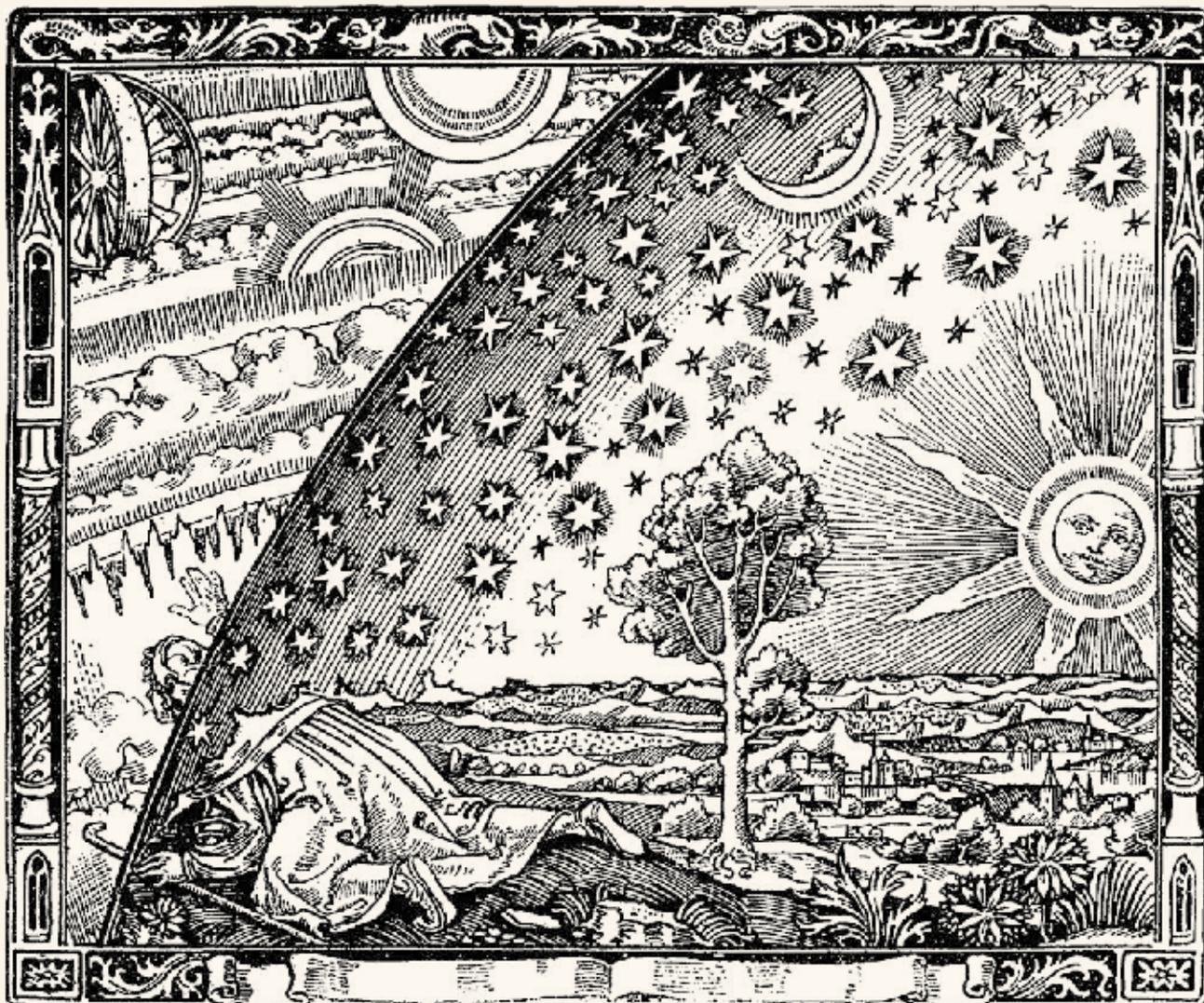


# scottish justice ' matters

Volume 4 | Number 1 | March 2016

ISSN 2052-7950



## REIMAGINING PUNISHMENT AND JUSTICE

**THIS** article draws upon findings from a study which examined evictions in the social rented housing sector in Scotland. The research consisted of a series of interviews with 35 housing professionals, 15 of whom worked for housing associations and 20 of whom worked for local authorities (Crawford, 2015). The study highlighted the relevance of structural factors, such as insecure and irregular employment, low wages and diminishing job security for the recent increase in rent arrears; the outlook for the future is one where poverty levels look set to rise, along with evictions for rent arrears.

The proliferation of 'regulation and inspection regimes': for example, in the creation of the Scottish Housing Regulator created by the Housing (Scotland) Act 2010, embodies what Wacquant (2012) calls the liberal/paternal state; a state with two faces, one which looks favourably upon those at the top of the social structure and one which looks menacingly upon those at the bottom. It creates a state which practices uplifting liberalism for the advantaged and punitive paternalism for the disadvantaged. This can be seen in the relationship between social and private forms of housing as evidenced by the replacement of the mansion tax with the so-called 'bedroom tax'. The outcome of this was a substantial reduction in the tax burden of the wealthiest home-owners in the UK while at the same time, imposing a tax on social tenants (the least affluent households in the UK) for each bedroom they had which was 'deemed' to be superfluous to requirement. Tax fraud (now at an estimated £16 billion) has resulted from what an independent government auditor claims is the HMRC's reluctance to pursue the wealthiest culprits, while a number of third-sector agencies have reported a significant increase in the levels of punitive benefit sanctions affecting the most vulnerable such as the homeless and those suffering from physical and mental ill-health.

