

## Homelessness and the citizen-consumer

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According to Shelter, there are at least 271,000 people judged as homeless in England alone.<sup>1</sup> Homelessness has become an urgent social and political issue which is reflected in the numerous legislation and policy responses towards it in England. However, despite the growth of legislation homelessness in England continues to grow.<sup>2</sup> As will be discussed, this is due to their neoliberal nature in focusing on privatization and individualism.

Neoliberalism is defined as an economic and political ideology that favours the private sector and argues state intervention should be kept at a minimum.<sup>3</sup> For Rose, liberalism reconceptualises 'all aspects of social behaviour [...] along economic lines – as calculative actions undertaken through' human choice.<sup>4</sup>

Thus, neoliberalism seeks to alter the relationship between the state and its citizens, with the state's role changing from welfare provider to facilitator, so that citizens take responsibility for their own well-being and success.<sup>5</sup>

This essay will discuss how Turner's argument on the erosion of social citizenship and the growth of the 'citizen-consumer' as a result of neoliberal policies, is highly relevant to homelessness in England today. It will argue that the neoliberal homelessness laws and responses in England have outcast the homeless and do not enable them to be treated equally as citizens because they cannot adhere to the notion of consumerism and the consumer-citizen.

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<sup>1</sup> Shelter, 'At least 271,000 people are homeless in England today' (Shelter, 11 January 2023) <[https://england.shelter.org.uk/media/press\\_release/at\\_least\\_271000\\_people\\_are\\_homeless\\_in\\_england\\_today#:~:text=Posted%2011%20Jan%202023&text=New%20research%20from%20Shelter%20shows,England%20are%20without%20a%20home](https://england.shelter.org.uk/media/press_release/at_least_271000_people_are_homeless_in_england_today#:~:text=Posted%2011%20Jan%202023&text=New%20research%20from%20Shelter%20shows,England%20are%20without%20a%20home)> accessed 8 February 2025.

<sup>2</sup> Kevin Brown, 'The Banishment of the Poor from Public Space: Promoting and Contesting Neo-Liberalisation at the Municipal Level' (2019) 29 *Social & Legal Studies* 1, 2.

<sup>3</sup> Liz Manning, 'Neoliberalism: What It Is, With Examples and Pros and Cons' (*Investopedia*, 29 July 2022) <<https://www.investopedia.com/terms/n/neoliberalism.asp>> accessed 11/04/2023.

<sup>4</sup> Nikolas Rose, *Powers of Freedom: Reframing Political Thought* (Cambridge University Press 1999), 141.

<sup>5</sup> Martin Whiteford, 'Street homelessness and the architecture of citizenship' (2008) 2 *People, Place & Policy Online* 88, 90.

Instead, the homeless are considered as a barrier 'to the smooth flow of consumption'.<sup>6</sup>

The first section of the essay will elaborate on the meanings of social citizenship and citizen-consumer. It will then provide a discussion on how homelessness laws and responses have led to the move from social citizenship to the citizen-consumer notion. Amongst the multiple legislation and responses employed focus will be placed on the Localism Act 2011, the Homelessness Reduction Act 2017 (with its amendments to the Housing Act 1996) and on the responses towards the visible homeless (rough sleepers).

### **Meanings:**

It is necessary here to clarify exactly what is meant by social citizenship. The notion was first introduced by T.H. Marshall in his essay *Citizenship and Social Class* and broadly refers to his idea that the provision of welfare by the state, composes a set of rights associated with citizenship.<sup>7</sup> In other words, Marshall believes there is an expectation that the state will provide its citizens with basic needs to be able to participate as citizens in the community legally, politically, and culturally.<sup>8</sup> This essay takes this notion further to encompass the citizen being better able to participate in their community, because of the basic welfare support. Yet, it can be argued that this is a form of passive citizenship whereby a culture of dependency is created by citizens relying on the state for their welfare.

So, on the other hand, a citizen-consumer is defined in this essay to refer to the active citizen. This citizen is self-regarding, accepts responsibility and makes his own choices according to his circumstances. Thus, the 'patterns of choice and power found in the private economy'<sup>9</sup> are imitated, particularly, by treating citizens as 'consumers of services.'<sup>10</sup> This notion is compatible with

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<sup>6</sup> Brown (n 2), 12.

<sup>7</sup> T.H. Marshall, *Citizenship and Social Class* (Cambridge University Press, 1950).

