

HOMELESS CHOICE AND PUBLIC CAMPING
IN DENVER HOMELESS ORGANIZING

by

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INTRODUCTION

I. Repurposing the “Choice to be Homeless” for Homeless Decriminalization?

In 2015, the British news magazine, the *Surrey Comet*, published a story about Karl Marx’s great-great-grandson, Joseph, who volunteered to live for one week on the streets in a London neighborhood to raise awareness about homelessness. Pictured clutching his skateboard with two other volunteers, “Mr. Marx says he flirted with his great-great-grandfather’s socialist ideals, but ultimately decided that they did not work in practice. ...McDonald’s has been the group’s base” (Burford 2015). The article “raises awareness” about serious issues London’s homeless face – from lack of sleep to social derision – but it is difficult to assess the impact the intervention had for the town’s unhoused. The article provides a link to Marx’s now-expired GoFundMe page, “to raise money for the homeless.” Niteowl2013 (n.d.), an internet commentator on the story, describes Marx’s decision as a “pretend to be homeless for a week to raise ‘awareness’ stunt,” questioning the authenticity and political efficacy of his actions. Indeed, the backdrop to the story is Marx’s own housed security. He says, “the thing I’m most looking forward to when we stop this is watching TV” (Burford 2015).

Contrast this article with a 2017 CBS news piece from Denver, Colorado. It describes the proliferation of homeless encampments along the Platte River, to the ire of recreationalists who complain, “that the area is now resembling a trash dump” (Sallinger 2017). The article hammers home the connection between trash and homelessness, before describing confrontations between the camera crew and a few unhoused people they had difficulty interviewing. For example, the article mentions that one person threw a rock at a photographer to maintain privacy. The backdrop to this story is one of insecurity due to impending “sweeps.” In such sweeps, authorities – in this case Park Rangers – clear out homeless camps, forcing individuals to move

along. Responding to this practice, one interviewee asks, “where am I supposed to go?” (Sallinger 2017). Shelters are not a good option, says another, they are too violent. Two grainy images depict one man crying out in agitation and another man in an aggressive posture, about to fling a stone. An abject landscape hems in the homeless. Between a Park Ranger, the shelter system, and the camera – which is as interested in the accumulating trash as it is in the homeless – the unhoused appear contained and helpless, but also aggressive and threatening.

The articles, read together, paint a picture where homeless people cannot break out of their situation, while a housed person can choose to be homeless to call attention to homelessness. Marx fashions a political intervention by mimicking the social ill he hopes to alleviate, when those who actually embody that ill face terrible obstacles in overcoming their marginal status. These contrasts raise questions about how homeless and housed people are read as political subjects who have the ability – or not – to contest the plight of the unhoused. The contrasts also speak to the way public space itself can be used as a medium for political gesture. What variance permits housed people to make use of public space for protest while homeless individuals struggle to convert public space into anything other than the site of their misery, even though they have a more familiar understanding of living in the public sphere?

I first encountered the CBS article during field work at a meeting with Denver Homeless Out Loud (DHOL). DHOL is a homeless advocacy group which promotes homeless membership and perspectives. Members in DHOL will often share articles about homelessness to critique hidden assumptions or frameworks. During the meeting in question, most agreed that the CBS article missed the mark. Members pointed out that the focus on trash unfairly dehumanized the campers.¹ Others mentioned that the people approached had a right to repulse the news crew for invading their privacy. As part of their effort “to help protect and advocate for dignity, rights,

and choices for people experiencing homelessness” (Denver Homeless Out Loud, n.d.), DHOL continuously resists depictions of the homeless that put them at the margins – helpless or depraved. At the same time, DHOL advocates embrace the margins as a valid place from which to launch a political movement, by acknowledging and promoting the political potential of those cast off, vulnerable, and houseless. This thesis follows the creative ways DHOL has circumvented local constraints to homeless political mobilization to launch a movement from the margins, one lead by people with homeless experience who turn their public overexposure into a demand for homeless rights, resources and recognition.

One of DHOL’s primary goals is to dismantle homeless criminalization in Denver. In 2012, the city passed an unauthorized camping ordinance, also known as the urban camping ban, which forbids sleeping in Denver’s public spaces using “any tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets, or any form of cover or protection from the elements other than clothing” (Sec. 38-86.2). Advocates in DHOL rightfully argue that the ban criminalizes the very existence of those who are homeless. With no private property of their own, and diminishing public space to carry out basic needs such as sleep, unhoused people – simply for being homeless – have no choice but to break the law (Waldron 1991). Within this spatial and legal impasse, advocates in DHOL – at least those who are homeless – recast their own unavoidable criminalization as a critique of dehumanizing policies and practices. Advocates successfully mobilize their public visibility – through public camping – as a political gesture. In so doing, they arguably attain the kind of ability Marx exercised above to turn homelessness into a political act and an exercise in citizenship, without shunning the marginal types of existence brought under the housed gaze in the CBS piece.

In contrast, public camping is often the behavior that marks the homeless as Other, as homeless people are forced to carry out private life in public (Kawash 1998, Gerrard and Farrugia 2015, Goldfischer 2018). Public living is taken as a deviance or a pathology, especially when painted as a “lifestyle choice.” The vulnerable exposure of the homeless is turned against them into an outlaw agency, in revanchist homeless policies of displacement and policing (Feldman 2004, Mitchell 1997). It is surprising that advocates turn public camping, which is mobilized against them, into a salient political tactic. Moreover, a few advocates frame homelessness, via camping, as a choice they made in order in order to better protest and organize. Owning this as a choice is striking because it risks fitting neatly into discourses where “blaming the victim has been raised from a common political tactic to a matter of established policy” (N. Smith 1998, 1), whether in Denver (Ferrell 2001) or elsewhere (Deutsche 2002, N. Smith 1996, Blomley 1997, Davis 1992, 226).

Indeed, the ubiquity of blaming the homeless for homelessness has made dismantling the “Myth of Choice” (Allison 2007) the project of scholars and activists who relocate the cause of homelessness away from individuals and onto wider economic and political systems (Ropers 1988; Barak and Bohm 1989). Writes Ropers,

Some contend that the homeless freely choose their life styles... [But w]e are not facing reality if we attribute personal failure to victims of decreases in available low-income housing, structural unemployment caused by the deindustrialization of basic industry, urban renewal, and cutbacks in social welfare (Ropers 1988, 29).