There are, arguably, a number of drivers for this liberal/paternal regime, ranging from the creation of responsible consumers (of both goods and services) to the creation of a workforce that can be coerced into taking low quality jobs with low, or indeed, no pay. However, the employment situation is only going to get worse as automation, rationalisation and continued austerity steadily reduce the numbers of paid jobs year on year (Brynjolfsson and McAfee, 2016). Current estimates suggest that in the coming decade as much as 35% of jobs will have been lost to automation and software innovations. The sectors which will be most adversely affected are those which require fewer skills, thus augmenting even further, the widening inequality gap.

### **The Social Construction of Evictions**

Historically, there has been a shift from an industrial economy based on production and manufacture to a financialised one based on consumption and debt. At the same time there has been an epochal shift in forms of housing tenure from social housing, dominant from the 1950s to the 70s, to mortgage funded home ownership.

Our research exposed a number of stark contradictions in relation to social housing policy, practice and evictions in Scotland. Here are some examples.

Housing professionals when discussing rent arrears, almost exclusively attributed their accumulation to what academics call 'structural' causes. The most common of these were (in order of frequency) the inadequacy of the housing benefit system, the current economic situation, hardship caused by insecure and part time employment, multiple debts, and the rise in the cost of living (including rising rents). The 'causes' suggested for the accumulation of rent arrears were presented in such a way that 'structural' factors and not individual failings

# REIMAGINING EVICTION AS PUNISHMENT FOR POVERTY

**Joe Crawford**



were viewed by housing professionals as being at the root of the problem. Despite this, when interviewees were asked about alternatives to eviction, they exclusively contended that there were no alternatives to eviction, that rent needed to be paid, and failure to do so should result in removal from the property. There were two (out of 35) who tentatively suggested that households 'could' be moved to a less desirable area as a punishment, but otherwise all interviewees agreed that evictions were necessary as an 'ultimate sanction' against non-payment of rent.