<sup>8</sup> Bryan Turner, 'We Are All Denizens Now: On the Erosion of Citizenship' (2016) 20 *Citizenship Studies* 679, 681-682.

<sup>9</sup> Catherine Needham, 'Citizen-consumers' (2003) Catalyst Forum <<https://www.catalystforum.org.uk/pdf/needham.pdf>> accessed 14/004/2023.

<sup>10</sup> Elizabeth Vidler and John Clarke, 'Creating Citizen-Consumers: New Labour and the Remaking of Public Services' (2005) 20 *Public Policy Adm.* 19, 19.

neoliberalism which promotes the market and focuses on individualism and ultimately promotes privatization.

The following section will discuss how the growth of the citizen-consumer has been promoted through neoliberal homelessness laws and responses recently enacted.

### **From social to consumer citizens:**

#### **Localism Act 2011:**

The first signs of the erosion of social citizenship came with the enactment of the Localism Act 2011 which intended to disperse power away from central government to local communities.<sup>11</sup> In the essay focus will be placed on the changes it made to the homelessness duties under the Housing Act (HA) 1996. Specifically, section 148 of the 2011 Act allowed local authorities to discharge their housing duty by offering privately rented accommodation, notwithstanding whether the applicant accepted or declined.<sup>12</sup> Thus, the section set in motion the involvement of the private sector in the housing system and reflects the neoliberalist ideology and focus on privatisation.<sup>13</sup>

Justification for the change has been that it empowers the applicant as a consumer and promotes their choice within the market framework, giving them autonomy.<sup>14</sup> Yet, the homeless due to their vulnerable position in society, do not have a choice and are obliged to accept the offer from the local authority (LA), because declining it would mean they are left with no housing.<sup>15</sup> Moreover, the Act disregards the main cause of homelessness which is the loss of an assured shorthold tenancy.<sup>16</sup> Placing the homeless back into the private sector increases the possibility of their homelessness recurring. Also ignored, are the vulnerabilities homeless people may have such as poverty and health issues which will only increase when placed into a system focused on self-

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<sup>11</sup> Chris Bevan, 'The Localism Act 2011: The Hollow Housing Law Revolution' (2014) 77 MLR 964, 964.

<sup>12</sup> Localism Act (LA) 2011, S.148.

<sup>13</sup> Bevan (n 11), 971.

<sup>14</sup> Hal Pawson, 'Local Authority Homelessness Prevention in England: Empowering Consumers or Denying Rights?' (2007) 22 Housing Studies 867, 868.

<sup>15</sup> Bevan (n 11), 973.

<sup>16</sup> Dave Cowan, 'Reducing Homelessness or Re-ordering the Deckchairs?' (2019) 82 MLR 71, 114.

reliance without necessary monitoring systems in place.<sup>17</sup> This leads to a bureaucratic system which excludes the homeless and disempowers them as social citizens because they are not able to self-govern themselves in the instability of the private sector as citizen-consumers.

The boundaries between the public and private sectors have become blurred whilst increasing the possibility of public services turning private.<sup>18</sup> This has also been furthered through the enactment of the Homelessness Reduction Act (HRA) 2017 in amending the HA 1996 which increased the use of the private sector in fulfilling local authorities' duties under the HA 1996.

### **Homelessness Reduction Act 2017:**

The HRA 2017's main change was its focus from providing applicants with a service to helping them prevent their homelessness through new duties placed on local authorities, the prevention and relief duties.<sup>19</sup> Through the amendments the HRA produces a different approach towards the homeless applicants by involving further human engagement and moving away from pure decision-making choice.<sup>20</sup> As such, there is a change in attitude towards resolving homeless applicants' predicaments by engaging with not only their housing but their broader issues such as what caused their homelessness and helping them retain their accommodation.<sup>21</sup> However, this approach has not been reflected in practice.

Under the new prevention and relief duties, the LA must 'take reasonable steps' to prevent an applicant's homelessness and help them secure accommodation.<sup>22</sup> In theory this presents a shift towards social citizenship in wanting to engage with applicants and help them retain their position in society.<sup>23</sup> However, it will be discussed that in practice they reflect a form of neoliberal governance of the homeless which promotes the growth of the

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<sup>17</sup> Bevan (n 11), 974.

<sup>18</sup> Vidler and Clarke (n 10), 33.