Such structural causes of homelessness hold true in Denver. There, an astronomical rise in rental prices concurs with an ongoing homeless crisis. In 2018 Denver experienced the greatest increase in median rents for two-bedroom units in the whole nation, at a 15.8% increase over

2017 (Roberts, 2017). This follows a 62.5% increase between 2000 and 2016 (for one bedroom units (Svaldi 2018)), while wages have remained more or less stagnant since 2002 (Svaldi, 2018b). In 2016, 60% of the new housing stock built was geared towards the top third tier of the rental market (Svaldi 2017). That same year, almost half of all renters were considered cost-burdened or severely cost burdened relative their rental costs (Denver Office of Economic Development 2016). Moreover, Denver sees 8,600 evictions a year, affecting some 16,000 individuals a year (counting for 154 a week), who are disproportionately people of color (Arellano 2017). Meanwhile, the city has sponsored massive urban renewal and luxury amenity projects. One such project, the expansion of I-70, will see the displacement of 57 homes in the predominantly Hispanic neighborhoods of northwest Denver (Tracey 2017). And while rents increase, the safety nets for poor individuals fail to meet need. In 2015, only 231 of 20,000 households successfully applied for housing vouchers in Denver (Gruenauer 2016). So, with a city facing a housing unit shortage nearing 32,000 it is no surprise that more than 5,000 people in the Denver Metro Area are homeless on any given night (Metro Denver Homeless Initiative 2018)– though this estimate, favored by the city and based on a person-by-person count, is considered conservative by advocates (National Law Center on Homelessness and Poverty 2017). Housing insecurity is also racialized, as displacement and housing deprivation concentrates in historically Black neighborhoods, such as Five Points, that are now undergoing gentrification after decades of systematic neglect (Jones 2017). Meanwhile, nearly 20% of the homeless population in Denver is African-American, even though African-Americans count for only 11.1% of the total population (Metro Denver Homeless Initiative 2018).

By highlighting structural processes, Ropers and others write against a conservative “mythology [that]... would have us believe that the homeless are all ‘lazy, crazy, drunk, or

doped,’” (Ropers 1988, 29). Sharing this conservative epistemology, a storied body of social science research on American homelessness – perhaps starting with *The Hobo*, Nils Anderson’s foundational 1928 (2014) account – has sought to understand the problem of homelessness by the attributes or failings of individuals (Ravenhill 2008, Somerville 2013). Individualized renderings of homelessness pin escape from homelessness upon personal rehabilitation, allowing systematic transformation to fall by the wayside in favor of neoliberal, capitalist logic (Farrugia and Gerrard 2016). The goal of this thesis is to wrest the choice to be homeless from this individualizing framework. Rather than a simple and disparaging phrase that *a priori* demonizes the homeless, I ask how advocates recast the “choice to be homeless” as a valid and complex tactical and conceptual provocation that bolsters claims to homeless citizenship.

Possibly for fear of inadvertently colluding with victim-blaming frames, critical homeless scholars seldom directly address the choice to be homeless (Nicholls 2009). Many geographers working against the backdrop of revanchist urbanism rarely dwell with homeless agency at all. For example, Mitchell and Staeheli write:

We do not do research with, or even about homeless people. ...Instead, we do research on homelessness... [we see] homeless people as something of a bellwether for all manner of processes and trends. We do not spend time speaking with homeless people to see how they see themselves or to test our interpretations against their realities (Mitchell and Staeheli 2012, 161-162).

The authors acknowledge that “such a position can create real problems. It is in some ways an infantilizing tactic that demeans homeless peoples’ capabilities” (169). Indeed, a desire to avoid this has prompted others to affirm homeless agency (Parker and Fopp 2004, Winchester and Costello 1995, Ruddick 1996, Desjarlais 1997, Gowan 2010) in works broadly situated in a post-

revanchist urbanism (DeVerteuil 2006, Murphy 2009). As Cloke et al. summarize, a major point of this broad body of work is that “homeless people cannot be regarded as cultural or political dupes, seeking only to survive within the prevailing sociospatial order. Rather, within limits they exercise choices, drawing on enabling knowledges as well as individual or collective creativity and capability” (2008, 244). But investigations on homeless agency usually stop short before asking if and why people might choose homelessness (though see Nicholls 2009, Parsell and Parsell 2012, Parsell et al 2014), and even fewer studies sustain the question in the context of a homeless social movement.

For these reasons, investigating how DHOL advocates repurpose both camping and choice to radical ends is a good opportunity to broaden an understanding of homeless politics. I look specifically at a set of incidents that occurred in November 2016, for clues as to how advocates operationalized their choice in service of decriminalization. In these episodes advocates were arrested by Denver police for public camping, who seized their belongings as “evidence” of their crimes. Amidst the public outcry that ensued, members in DHOL were able to convert their criminal status into a demand to reverse criminalization. I interpret these events as an experimental and performative “case for verification” (Rancière 2004, 302) of propertyless citizenship, one that relied on a cross-housed alliance that garnered public support to restore certain rights – such as the right to sleep – that are denied the homeless by law. As a central part of this effort advocates scrambled a statist “representational grid” (Puar 2017, 19) that tethers predetermined notions of capacity (valid or not) onto predetermined subjects (housed or unhoused). They did so in part by subverting the divide between capacity and incapacity itself, retooling the “mere” survival of the homeless as a salient form of resistance (Butler 2014, 2015).

II. A Brief History Denver Homeless Out Loud

Denver Homeless Out Loud is largely fronted by individuals who are or have experienced homelessness or intense poverty.² No more than ten or so individuals make up a *de facto* core group, though dozens of members come in and out. Two founding members were active with the Catholic Worker before DHOL while a number of other long term members met or strengthened ties during the Occupy Denver protests of November 2011. The city's introduction of an urban camping ban four months later, in March 2012, galvanized advocates to come together over homeless rights. The ordinance moved quickly through city government and was passed in May, despite objections raised by the ACLU, the Colorado Coalition for the Homeless, and others who would soon identify as DHOL (Whipple 2012). The councilman who introduced the ban, Albus Brooks, and his allies insisted that the ban would better connect individuals with services and was a compassionate gesture meant to help the homeless.

