenses to stay out of particular sections of their city of residence as a condition of their probation or parole sentence (Flanagan 2003; Hill 2005; Sanchez 1997). In some cases, these off-limits orders may also be imposed on defendants who have not been convicted of a crime. In Seattle, ‘Stay Out of Drug Area’ (SODA) and ‘Stay Out of Areas of Prostitution’ (SOAP) orders are also imposed on those arrested but not convicted, as a condition of a deferred prosecution. SODA and SOAP zones are bounded areas delineated by the presiding judge of the Seattle Municipal Court. They are areas reputed to host long-standing patterns of either drug or prostitution activity (for a perceptive analysis of SODA zone enforcement in Seattle, see England 2008).

Violation of a SODA or SOAP order is treated as either a violation of community supervision or a criminal offense. The areas from which people are banned often comprise significant parts of the city, and may include the entire downtown core in which social and legal services are concentrated. In contemporary Seattle, for example, roughly half of the city’s terrain, including all of the downtown, is defined as a ‘drug area’ from which someone might be banned. Those subject to these off-limits orders are generally prohibited from being in the proscribed areas for any reason. Violations may be considered separate crimes worthy of an additional year of jail.

Taken together, these three practices—parks exclusions, criminal trespass, and off-limits orders—impressively increase police power. That is largely because they lower the standard of probable cause the police need to meet to make an arrest. An officer need merely note a person is in a place, and then determine whether that person is prohibited from that place, usually via a check of the relevant database on a patrol car computer terminal. An officer does not need to find evidence of criminal activity, such as a promise or actual exchange of money for drugs or sex. In a neighborhood like Pioneer Square, any of those who spend considerable time in public space almost certainly possess one or more of these prohibitions, and thus are perpetually vulnerable to arrest. Police power to exercise their authority here is largely unchecked. In this fashion, through the simple matter of making presence in space a criminal matter, the police now largely possess the authority that the *Papachristou* decision was meant to take away.

This recourse to banishment reflects a basic premise of American criminal law: that the threat of punishment will deter people from criminal behavior (see Akers 1990; for a

contrast, see Dubber 2006). In this case, the presumption appears to be that, if hassled frequently enough in a given place, the banished will get the message and simply leave. Ideally, it appears, Jerome and his compatriots will quit Pioneer Square (see National Center for Community Prosecution 2004). Yet Jerome stays, for the simple reason that he is connected to place in a way that banishment codes do not appear to anticipate. To understand the depth of his and others' connections to the places from which they are banned, we turn now to a review of our interview transcripts to assess the various reasons why complying with a banishment order is simply too onerous a requirement for many. This ground-level assessment enables us an opportunity to discern the impact of banishment on those it targets.

Banishment from the ground up

Any comprehensive assessment of banishment can only result from an understanding of its implications on those who are its targets. In this section, we pursue this by relying upon interviews with forty-one individuals who have experienced banishment in Seattle. The interviewees were recruited through attorneys, social service providers, and by word of mouth. The interviewees thus comprise a convenience sample and may not be representative of the banished population as a whole. The interviews were conducted between September 2006 and June 2007. They took place in public locales such as coffee shops and parks, and ranged in length from twenty to ninety minutes. The interviews were semi-structured: certain questions were asked of all interviewees, although respondents were also able to introduce other topics and issues. The interviews were tape-recorded and later

transcribed for analysis. Interviewees were paid \$25 for their time. The transcribed interviews were coded and organized into three main topics: the reasons why a person did or did not comply with their exclusion order(s); the consequences of their exclusion order; and their thoughts about the legitimacy and efficacy of banishment. The interview sample included nearly equal numbers of men and women (twenty-one and twenty, respectively). The majority (twenty-three) of the interviewees were black, with twelve white, five American Indian, and one Latino. Respondents ranged in age from 20 to 54, with the average at 38. About three-fourths—thirty-three—identified themselves as homeless. Just over half (twenty-one) had experienced multiple forms of banishment. All told, twenty-four of those in the sample had been excluded from the parks, seventeen had been trespass admonished, seventeen had SODA orders, and six had SOAP orders. We use pseudonyms whenever quoting an interviewee.