<sup>19</sup> HA 1996, s.189B + 195.

<sup>20</sup> Andrew Arden, 'Reflections on reduction' (2018) 21 JHL 83, 86-87.

<sup>21</sup> HA 1996, s.189B.

<sup>22</sup> Ibid.

<sup>23</sup> Arden (n 20).

citizen-consumer by virtue of the applicant taking active steps in relieving their homelessness with the help of the LA.<sup>24</sup> An analysis of the relief duty will follow. As mentioned, once a LA is satisfied that an applicant is homeless, it must help the applicant to secure suitable accommodation. If within, 56 days the applicant is not housed and is still homeless, the main housing duty under s.193 will apply.<sup>25</sup> Nonetheless, the duty requires action by both the LA and the applicant. The duty can be discharged where the applicant has refused a 'final accommodation order' or a social house.<sup>26</sup> Specifically, a final accommodation order is an offer of a six-month AST (and nothing longer than 12 months) from the privately rented sector.<sup>27</sup> Yet, if the applicant refuses, he will no longer be owed the main housing duty.<sup>28</sup> As noted by Cowan, LAs will likely offer final accommodation offers because it will relieve their duties whether the applicant accepts or declines (as with the Localism Act).<sup>29</sup> It can be argued that this presents a new form of gate-keeping towards preventing the homeless from receiving the main housing duty and being given short-term solutions through the privately rented sector instead; its use now established in legislation.<sup>30</sup>

An additional way in which the duty can be absolved is if the LA believes 'that the applicant has deliberately and unreasonably refused to take any step' in his personalised plan created by the LA, to secure accommodation.<sup>31</sup> This is troublesome as homeless applicants are most likely to struggle with managing their communications, especially if they are living on the streets.

As such, we can see a move towards the neoliberalist idea of the individual taking responsibility for their circumstances and not relying on the state for support. Thus, it promotes the active citizen-consumer, as opposed to the passive applicant, because they must now take steps to resolve their homelessness.<sup>32</sup> The HRA 2017 treats the homeless as free, autonomous

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<sup>24</sup> Chris Bevan, 'Governing "The Homeless" in English Homelessness Legislation: Foucauldian Governmentality and the Homelessness Reduction Act 2017' (2021) 38 *Housing, Theory and Society* 259, 265-266.

<sup>25</sup> HA, s.193.

<sup>26</sup> *Ibid*, s 193A(1)-(2).

<sup>27</sup> *Ibid*, s 193A(4).

<sup>28</sup> *Ibid*, s.193A(3).

<sup>29</sup> Cowan (n 16), 121.

<sup>30</sup> Arden (n 20), 84.

<sup>31</sup> HA 1996, s 193B(2).

<sup>32</sup> Cowan (n 16), 123.

individuals who can manage their own housing precarity, with the help of the state.<sup>33</sup> Moreover, through the exercise of the duties imposed on LAs, the new relationship between the state, citizen-consumer and the private market becomes apparent.<sup>34</sup> However, this view ignores the structural problems that lead to homelessness such as the shortage of affordable housing, created by past neoliberal policies including the 'right to buy' scheme and the council housing stock transfers to private housing associations.<sup>35</sup>

### Responses:

The move towards neoliberalism and the citizen-consumer is also reflected in general responses towards homelessness which have involved removing the homeless from visible society and criminalising them. The ideology behind the responses can be based on viewing the homeless as passive citizens who live in opposition to the active citizen-consumer.<sup>36</sup> This has ultimately resulted in the outcast of homeless people from society who for one reason or another are unable to comply with the citizen-consumer ideology.

This is not a new approach but has been around since the early 19<sup>th</sup> century evident by the enactment of the Vagrancy Act 1824 with section 4 criminalising rough sleepers.<sup>37</sup> Its enactment was driven by economic justifications whereby idleness was thought bad for the economy hence punishable.<sup>38</sup> These do not differ from neoliberal ideologies with their focus on the economy. Almost a hundred years later the section is still in force, despite efforts to repeal it through the Police, Crime, Sentencing Courts Act (PCSC) 2022.<sup>39</sup> The section has merely been amended with no enforcement date appointed thus, rough sleepers are still being criminalised.<sup>40</sup>

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<sup>33</sup> (n 24), 271.

<sup>34</sup> Cowan (n 16), 127.