When the ban passed, DHOL decided to track its adverse effects by surveying the homeless themselves, in order to contest the narrative of safety, health and compassion proffered by the city. Soliciting the help of Tony Robinson, a University of Colorado-Denver professor, DHOL members spent weeks surveying and interviewing 512 homeless individuals in the winter of 2012. Their results, compiled in *The Denver Camping Ban: A Report from the Street* (Denver Homeless Out Loud and Robinson 2013), vindicated with data what many DHOLers knew from experience, observation or intuition. Sixty percent of the respondents reported that since the passing of the ban, “they get less sleep” for fear of police intervention, and that they “feel less secure in the new areas they are finding to sleep” (Denver Homeless Out Loud and Robinson 2013, 11). Sixty percent of those surveyed had also been told by the police to “move long” at one point or another, while only seventeen percent of those who reported police contact were offered

social services, as promised by the city (Denver Homeless Out Loud and Robinson 2013, 10). Move-along and sleep deprivation statistics have likely increased as Denver has seen an uptick in ban enforcement since 2013. Between 2014 and 2017, 13,432 individuals were contacted by the police pursuant of the anti-camping ordinance, with 72% of these sweeps taking place between 2016 and 2017 (Ruan et al 2018, 8). These statistics paint a picture in which thousands of homeless individuals are constantly on the move in an exhausting game of cat and mouse with the law. In addition to making sleep nearly impossible, police harassment also dissolves fragile street communities and the small amount of security they provide, forcing already marginal people further into the shadows (McGhee 2018). Individuals also lose important personal items such as tents or IDs in police sweeps, often as a direct result of police seizure.

After compiling *A Report from the Street*, DHOL has grown a substantial homeless political movement in Denver. They have secured over 9,000 signatures to place a “right to rest” ordinance on the Denver ballot that, if passed in 2019, could nullify the ban. And they have successfully filed suit against the city administration for illegal seizure of personal belongings. Their anti-criminalization efforts have extended into other projects. In 2017, they received the go-ahead from the city to locate and zone land for a tiny home village for the homeless (Beloved Community Village), which was completed that summer. The Village was a concession long in the making, the outcome of a number of occupations that advocates staged to demand such a space. In October 2015 ten individuals were arrested on trespassing charges for building a tiny home and erecting tents on land owned by the Denver Housing Authority (DHA). DHOL had protested the Agency’s practice of demolishing its own low-income housing stock and selling off its land to developers. Given what advocates saw as DHA’s slack in providing attainable housing, DHOLers simply decided to build their own – and that’s when the seizure happened.

During the following year DHOL “resurrected” a number of life supporting tent camps in the same area that offered shelter, community, and, oftentimes, food and makeshift kitchens. Like the tiny home built on HUD land, these camps attracted law enforcement which eventually dismantled the camps. However, one such sweep was captured on camera, leading to and framing the acts of civil disobedience that I engage with here. These acts built enough immediate pressure to push the city to finally grant DHOL village space.

DHOL is one of Denver’s few homeless organizations that supports civil disobedience, and members distance themselves from Denver’s non-profit industrial complex by staking out a more outspoken and radical space. Members view non-profits as more concerned with seeking city and federal dollars and maintaining institutional longevity above agitating for substantial political change (Willse 2014, Lyon-Callo 1998). DHOLers point to Denver’s Ten Year Plan to end homelessness as a typical state policy failure. In 2003, the United States Interagency Council on Homeless called on cities across the U.S. to end homelessness, and Denver’s Ten Year Plan was part of a national movement bolstered by that call. Launched in 2005 by Denver’s Road Home, a cross-city consortium of homeless providers closely aligned with the Mayor’s Office, the program concluded in 2015 under criticism from Denver’s Auditor’s Office (Gallagher 2015). After over sixty million dollars circulated through Denver’s non-profit sector and the city, the plan concluded in 2015 with only a scant decrease in homelessness (O’Brien 2016). One of many “Ten Year Plans” implemented by cities across the U.S., its failure can be attributed, in part, by focusing on expanding shelters over housing, and by refusing to reverse criminalization (Sparks 2017).

Indeed, for many DHOL members the non-profit industry is uncomfortably intertwined with law-enforcement. For example, in 2017 the former head of Denver Road Home was

employed in the Sheriff's office, "to better connect law enforcement with Denver's diverse communities... and improve communication, transparency, outreach and anti-recidivism efforts," (Espinoza 2017, np). When a member brought this development up at a DHOL meeting, others suggested that the new lines of communication would facilitate sweeps, increasing criminalization not anti-recidivism. DHOLers continuously call out the city's insistence that criminalization is a form of care to suggest the opposite, that care is criminalization in disguise. It is because such state- and policy-based approaches have tended to flounder that advocates embrace direct action.

III. Chapter Outline

Despite DHOL's success at maintaining a critical edge and building a homeless social movement, Denver maintains a policing-first approach to combating homelessness, which is often justified by stereotypical depictions of the homeless in the media and the state. These traffic both in revanchist assertions of criminality and governmental proclamations of care, to erect a profile of the homeless as simultaneously deviant and helpless. This compassionate revanchist web (Hennigan and Speer 2018) is the constraining backdrop against which advocates organize and invent new homeless politicalities. Before delving into advocates' creative tactics, chapter one explores how state and media discourses justified the ban and the subsequent ejection of homeless people from Denver's public sphere. Such discourses made up the representational nexus that sequestered -- and continues to constrain -- the homeless as the categorically incapacitated Other to a housed polity. The chapter concludes by turning to legal scholarship on homelessness to understand the ban and its attendant discourses as reproducing the "bare life" (Agamben 1998) status of the unhoused, as life excluded from the political sphere.

As bare life the homeless are considered helpless by civic, non-profit and media circles, unable to advocate on their own behalf. At the same time their “choice to be homeless” appears as a deviant and criminal agency. Both frames work in tandem to justify homeless marginalization through law and force homeless people off of public land and into shelters.