Unsurprisingly, there was a strong negative reaction from the respondents to their banishment orders. To be sure, nearly one-third of them professed an interest in trying to comply. Those were people who either saw value in avoiding places where temptations lay or in avoiding time in jail. William described his situation thus: 'Actually for me it [the SODA order] betters my situation. I'm tryin' to quit. This allows me not to be in that area anymore so therefore, I'm less likely to start usin', you know.' Said another: 'When you're going to jail, you think, and you're doing it repeatedly, you know what I'm sayin', at one point you're gonna get tired, you'll get tired, and say, you know what, I'm done right there. And that's where I'm at right now.'

Yet responses like these were uncommon. Far more frequent were complaints about how

spatial exclusion unnecessarily complicated people's lives, to the extent that compliance was impossible. Because these complications disrupted respondents' capacity to stay attached to their areas of regular physical and emotional sustenance, they posed insurmountable barriers. Such complaints usually referenced one or more of four negative implications of seeing their daily time-space mobility diminished: an inability to maintain social contacts; reduced access to services; loss of work; and reduced physical security. We review each of these four issues in turn.

Access to social contacts

By definition, a transient is someone comparatively untethered to social networks, and somewhat unpatterned in terms of time-space movement (see Bittner 1967; Duncan 1978). While this characterization might apply to some of unhoused people in Seattle, it fails to capture the rich social lives that many of them describe. Many possess a quite limited spatial range in their daily activities (for more systematic assessments of the daily paths and survival strategies of the homeless, see Ruddick 1990; Snow and Anderson 1993; Wolch and Rowe 1992). As a consequence, they regularly interact with a group of friends, and sometimes family, with whom they develop abiding ties. These social networks are of obvious importance. When spatial restrictions make connections to these social networks more tenuous, they compromise people's emotional well-being.

Jose is a Latino, who once spent time outside Casa Latina, a site just north of the downtown core where day laborers gather in hopes of finding work. Some of those who congregate on the sidewalks outside the office engage in drug sales. Because of suspicion of

Jose's involvement in the drug trade, the police trespass admonished him from the property. Jose was disenchanted: 'I would say it's affected me, one, because most of the Hispanic people hang out at Casa Latina, so it's depriving me of people that, that I've gone to work with, from socializing with my own people!' Or consider Benita, who was inhibited in her ability to maintain ties with her children: 'See like, I have two sons, they're homeless, and if one of them is sitting in the park, and I'm down that way and I get off of work, I want to be able to go talk to them without being harassed about why are you in this park, you know, you're not supposed to be here.'

It is hardly surprising that complaints such as these emerged frequently in the interviews. Regardless of whether they possess a formal order to quit particular parts of the city, those who lack permanent housing persist in their needs for social connection and informal support. When leaving an area means leaving their social network, those who suffer from an exclusion order understandably often find that compliance is impossible.

Reduced access to services

Social service providers often cluster in place. As noted above, Pioneer Square is one Seattle neighborhood—although not the only—with a long history as a 'service ghetto.' With several emergency shelters, day centers, and other social service agencies, it tends to attract dozens, if not hundreds, of the unhoused and otherwise disadvantaged. Some of them certainly engage in some form of criminal behavior, most notably the use and exchange of illicit drugs. Others of them are guilty of the simple offense of seeming disorderly, and thus of seeming 'scary.' For this reason, many of

them increasingly find themselves banished from some or all of the area. This means, unfortunately, that they struggle to get their basic physical needs met.