One local authority claimed to spend £1.6m annually (over and above regular housing management costs) collecting just £1m in rent from what they called 'hard-to-reach' tenants. Most interviewees acknowledged that evictions cost the landlord many times more than the rent arrears (a sum of money which is almost always written-off as unrecoverable after the eviction has taken place), and all interviewees who worked for a local authority acknowledged that there were added costs when households with children needed to be re-accommodated, often by the same local authority who had evicted them. Households to whom the local authority had no further duty to accommodate either had to find alternatives in the private rented sector, or were added to the 'hidden homelessness' problem by being temporarily absorbed into the households of family or friends. In the worst cases, periods of street homelessness and rough sleeping present a real possibility for some. Many interviewees talked about the 'moral' difficulties associated with evictions particularly when there were young children involved. Despite these contradictions, the entire cohort of housing professionals interviewed could justify their role in the eviction process if they could satisfy themselves that they had rigidly and faithfully adhered to the managerial demands placed upon them by the legislation.

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The contradictions which surround the issue of evictions for arrears exist on two distinct levels. The first exists at a micro level, and is concerned with managerial practice. Due to lack of space, it will have to suffice to say that the 'practical' reasons for these 'contradictions', are very much related to Pat Carlen's (2008) notion of the imaginary which entails the housing professional acknowledging that rent arrears are structural (not the fault of the tenant) while having to employ mechanisms to manage arrears which take a pathological approach ('as if' it is the tenant's fault). The other explanation exists at macro, or structural level, and involves the wider processes which influence practice by shaping the subjectivities of those involved. In explaining these contradictions (as Carlen does), it has to be said that the modern proliferation of the 'audit culture', the growing regimes of regulation and inspection, and the managerialist tropes which have come to dominate almost all aspects of public sector management, have had the greatest influence on practice in recent times, housing being no exception.

We also found that the contradictions inherent in the data arise from the contradictions which are built into the Scottish Government's own legal interventions. On one hand, the Housing (Scotland) Act 2010 prescribes that eviction should be a very last resort, reducing homelessness during a period when demand on social housing stock far outstrips supply. This places a strong emphasis on tenancy sustainment, increases levels of landlord involvement in the management of rent arrears, and augments the number of managerial mechanisms for dealing with tenants who were unable to pay their rent.

On the other hand, the same Act brought into existence a body called the Scottish Housing Regulator, to police and enforce 'good practice' in housing management. The main means, by which the interests of this 'audit culture' are furthered, particularly in the field of social housing management, is through the universal imposition of a strict 'regulation and inspection' regime. The expanding reach and growing remit of the 'Regulator' placed an enormous managerial burden upon landlords to not only manage rent arrears but to do so in a way that led to the micro-management of tenants themselves.

**Reimagining Evictions**

One solution to the problem of evictions is to consider a basic housing allowance, similar to the idea of a basic income, as recently introduced by the government of Finland. The Finnish model provides every citizen with a basic income of 800 Euros a month, which they can augment through paid work, and which offers universal protection from the worst excesses of poverty. The taxation system can then be designed to progressively tax those on the highest wages in order that the scheme is both affordable and deliverable.

A universal basic housing allowance can prevent the need for families to be evicted for rent arrears while creating a fairer system whereby those on the highest wages with the most expensive properties can be taxed progressively in order to make the system both efficient and effective. Thus, through the introduction of both a universal basic income and a universal basic housing allowance, the essential needs of individuals and families can be adequately met, removing the need for both food banks and evictions.

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Brynjolfsson E and McAfee A (2016) *The Second Machine Age - Work, Progress, and Prosperity in a Time of Brilliant Technologies*. London: W. W. Norton & Company

Carlen P (2008) *Imaginary Penalties*. London: Willan Publishing

Crawford J (2015) *A Political Sociology of Eviction Practices in the Scottish Social Rented Housing Sector*, University of Stirling <http://hdl.handle.net/1893/22336>

Wacquant, L. (2012) 'Three Steps Towards an Anthropology of Actually Existing Neoliberalism' *Social Anthropology*, 19 (4) 66 - 79

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