The next two chapters complicate the notion of homeless choice. In the first part of chapter two, I expand a bare life thesis to the problem of homeless politics and organizing. I draw on the work of Feldman (2004), Sparks (2012), and Middleton (2014), to track how a “bare life predicament” (Feldman 2004, 21) kicks into gear when homeless advocates, generally speaking, seek to gain recognition by the formal institutions that have some power to undo criminalization. I identify how once homeless advocates succeed in petitioning on their own behalf, their own capability is insidiously taken as a behavior that is not “truly homeless” (Sparks 2012). Consequently, officials in positions of power refuse to view advocates’ claims as representative of broader homeless concerns. This procedure raises the important point that to organize around bare life does not mean transcending bare life, which does little to subvert the ability of sovereign authority to cut homeless people who it deems incapable or deviant out of the political sphere.

With this in mind, in the second half of chapter two I turn to my own fieldwork to observe how homeless praxis works *within* bare life in order to subvert the bare life predicament. I draw on critics of bare life theory to conceptualize the possibility for bare life resistance. I take up Judith Butler’s rethinking of vulnerability and resistance (Butler 2014, 2015) to interpret a pair of protests that took place in November 2016. I focus in particular on the story of James, an advocate who suffers from a degenerative skeletal disease. His illness made it physically impossible for him to obey police orders to “move along,” prompting his arrest. His experience

suggests that capacity and incapacity interpenetrate in the realm of bare life, so as to reverse the coordinates that justify state exclusion. As opposed to the state converting his agency into the deviancy of an unpropertied outlaw, James turned his helplessness into a kind of action that demanded redress. Here, James and other advocates appeared to have no “choice” but to break the law as a homeless people stuck in the legal, spatial and bodily impasse constructed by criminalization. I discuss how this blurring between capacity and incapacity simultaneously subverted an easy division between housed citizens – those deemed to act politically – and homeless bodies that simply survive or move through outlaw space.

In chapter three, I draw on Ewa Ziarek (2008) and Alexander Weheliye (2014) to nuance the theorization of resistance within bare life. Their works, together, point to the differing levels of insecurity and privilege that run through a politics that embraces vulnerability. I use their work to launch a discussion of the way DHOL advocates negotiate housed privilege within their ranks. One ongoing way advocates manage housed difference is by centering homeless people as occupants of public space. For many DHOLers public space is always already occupied by the homeless in advance of housed attempts to make us of it, for example, as a place to stage protest. I take up this sense of public space to highlight how, when social movements – even those outside of homeless advocacy – deploy public space for political signification, such use or invention is more often than not inflected by the marginalization of the unhoused. With this I propose to rearticulate “the choice to be homeless” -- not as a moral condemnation of the poor but as an ethical and tactical provocation for the well-off, following how housed advocates in DHOL can “choose” homelessness and camp, even weeks at a time, in solidarity with their unhoused counterparts who are already there. This formulation is essentially a rebranding of what it means to occupy public space in protest. It is meant to flag and protect against the

possibility that, when housed people test their citizenship in public space, they do not reproduce the second-class citizenship of the unhoused. As proof of deviance for conservatives, and thus a toxic utterance avoided by progressive thinkers, the “choice to be homeless” is repudiated across the political spectrum as a valid decision. Yet with DHOL it becomes a political experiment expressed through camping, one that posits new political collectivities that cut across housing statuses yet center homeless experience and perspectives in pursuing decriminalization and in making for a more inclusive city. And homeless advocacy in DHOL suggests not only a more open and radical conception of politics for the homeless, but one for the housed as well, one that is attuned to homeless exclusion.

IV. Methods

The research for this project was split between three methods. First, as a participant observer, I volunteered for two months over the summer of 2017 with Denver Homeless Out Loud, getting a sense of DHOL’s organizing and to build rapport with members (Crang and Cook 2007, 39, Herbert 2000). Through participant observation I looked for group dynamics, including relations between unhoused and housed advocates. This work was informed by my having previously worked with DHOL since I first encountered them in 2012. Raw data was collected in a field notebook and subject names were coded for confidentiality’s sake.

I also conducted interviews with nineteen individuals to probe deeper into personal perspectives and understandings of homelessness and homeless advocacy, embracing an open interview style guided by both interviewer and interviewee (Alaasutari 1995). Eleven interviews were with advocates, nine who were active within DHOL at the time, one with a former member, and another with an activist associated with Occupy Denver. Four interviews came from

individuals working in the city, three who were from an agency focused on housing and one who was a member of city council. The remaining four interviewees were individuals working in the non-profit homeless sector. For ten of these contacts I conducted follow up interviews, for a total of twenty eight interviews. Interviews were initially secured through my previous affiliations with DHOL, and expanded through a snowball method. Interviews were also productive in gauging differences between various accounts of events as presented in the media, as observed by myself during participant observation, and as perceived by research subjects. This type of ‘triangulation’ helped me tease out unfolding consensual or dissensual moments in homeless activism (Baxter and Eyles 1997).

I also conducted discourse analysis, where I gathered and analyzed documents from the media, the state, as well as from Denver Homeless Out Loud. I also pulled from second hand interpretations of anti-homeless legal discourse across the U.S., as well as my own first hand read of Denver’s urban camping ban and other anti-homeless laws. Local news sources I drew from included Denver’s main newspaper, the *Denver Post*, a local alternative magazine called *Westword*, an online publication *Denverite*, as well as Denver’s local ABC and CBS stations. I linked discourse analysis with the social context of DHOL’s specific political campaigns, for example, as different media stories helped garner public sympathy for DHOL’s efforts. A few times I analyzed discourse with subjects, given the abundance of material written about them, as a means of generating conversation and data (Cruikshank 2012). I particularly relied on discourse analysis to situate local documents and representations within a larger discursive construction (Lees 2004) of the homeless as subjects under “bare life”.