Both Fred and Robert are Pioneer Square regulars. Both heavily rely upon the Downtown Emergency Services Center (DESC), which provides various forms of low-income housing—including nightly emergency shelter—as well as a broad range of other services. Each also frequently takes advantage of free food and clothing when distributed in parks and other public areas. Their reliance on these services means that, banished or not, they will return. Said Fred, ‘They come over to 1st and Yesler, spread out the food, set up racks of clothes and you get a number and when they call your number, you pick out a few things. You know, they give out the hygiene kits. And it takes me out for all of that. Which I need, all of that. So no, I still go to the parks.’ Robert made much the same point: ‘How can I stay outta here when I am homeless, I stay here at the shelter, I’ve got to use all, all of DESC, which is basically a couple of blocks, two or three blocks, and you tell me I can’t be here?’

Like other social actors and social institutions, both unhoused people and the service agencies that cater to them are often spatially concentrated. Because of this clustering, the disadvantaged come to depend upon access to certain spaces to maintain daily survival. Their attachment to these places makes banishment an oppressive burden. Something similar occurs when a spatial exclusion compromises people’s ability to work.

Loss of work

For many in the disadvantaged population, regular employment is elusive. This can result from one or more of various factors: a

lack of education; a lack of employable skills; a history of alcohol or drug dependence; a history of mental illness or prejudicial hiring practices. Yet many do attempt to stay as gainfully employed as possible, and thereby stay alert for opportunities to do so. But spatial exclusions can hamper this ability. Recall Jose, who was excluded from Casa Latina, his principal mechanism for attaining regular work. In Felicia’s case, she sought to work at Farestart, a restaurant in downtown Seattle that hires and trains homeless people in the hope they can pursue long-term employment in the industry. As she said, ‘I was gonna do that, but after I got the SODA, I was too scared to go over to it, especially at night. You know, the cops would be all over me if they saw me walkin’ around at night.’

Vic was a busker, a street musician. One of his most lucrative spots was outside the Pike Place Market, a major tourist attraction. A criminal trespass admonishment put a stop to that: ‘Oh man, I made my living at the Market. I’ve been there for almost thirty years so uh, when I’m kicked out of the market for a year, it really puts a kibosh on my, my ability to make money.’

Connections to work typically require connections to place. To disrupt the latter is often to disrupt the former. For this reason, banishment orders are an unwelcome and unhelpful hardship.

Reduced security

Banishment orders not only reduce economic security by imperiling employment, they can also reduce people’s sense of physical security. That is because many homeless prefer to congregate and sleep in familiar areas, surrounded by people they know and trust.

This often means they prefer to sleep in large and fairly open parks. Said Darren:

But uh, I go to parks where people be. People of all cultures and colors. Not, not where, not just some open field. An open field, that's creepy. Very creepy. So the whole thing is just trying to find a place to be that's safe and comfortable. Yeah, that's safe, that's comfortable, that's out in the light you know with people around, yeah. People of all cultures, you know.

In this case, there is a definite safety in numbers. There is also safety inherent in an environment where diversity is accepted. To be pushed out of central parks, and into more dimly lit and unfamiliar venues was a frightening prospect to many, including Celia:

You know, a whole lot of things could happen to you that wouldn't happen to you if I was just sleepin' under my blankets out here at Courthouse Park. Because there's a whole lot of people downtown, walkin' around, plenty of police. But if I was to go to another neighborhood where there's just dark quiet streets and someone come along and just kick you in the head just because they happen to be drunk and don't like homeless—I'm not with that.

When parks exclusion orders and other forms of banishment seek to make the socially marginalized more spatially marginalized, it is not without significant consequence. The banished repeatedly emphasize the challenges they face in maintaining their social networks, in accessing needed services, and in ensuring their economic and physical security. It is no simple matter to quit the places to which they are complexly and deeply attached. As a consequence, many seek to perpetuate their time-space patterns, even if it means risking capture by the police and a possible short-term

stay in jail. Bob, a homeless veteran, said this about jail:

Well, nobody really wants to go to jail. I don't wanna go to jail. But I'd rather be homeless anywhere than go to jail, you know what I mean? 'Cause you can't smoke, I don't wanna be told when to eat, what I gotta eat, can't do anything. And it's bad in there. You know, but I don't let it bother me too much. But I'm certainly not gonna leave the park, I like it there, you know what I mean.