<sup>35</sup> Tom Slater, 'The housing crisis in neoliberal Britain free market think tanks and the production of ignorance' in Simon Springer, Kean Birch, Julie MacLeavy (ed) *Handbook of Neoliberalism* (Routledge 2016).

<sup>36</sup> Whiteford (n 5), 89.

<sup>37</sup> Vagrancy Act 1824, s.4.

<sup>38</sup> William Blackstone, *Commentaries on the laws of England* (Oxford, 1765-1769).

<sup>39</sup> PCSC 2022, s.81.

<sup>40</sup> Martine Martin, 'Is it scrapped yet? An update on our campaign to repeal the Vagrancy Act' (Crisis, 13 December 2022) <<https://www.crisis.org.uk/about-us/the-crisis-blog/is-it-scrapped-yet-an-update-on-our-campaign-to-repeal-the-vagrancy-act/#:~:text=The%20Government's%20amendment%20made%20repeal,the%20Vagrancy%20Act%20is%20repealed%E2%80%A6>> accessed 8 February 2025.

Government publications when considering the repeal of the Vagrancy Act, refer to 'ending rough sleeping' whilst 'keeping people safe' and 'protecting communities'.<sup>41</sup> Yet, evidently, when speaking of 'people' they do not refer to the homeless rough sleepers, but the citizen-consumer, thereby, treating the former as lesser citizens. There is a polarity in seeing rough sleepers as vulnerable individuals on the one hand, and as lazy undeserving people who should work harder for themselves to get out of their situation. Yet, because of prevailing neoliberal ideologies, the latter stance has prevailed over the former. Whether the Vagrancy Act is repealed or not, the mechanism of Public Space Protection Orders (PSPOs) goes further than the Act in criminalising and excluding the homeless from society.

PSPOs provide LAs with the authority to tackle anti-social behaviour, namely activities that 'have a detrimental effect on the quality of life of those in the locality'.<sup>42</sup> In other words, it may be argued that PSPOs address behaviours that affect the consumerism of public spaces.<sup>43</sup> The citizen-consumer in seeing the rough sleepers and the poor in the streets, is discouraged from pursuing, and entering public spaces that aid consumption.<sup>44</sup> Hence, the Orders promote consumer-friendly activities from which rough sleepers are excluded due to their circumstances. PSPOs treat the citizen-consumer as the 'ideal autonomous user of public space' and disregard anyone that does not fit in that group which includes rough sleepers.<sup>45</sup> Their approach echoes the Vagrancy Act in treating 'the homeless as outsiders invading the local community'.<sup>46</sup>

### **Conclusion:**

To conclude, it has been argued that neoliberal ideologies have been applied in homelessness laws and responses, leading to the erosion of social

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<sup>41</sup> GOV.UK, 'Repeal of the Vagrancy Act 1824: Police, Crime, Sentencing and Courts Act 2022 factsheet' (Home Office, 20 August 2022) <<https://www.gov.uk/government/publications/police-crime-sentencing-and-courts-bill-2021-factsheets/repeal-of-the-vagrancy-act-1824-police-crime-sentencing-and-courts-act-2022-factsheet>> accessed 8 February 2025.

<sup>42</sup> Anti-social Behaviour, Crime and Policing Act 2014, S.59.

<sup>43</sup> (n 2) 12-13.

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

citizenship and the growth of the citizen consumer. Such ideologies, despite being universally applied to all citizens, leave the homeless to fend for themselves as they cannot live up to the expectations of the citizen-consumer. The reduction in welfare provision and move towards individualism and privatisation has led to the separation between the active citizen-consumer and the undeserving passive homeless people.<sup>47</sup>

Both the Localism Act 2011 and the HRA 2017 have neoliberal foundations as seen through their promotion of the citizen-consumer and involvement of the private market. They assume homeless applicants have the autonomy and freedom to make choices that will enable them to evade their homelessness predicament, however in practice, this does not work. Because of these assumptions, the homeless are seen as the undeserving poor who did not work hard enough to relieve their homelessness. As such, they are treated as outsiders of the community because they cannot abide by the ideology of the citizen-consumer. Responses to homelessness such as the Vagrancy Act 1824 and PSPOs also reflect the above notion. Yet, they go further in excluding the homeless by criminalising rough sleeping and thus, the visibly poor. Ultimately, the laws and responses discussed protect conspicuous consumption and the economy over the needs of citizens.

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<sup>47</sup> Ibid, 4.

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