V. “The Choice to be Homeless” as Discourse

The latter methods described above move discourse analysis beyond a reading of discrete texts to inquire after the broader set of meanings that make and remake homeless subjectivities. In her study of informal unhoused laborers in San Francisco, Gowan (2010) takes discourse analysis to mean the study of diffuse frames of reference that make, in her case, homeless subjects legible (to themselves). Gowan identifies three discourses her subjects espouse to understand their situations. In “sin talk” homelessness stems from deviant or criminal behavior, whereas “sick talk” highlights the illness and pathology of the homeless. In contrast to these dominate individualizing discourses, subjects in Gowan’s study identify what she calls “systems talk,” which highlights the structural origins of homelessness. It is in the interweaving of different discourses as manifest in the homeless community that Gowan sees the usefulness of discourse analysis. For Gowan,

...discourse analysis suggests the... holistic project of tracing the intimate, if sometimes reactive, relationship between dominant and more marginal cultural formations. Rather than building (or refuting) an anatomy of deviance, this text investigates how competing discourses on poverty and homelessness affect poor people themselves... (Gowan 2010, xx)

In this thesis, I trace how advocates lodge and foster a competing discourse nested within some of the very terms used to subjugate them, such as the phrase “the choice to be homeless.” I examine the intense levels of bodily, verbal, and spatial experimentation that emerge through and from praxis, in which “choice” is not taken as something to either refute or to unveil within unhoused people. Rather I view “the choice to be homeless” as a loaded and contested phrase, a kind of representation that serves as a site of struggle through which DHOL members seek individual and collective self-determination and insist on increased autonomy for the poor and

unhoused within a philosophy and practice that highlights mutual care, interdependence and vulnerability. In this struggle, the struggle over “choice” does not resolve questions of homeless agency once and for all, but helps proliferate various degrees and types of capacities that do not submit to statist characterizations of homelessness as an unpropertied Other. Indeed, I hope to use this struggle over discourse in order to highlight a conception of agency that refuses agency as some sort of characteristic that inheres in discretely bounded individuals. I follow Golder, who, in summing up Butler’s ontology of agency argues that the “word ‘agency’ itself indexes a dual and unstable condition: an agent designates not only the originator of action but also the representative of something or some other than itself” (Golder 2015, 73). In this thesis, when the “choice to be homeless” appears in a radical rebranding of homeless choice, this choice is also representative of “something else” – a broader homeless social movement and its staging grounds. Members of DHOL, in taking homeless “choice” as a discursive battleground, simultaneously enact a collective agency that relies on mutual and differential interdependencies to carry out political actions.

“Homeless” is another term over which DHOL struggles. Scholars, such as Willse (2014), avoid the term and pointed the fact that homelessness is fundamentally the structural lack of housing. For this reason, Willse prefers the term “unhoused” to “homeless,” as it points more directly to the cause of homelessness. For Willse, “unhoused” avoids a term – “homeless” – which is loaded with baggage and which conjures up some stereotypical images of a group of people that is in fact as diverse as the housed population. I think unhoused is a good term to use, though I think homeless is still worth retaining because groups like Denver Homeless Out Loud still use it precisely as a way to mobilize a homeless political community and to reverse stigma attached to the term. In this paper I use the two more or less interchangeably, though I tend towards homeless.

Beyond housed status – obviously – homelessness is intersected by other axes of difference, including race (Johnson 2010, Willse 2014, Sugrue 2005, Rothstein 2017), sexual orientation (Castellanos 2016), gender identification (Lowrey et al 2010, NCTE, n.d.) and ability (Lehman et al 1995). Though this research indirectly drew on the histories and geographies of race, sexuality, gender, and particularly disability to understand organizing along the housed-unhoused spectrum, a wholesale account of such interrelations has been undertheorized and under-investigated here. Much work needs to be done to understand the varied dynamics of difference as relayed, contested, or entrenched through homeless organizing. My hope is that contouring the politics and potential of housed difference could channel into a larger intersectional project, as DHOL continues to collaborate with groups like Ban the Box, Colorado Cross-Disability Coalition, and 9to5 Colorado.

There is another approach to this project that I did not pursue in full but is worth mentioning. Blomley (2009) writes that anti-criminalization efforts often fall short by seeking to extended legal protections to the unhoused. He argues that mobilizations should also target the underlying property structures that deprive homeless people of housing in the first place. This paper does not directly engage with this idea. I spend little time outlining the capitalist political economy of Denver's housing market, nor the strategies DHOL pursues to combat the commodification of housing. Yet, the fact that the protests in question helped galvanize the Beloved Community Village – a cooperative and communal zero-rent living space managed by people with homeless experience – suggests that struggles over liberal rights can reterritorialize as anti-capitalist struggle. But querying and engaging the struggle over subjectivities can itself be economic praxis in the anti-capitalist vein (Gibson-Graham 2006) that has the potential to remake the production of urban space (Lefebvre et al 1996). It is beyond the scope of this thesis

to explore this translation, which would necessitate a much closer read on, for one, the Beloved Community Village. Without launching a full-scale critique of systems of property in Denver, the following chapters take aim at two figures within such systems: the propertied citizen and its unpropertied Other (Roy 2003).

CHAPTER ONE: BARE LIFE and HOMELESS GOVERNANCE in DENVER

I. The Roll-Out of the Urban Camping Ban

This chapter presents the discourses that accompanied the roll-out of the urban camping ban before synthesizing these discourses by drawing on the legal cases that characterize national anti-homeless legislation. Public debate during the roll-out justified the new camping prohibition by doubling down on the marginal status of the homeless. Public interviews with city officials, formal statements from the Mayor's Office, and articles running in outlets such as the *Denver Post* and CBS News, both mobilized the deviant agency *and* the pathological helplessness of the homeless in order to control and constrain them through both revanchist and compassionate modes of governance (Hennigan and Speer 2018). This is what Feldman (2004) calls the "bare-life predicament" of the homeless, where their actions and inactions are both taken as signs of their otherness versus the housed polity. I will revisit Feldman's uptake of Agamben below because it synthesizes the various distinct discourses that seek to immobilize a homeless politics. But first I will present some of these discourses as they were deployed in Denver. Proponents of the ban emphasized that it would be good for business, for public safety, and for the homeless themselves.

Albus Brooks, the city councilman who originally endorsed the ban, promoted it as a tool that would clear city space for the flow of capital exchange. In an interview advocating for the ban, he evoked the need for a clear commercial right of way. Talking about homeless people he said,

we have diverse populations of people living in our city, and it is disrupting commerce, it is disrupting public right of way, the very thing[s] we need to run a city. And so... we came up with a ban that's instituted in hundreds of municipalities to deal with that issue,

and in that ban it says you're not allowed to camp in the city of Denver (brother jeff, 2012).