Ronald made a similar point:

Those places that they're telling them that they cannot be, they're not moving. But they're asking the people to move. And I don't understand how that's gonna impact, really impact coordinating, or policing this, for the people who need those services, and they know I can eat there, and I know if I can get in there and around the police I can eat. I'm going to do it, you know, and at all cost.

As Ronald's comment suggests, compliance with exclusion orders generates more disruptions than many individuals can bear. Though none say anything positive about the King County Jail, many of them see a short stint there as an inescapable potential price to pay to remain attached to the places and networks that sustain them (on the self-reinforcing logics of homelessness and incarceration, see Gowan 2002). This resistance is easy to understand, given that obeying spatial exclusions can make the onerous struggle of daily life even harder for the disadvantaged. Indeed, it is hard to see banishment as anything other than counterproductive, when it further complicates the path toward the social and economic mainstream.

Questioning banishment

The forms of urban exclusion enacted in Seattle and other cities rest upon a core principle of American criminal justice—deterrence. These and other punitive measures are meant to work because they provide a disincentive to offend. Why would one risk arrest simply to walk through a parking lot? Why camp in a park if it could mean a night in jail? The threat of arrest and punishment is presumably sufficient to convince people to relocate from one place to another. But deterrence expressed through banishment rests on a paper-thin understanding of place. An individual is presumed to be able to simply relocate when pressure is exerted, regardless of any past history in a place. Yet the interviewees made quite plain that their daily time-space paths were rather too established to make relocation an easy matter. They were not going to be readily deterred from staying enmeshed within their social and spatial networks.

Deterrence also presumes that it is a rather straightforward individual choice to pursue a life free of criminal activity. Yet the range of difficulties that disadvantaged individuals face is oftentimes daunting. Further, the availability of inexpensive housing is a matter well beyond their control. For many, the lack of stable housing is hardly a choice, and the struggles to avoid further marginalization hardly easy. To erect and enforce zones of exclusion may give the police and other public officials evidence that they are responding to public concerns about crime and disorder, but they do nothing to effect the structural conditions that generate scarce housing in the first place.

If people lack homes, they still need places to be. The three public parks in the Pioneer

Square area are likely candidate locales for many. Yet these parks have amongst the highest numbers of parks exclusion orders. For Tina, this did not make much sense:

You know, we really don't have no place to go because they kick us out of there [the shelters] for a certain portion of the day and we get to go back in at around 5:30 in the evening. So we really, really, really don't have any place to go, but to that park, or to the fountains across the street or to the other park, or whatever.

Because Tina and others will continue to go to these parks, they will likely attract yet more attention from the police. Some of those interviewed failed to see these and other banishment orders as helpful in whatever efforts they might pursue to avoid criminality. Larry was convicted of a drug crime, and received a SODA order. Even if he understood the logic of it, he thought it ultimately counterproductive to his efforts to avoid future crimes:

When you know you're doin' wrong, you think, this is what you pay for doing the crime. But don't force my crime to get bigger! And that's what they're basically doin'. If you won't let me be around here, and push me back so I can't even live my life. And when you tell me I can't go to the park and I didn't get my meal, know you're hurting me cuz I didn't get my meal. So what I'm gonna do, is I'm gonna go panhandle. Or steal.

And it does not help matters, say the banished, that they feel a deep moral stigma. An exclusion order is a rather stark indication that one is unwanted, that one is not considered a full member of the body politic (see Feldman 2004). Many of our respondents expressed the sense that they felt cast aside, enshrouded by a blanket negative stereotype

used to characterize those characterized as ‘disorderly’. Said Celia:

I don’t think that was fair, you know? ‘Cuz you know, everybody just look at you, when you’re homeless, they just look at you like you’re a thief and you’re a liar, you use drugs and you sell drugs. And not everybody is like that when they’re homeless.