The ban's commercial purpose is made even clearer having emerged after a long-term lobbying effort on part of the Downtown Denver Partnership (DDP) (Downtown Denver Partnership 2012, 7), a consortium of business interests that solicited Brooks as a spokesperson for the ban.³ The DDP also found a willing ally in Denver Mayor Michael Hancock, whose endorsement of the ban echoed Brooks'. In the early days of the urban camping ban debate, Hancock observed that "the moment we lose downtown as a place people want to go for entertainment, recreation or a place to live, we lose the heart of Denver" (The Denver Post 2016). His statement elided the fact that homeless people have indeed lived downtown and continue to do so. Hancock erased the homeless with a normative ideal of who "we" are: the housed. As in Brook's statement – that the ban is the very thing "we" need to run a city" – the housed were centered as citizen-consumers to the verbal deletion of the unhoused community (Mair 1986).

Guaranteeing the flow of capital movement overlapped with public safety as an imperative for passing the ban. A spokesperson for the Palm, an upscale restaurant downtown and former member of the DDP, expressed her support for the ban in front of city council:

We... have our staff leaving at all hours of the day and night with their day's earnings in their pocket walking along the park to get to... their vehicles to get them home for the evening. They're intimidated by those that gather together for safety, for us that's intimidation. Where they are gathering together for safety in numbers we are intimidated. That goes for our guests as well. They sit on the patio to enjoy a park our tax payers built, however they are afraid to go out there after dark. They [the homeless] are soliciting

verbal confrontation and physical confrontation that has gotten violent (radicalisfree 2013).

The spokeswoman qualified her endorsement as a “safety issue for this corner,” (radicalisfree 2013), but offered no justification as to why the safety of her workers and clients should trump the safety of the homeless – which she actually acknowledged – except that her customers were not “them.”

The union of consumption and public safety needs continued to operate as guiding discourses once the ban was implemented. In a local news segment titled “Denver’s homeless problem taking toll on business” one business owner said that the presence of homeless people “literally scares people away” from shopping (Harsha 2017a, see also Harsha 2017b, Hernandez 2018 for similar rhetoric). In another local news video that tracked the progress of the ban, frustrated joggers told reporters that they would see human waste, abandoned encampments and drug paraphernalia on their runs along Denver’s Platte River, making them too fearful to use a nearby trail (Denver7 2014). This kind of anxiety translated into homeless displacements when, in 2016, one developer contacted the city to handle a homeless encampment near his property in the ostensible interest of safety and maintaining recreational space (Walker 2016). In an email to a city councilperson the developer in question, Mickey Zeppelin, wrote that the “homeless [are] accumulating along the river,” adding that “the problem is particularly egregious along Arkins Court where drug and other illegal activity are very prevalent.” He then proceeded to ask the councilman if he could let “me know any ideas for reversing this situation” (Walker 2016). The city launched sweeps the very next day. Jeff Shoemaker, the CEO of Greenway, a non-profit tasked with maintaining the health of the Platte River, was also supportive of the sweeps. When reached for comment by the media, Shoemaker conveyed that, as paraphrased by the reporter, his

endorsement came from “his concern for the well-being of the homeless along the river, the environmental integrity of the river, and for the personal safety of recreational users of the greenway” (Walker 2016).

Shoemaker’s comment introduces a third justification for the sweeps; that they are “for the well-being of the homeless.” Like Shoemaker, Mayor Hancock has stated that the primary purpose of the Ban is to guarantee the safety of homeless individuals (Denver Mayor’s Office, 2016). Note that a press release from the Mayor’s office hangs the compassionate function of the ban on the presence of shelters:

As a city, we have a responsibility and moral obligation to protect the lives of our residents. Urban camping – especially during cold, wet weather – is dangerous and we don’t want to see any lives lost on the streets when there are safe, warm places available for people to sleep at night. Every night, we have beds open for people to sleep and every day we have safe places and resources to help people experiencing homelessness (Denver Mayor’s Office 2016).

Albus Brooks has described the ban along similar terms:

With that Ban, two hundred beds at Cross Roads was instituted, two hundred beds at the Denver Rescue Mission was instituted for the summer, forty beds at our own New Jerusalem Church... So we realize, and I realize, that there may be some unintended consequences to homeless individuals, but I believe by the city providing... about three hundred beds... we’re saying we want the people who need the services to go into the services (brother jeff 2012).

In a similar vein, Chief White of the Denver Police Department guaranteed the public that the law would be enforced with a “light touch” geared towards service provision over criminalization (Meyer 2012).

But criminalization – taking the form of police displacements, or “sweeps” – is anything but easy on the homeless. Early in my fieldwork, I met with Sam, a DHOL advocate, to document a police sweep on a block adjacent the Colorado Coalition for the Homeless (CCH).

My field notes describe my experience:

Witnessed... my first sweep today, corner of 21st and Champa, to start at nine, showed up a bit before then. I asked Sam how I could be helpful and she asked me to film the trash collector. Only half of the trash crew had shown up by the time I'd arrived. It was a private company the city hires, although the city supplies some help with the jail workforce... When the police came at 9:00 they cordoned off the block with crime scene tape, to the consternation of [the] CHH [employee], who lamented how it made it look like a crime scene. Indeed, the [prisoner transport] van was present. “What is this, CSI Miami?” asked one worker on the garbage crew.

Custom Environmental Services, Inc. (CES) was the private garbage company hired by the city to conduct the sweep. With help from an inmate workforce, CES loaded homeless belongings into trash bins marked for rubbish or storage. While some campers were around to tell the crews whether or not to trash or store certain items (displaced individuals can rarely take all of their things with them), it also became clear that some campers were absent, leaving the crews to decide what to keep and what to discard. As the crew dismantled one empty tent area, an older woman arrived at the last minute to claim her belongings. CES retained most of her stuff anyways, since she had nowhere to put it. As with other campers, they told her that she could

reclaim her items at a warehouse with a receipt they handed her. As Sam informed me, this can be hard for a homeless person to do who has no transportation, an erratic schedule and no safe place to stay. Stored items – even life supporting ones, such as tents and IDs – can disappear forever (Walker 2018).

While observing this scene, the police put up crime scene tape and told me to leave the area (figure 1). I asked Sam why they put the tape up. She responded, “to try to keep us out,” to prohibit DHOL from documenting the event. I was surprised and asked, “is that legal”? Sam responded, scoffing, “They wrote new laws specifically for the sweeps... So, yeah, they make the laws.”⁴ At the sweep, Sam and I witnessed law in action. The police and garbage crews, empowered by the camping ban, created a quarantined space that dehumanized and criminalized homeless campers as campers were



Figure 1. An employee private waste management firm sorts campers' belongings behind Denver Police Department crime scene tape.

contained within a crime scene before being dispersed. Their personal belongings were reduced to trash and the people themselves were rendered disposable. The sweep was not an isolated incident. It represents a larger trend in which the city pushes Denver's homeless people to the margins, repeatedly destabilizing the unhoused so that they hover in a near constant state of survival.

II. The Legal Construction of Homeless Agency and the “Bare-Life Predicament”

Through the camping ban and through sweeps, the city renders homelessness a mode of “bare life.” Coined by Giorgio Agamben (1998), the term bare life highlights the sovereign power of the state to reduce people to figures stripped of rights and protections. Not citizens, only bodies. Bare life is what an individual becomes through political exclusion or abandonment, when human existence shrinks to mere biological continuation and days are marked by a struggle for subsistence over a proper human flourishing. For Agamben, bare life is excluded from political life, but it is also baked into the very architecture of liberal politics because it demonstrates the foundational ability of the state to exercise its power in distributing life and death chances. Bare life speaks to the authority of sovereign power on which a juridical political sphere rests and through which rights are distributed. In this way bare life is the hidden figure behind the rights and privileges which the liberal subject enjoys.

In describing bare life as the other side of the state’s capacity to endow the body politic with rights and protections, bare life as a concept encapsulates Agamben’s project to reinsert sovereign power back into a Foucauldian biopolitics. Biopolitics centers the idea that governance “exerts a positive influence on life that endeavors to administer, optimize, and multiply it” (Foucault 1990, 137). But, as Willse describes, writing in the context of homeless governance, biopolitics promotes life by also “letting die,” eliminating its weaker components “either directly through killing or more slowly through social abandonment” (Willse 2014, 27). Bare life is a particular legal figure – exiled through law – within biopolitics, and in Denver, anti-homeless law shores up the comforts and (consumptive) productivity of the housed polity to the social abandonment of the homeless (Feldman 2004). This section specifies the legal structuration of

homeless bare life to synthesize a broader construction of homeless pathology and deviancy – the characteristics that the state and others use to exclude the unhoused.

In *Citizens without shelter: homelessness, democracy, and political exclusion*, Leonard Feldman (2004) offers an extended analysis of homelessness through the lens of bare life, drawing on political theory and legal scholarship. It is worth visiting Feldman's uptake of Agamben at length because he describes a particular bind that thwarts homeless politics, one that I saw replicated – and subverted – in my own field work. Feldman describes how legal ascriptions of homeless agency assume that homelessness is a freely chosen lifestyle. This rids the state of responsibility for protecting the homeless. At the same time, courts also inscribe homeless people with a kind of utter helplessness. By constructing the homeless as the state's dependents, the state can justifiably move and contain homeless populations that have no "will," specifically by moving homeless people into shelters.

Homeless bare life has a distinct relation to normative housed citizenship. Whereas for Agamben bare life constitutes the modern liberal subject as such, for Feldman, the homeless are Othered against the housed citizen in particular (Kawash 1998). Anti-homeless laws maintain a sense of "order" within public space (Beckett and Herbert 2008), an order that sustains housed privileges, such as the freedom to move through the city unhindered, without being "bothered" by the homeless and remaining "safe" from them. Such advantages reflect the importance housed people play as consumers in the post-industrial city. Anti-homeless laws make housed people comfortable in the public sphere in an effort to encourage them to buy things and contribute to the circulation of goods and capital (Mair 1986). The flip side is that in a "consumptive public sphere," as Feldman puts it (2004, 40), homeless individuals have little purpose and few *de facto* rights (though see Hennigan 2018 and Blomley 2011 for critiques of this formulation).

Tracking this legal reasoning is useful because it synthesizes the discourses that span homeless governance beyond the legal sphere. Feldman focuses on how courts reason the displacement, containment and dispossession of the homeless when courts respond to challenges to anti-homeless legislation. The challenges he draws on deploy Fourth and Eighth Amendment arguments, with mixed results. Fourth Amendment challenges have contested the constitutionality of the seizure of homeless property by the police. Feldman follows *Love vs. City of Chicago*, a case began in 1996, in which three homeless individuals challenged police seizures but were repeatedly denied a request for a preliminary injunction by the district courts. This denial was based on the reasoning that the plaintiffs had volunteered themselves to be homeless.

The judge in the case wrote:

The city does not have an obligation to ensure the safety of property that people voluntarily leave on the City's property, or on the dock areas The City is not an insurer for the property of people who choose to live on city property rent-free, nor is the public required to accommodate totally the life-style choices made by homeless individuals (Andersen, quoted in Feldman 2004, 65).

The judge in this case turns the government into "simply another property owner" (65) that does not have any obligation to those who choose to invade its property, but rather is permitted to punish those occupying it.

A similar logic around choice is at work in courts refuting Eighth Amendment challenges, challenges which claim that anti-homeless laws disproportionately target homeless individuals who have no other choice than to violate the law. Feldman investigates *Joyce v. San Francisco*, a 1994 case where homeless plaintiffs disputed sleeping and camping prohibitions gathered under San Francisco's Matrix Program. As in *Love*, this challenge floundered when the

court judged homeless criminal behavior as voluntary – not as inevitable violations given one’s “status,” but as a “lifestyle choice.” As Feldman writes of the *Joyce* case, the court’s “granting of agency to the homeless is simultaneously an endorsement of the state’s power to punish the homeless” (63). This construction does more than deny homeless people protected status as a class. In the eyes of the law, choice, for the homeless, comes to represent a deviance, a “willful criminality” (66), or what Feldman describes as a “profane freedom” (59) to volunteer themselves as outlaws. Feldman turns on the label, “outlaw,” to connect homeless choice with their bare life status. As bare life, the homeless are abandoned by the state – are *out of* the law – which is insidiously taken as proof of their consciously selected “outlaw” status, which in turn attracts the state’s most heavy handed deployment *of* the law (63).