The sense of stigma attached to a banishment order was captured vividly by Don:

It just, it just a hurtin’ thing, you know, when you’re not violating the law—I wouldn’t consider it, breaking the law, you know what I mean? Any other state—I’ve been in just a couple in Colorado and California, that’s what the parks are for, you know. People sleeps in the parks, you know. You’re not drinking, you’re not doing drugs, you’re just sleeping.

Sleeping or not, Don is an unwanted man in Seattle’s parks. He suffers under the weight of one of three forms of banishment increasingly deployed in Seattle and other cities—parks exclusions orders, criminal trespass admonishments, and off-limits orders. That these and somewhat similar schemes are deployed in contemporary urban America—and in other countries around the world, such as the UK (Flint and Nixon 2006) and Germany (Belina 2007)—is not really that surprising. Even if banishment orders recall an archaic past, they are also a rather short step from the civility codes that preceded them. Banishment simply intensifies the territorial pressure the police can place on the urban disreputables too readily seen as scary, in a fashion that makes the police seem responsive to downtown business owners and others who want ‘something done’ about crime and disorder (see Beckett and Herbert 2009; Gibson 2004).

Yet one can question what is actually being accomplished. Those we interviewed made clear that banishment was typically so onerous that their strategy was not to obey, but to resist. That meant, for many, a life of ‘ducking and dodging’ to escape the watchful eyes of the police, because compliance cost too dear a price. All banishment accomplished, for them, was an additional set of complications to already difficult lives. Banishment’s more obvious accomplishment is the increased authority it grants the police. For individual officers, this means greater opportunities to monitor, question, arrest and search those who gather in public spaces. For their superiors, this means they have something to point to when they respond to public concerns about what is frequently described as disorder.

Given that police and prosecutors in Seattle frequently tout the virtues of banishment, the zones of exclusion it creates are growing. As one business signs a criminal trespass contract, adjacent ones often follow suit. When one neighborhood successfully advocates to be included in a SODA zone, contiguous areas see the sensibility in doing likewise. A police sergeant responsible for signing trespass contracts with many dozens of businesses along a commercial strip said that it was easier to get signatures as the numbers of them increased. No business, she noted, wanted to be the only one without a contract. For her part, the sergeant was excited that so many businesses signed because it meant that police efforts to place pressure on undesirables were ever-increasing. As she put it, ‘There are not many more places on [street name] for them to go.’

Certainly, those who suffer from exclusion orders recognize the expansiveness of banishment zones. Said Brenda, ‘No, you know I don’t understand these zones—they’re everywhere. They try to tell you, you can’t walk

around, can't be in them—but, where can I go, I'm homeless, I got no place to go. They're everywhere.'

Peter was more colorful in his discussion of the extent of the zones: 'There's too many, they have way too many. Everywhere! Have you ever seen the SODAs? They're crazy! You may as well just say, well, I'm not supposed to go out today!' But Peter and his peers do go out, because survival forces them to do so. Survival also requires many of them to continue to visit the places from which they are formally barred. These are not simply bounded areas on a map from which individuals can be relocated through the territorial capacity possessed by the police. They are, for many, places of deep historical connection and ongoing, vital social interaction. As Jerome notes about Pioneer Square, these places can function much like a home:

Them are the blocks that you walk around and keep your feet warm, or hustle, whether you panhandle, whether you wash windows or whatever it is. That's where you live. That's your home, downtown, I mean as far as being homeless, that's the only area you know. So, I mean, and a lot of times what they consider to be a dope area is not a dope area. You know it might be a place where a few smokers go smoke, or um, but that's it. But it's your home, too.

Given this, the self-perpetuating logic of exclusionary zoning needs to be countered strongly. To resurrect a strong sense of place in discussions of banishment is simultaneously to remember the fullness of the lives and experiences of those who are marginalized. Even if Jerome and others may appear to be sufficiently untethered as to be readily moved, to consider banishment from their perspective is to recognize that strong connections to place are a constituent part of the human condition.

Conclusion

A consideration of banishment also affords an opportunity to understand and assess the more minute operations of criminal law. Understandably, the impact of mass incarceration on American society is drawing significant and important attention (see, as just a few examples, Clear 2007; Gilmore 2007; Manza and Uggen 2006; Western 2007). Yet those who are banished also suffer under the weight of the criminal law. They are subject to perpetual monitoring and occasional trips to jail. In this register, law's violence (see Sarat and Kearnes 1993) is perhaps not especially overbearing, but its persistent presence leads the banished to suffer needlessly, and to feel stigmatized perpetually.

Whatever short-term benefit the police believe themselves attaining by admonishing an individual for criminal trespass or arresting someone for a SODA violation, they accomplish little of consequence in the long run. But the fault here lies not with the police themselves. Rather, the fault lies with any public official or citizen who sees the police as the central player in addressing the symptoms of economic, social, and physical distress. The police cannot increase the stock of affordable housing, the availability of jobs, the provision of minimal health care. Zones of exclusion do empower the police, but they leave underlying social problems completely untouched.

To note that for Jerome and others, Pioneer Square is more than an entertainment district or an architectural marvel, and that it functions much like a home, helps us remember the sinews that entwine us to place. It helps us remember why banishment is as ineffectual as it is morally objectionable, and why it should be contested energetically before its popularity increases any further.

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Abstract translations

«*Nous sommes ici chez nous*»: remise en question du bannissement à partir de zéro

Le bannissement est un outil de plus en plus courant pour le contrôle social urbain. A Seattle et dans d'autres villes, de nouveaux outils donnent à la police une autorité plus forte à créer et en mettre en vigueur des zones d'exclusion. Déployé plus souvent dans des quartiers peuplés par des sans-abris et des membres d'autres populations défavorisées, des ordres de bannissement cherchent à forcer les individus à déplacer. En tant qu'essai pour réduire le délit ou le désordre, toutefois, le bannissement échoue. Ses défenseurs échouent à considérer la profondeur des attachements que ses cibles développent pour des endroits particuliers. Des réseaux sociaux, des services sociaux, et des inquiétudes vis-à-vis de la sécurité économique et physique attèlent les sans-abris à des quartiers particuliers. On utilise des entretiens avec 41 résidents de Seattle qui habitent avec au moins un ordre d'exclusion pour déterminer comment leurs connections fortes à l'endroit font de la conformité avec le bannissement un fardeau oppressif. Même si le bannissement augmente l'autorité de la police, et ainsi l'aide à démontrer une réceptivité à la préoccupation publique sur le «désordre», il rend la vie quotidienne plus périlleuse pour les socialement marginalisés. Cela suggère que la popularité accrue du bannissement mérite une contestation robuste.

Mots-clefs: bannissement, contrôle social, loi, problème des sans-abris.

«*Éste es nuestro hogar*»: interrogando destierro desde abajo

Destierro es un instrumento cada vez más común en el control social urbano. En Seattle, y otras ciudades, instrumentos nuevos ofrecen una autoridad más fuerte a la policía para crear y exigir zonas de exclusión. Utilizado con más frecuencia en barrios poblados por los sin techo y otra gente desfavorecido, ordenes de destierro se intentan coaccionar individuos trasladarse. No obstante, como un intento reducir crimen y desorden, el destierro se fracasa. Sus defensores se pierden

considerar la profundidad del cariño que su población objetivo cultiva por lugares particulares. Redes sociales, servicios sociales, y preocupaciones por seguridad física y económica se amarran los sin techo a barrios particulares. Utilizamos entrevistas con 41 residentes de Seattle quienes viven con por lo menos un orden de exclusión para establecer como sus conexiones fuertes a un lugar se hace conformar con el destierro una carga opresiva. Incluso si el

destierro se aumenta la autoridad de la policía, y de ese modo ayuda demostrar una sensibilidad a la preocupación del público sobre el ‘desorden’, se hace la vida diaria más peligroso para los marginalizados socialmente. Este se sugiere que la popularidad aumentada del destierro se merece impugnación robusta.

Palabras claves: destierro, control social, ley, *homelessness*.

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