Feldman goes on to analyze court cases that take homelessness to be an involuntary status, noting that such cases do not victim-blame the homeless. He examines *Johnson v. City of Dallas* (1994) and *Pottinger v. Miami* (1992), where homeless advocates successfully challenged anti-homeless laws on the basis that homelessness is not voluntary. In these cases the courts determined that life-sustaining activity, such as public sleeping, cannot be deemed criminal given that homeless people have no other place to carry out such activities. In these cases the courts traced homelessness to both contingent life events and structural processes that were outside of the control of the homeless plaintiffs. Homelessness, constructed as such, compelled the *Johnson* and *Pottinger* courts to determine that the state must provide some aid to the homeless before criminalizing life supporting activities. That is, the city must provide some *place* – which is to say a system of shelters – for homeless individuals to go before prohibiting against their public existence.

While an apparent victory of advocates, Feldman cautions that these rulings do not undo the bare life exclusion of the homeless. While offered as a form of care, warehouse-like shelters offer only the minimum necessary for survival. Moreover, the introduction of shelter space reactivates a homeless agency that criminalizes public sleeping and acts of survival. The legal reasoning in *Pottinger* and *Johnson* implies that *if* shelter space is available, then cities can criminalize the homeless for choosing to conduct prohibited activity like sleeping outside the confined space of the shelter. *Pottinger* and *Johnson* pull institutions of care into a broader constellation of confinement. Feldman quotes Robert Tier, a proponent of anti-homeless laws, to demonstrate a legal logic which connects care and punishment:

To be covered by any Eighth Amendment necessity defense, one must be truly homeless. If someone has an option of a place to go, the essential element of involuntariness vanishes. Rejecting shelters because they demand sobriety, insist upon prayer, require nominal fees, require helping out in the kitchen, or impose a curfew should not count. The availability of such places makes it possible to obey the law. This is all the Eighth Amendment requires, even at its most expansive reading (Tier n.d. "Restoring Order," p. 268, quoted in Feldman 2004, 73).

As Feldman summarizes,

Homeless persons who are faced with a forced choice (violate the law or die) are exposed to cruel and unusual punishment; homeless persons who are faced with a 'difficult choice' (such as accepting shelter restrictions and dangers as opposed to criminalization) are not thereby exposed to cruel and unusual punishment... (Feldman 200, 71).

In other words, homeless individuals are granted Eighth Amendment protection (against cruel and unusual punishment) if death is the only alternative to violating the law. The implicit use of

death as a metric for determining the legal and social status of the homeless speaks to their bare life status. Religious preferences, how and when one chooses to labor and move through the city (curfews), what one consumes – none of that matters as the courts determine the criminality of the homeless vis-à-vis shelter. Only their exposure to death. Shelters provide a physical space for the homeless while reinforcing their bare life status in which they are “literally and symbolically stripped of all accoutrements associated with the liberalist subject” (Weheliye 2014, 33). Shelters confine bare life, treating the homeless as subjects that must be “kept alive” at a bare minimum (Feldman 2004, 97).

Many shelters provide more designer services which are meant to integrate homeless people into housed life. As Feldman argues, these programs espouse an image of the homeless that views them as “damaged subjects” that must be resuscitated before re-entry into housing (Feldman 2004, 97). He notes how clients must test free of drugs to maintain housing attained through the shelter industry. This holds true for re-housing programs in Denver, even, in some cases, for clients who take narcotic pain medication for specific ailments and disabilities (Pazulski, 2010). And like shelters, re-housing programs restrict the activity of those residing in transitional housing complexes – from when clients can receive visitors to where they can cook – leading clients in Feldman’s study to liken shelters to juvenile detention centers or prisons, sentiments echoed by some members of DHOL.

Feldman builds a concept of homeless agency out of the court readings that he calls the “bare-life predicament.” Against the deviant agency presented in *Love and Joyce*, Feldman identifies an antipodal helplessness which places the homeless at the edge of death, in need of rehabilitation as “damaged subjects” that must be “kept alive” through the shelter system. Together, agency and helplessness double bind the homeless subject as bare life. The court

readings portray the homeless as helpless to do anything *but* survive, and if they decide to pursue activities beyond survival, then they are not “truly homeless,” and do not deserve protection or sympathy. In this bind, “the polarity between absolute freedom and absolute unfreedom... is a sign of political power's isolation of bare life” (Feldman 2004 70). Law, and the way it enrolls disciplinary institutional spaces like the shelter, can revert to *either* the agency or the helplessness of the homeless to contain or displace them.

In Denver, this bare life double bind undergirded the city's rollout of the camping ban and subsequent containment of the homeless. For example, Albus Brooks promoted the ban with, “Let me just say, everyone who is sleeping outside is not homeless. Now, they may not have a home, but some of them *choose* to, and [conversely] some of them have fallen on hard times, and those are the people we want to help” (brother jeff 2013). In this statement, homeless agency renders some homeless people deviants and “undeserving” against “truly” helpless homeless people (Katz 2013). Likewise, one advocate reported a conversation he had with the head of Denver's Road Home, who had told him, in the advocate's words, “that people are homeless because they choose to be. And people are on the streets because they *choose* to be, because they *choose* not to deal with their trauma,” and so do not deserve support.

At the same time, the city mobilizes the helplessness of the homeless to send them to shelters, which DHOL members challenge. In an open letter to Albus Brooks posted online, DHOL challenges the way he uses the terminology of compassion to criminalize and contain the homeless, based on their helplessness. DHOL writes:

You wanna talk about compassion? ...Let's talk about the police taking survival gear from homeless residents and having it thrown into a city trash truck to be compacted and lost forever. ...Let's talk about telling homeless *people they are too stupid* to decide for

themselves where they will be safest – facing many bad options, they make a harm reduction choice...

(Denver Homeless Out Loud 2018, emphasis added)

Here DHOL unmask the “compassionate” portrayals of homeless governance for a parental approach that treats them as stupid and incapable. In this passage the “harm reduction choice” is to live in make-shift encampments. Indeed, contrary to Brook’s assumption that sleeping in shelters is *de facto* better for the homeless, homeless people often prefer the outdoors. An informal 2017 survey by a CBS news outlet reported that many homeless people in Denver would choose to sleep outside over sleeping in a shelter. Seventy out of one hundred of their respondents expressed this preference, citing lack of safety, cleanliness and privacy in the shelters (Jojola and Wilcox 2017).

The kind of double logic that oscillates between deviance and helplessness was on display again in 2016, when news broke that the city had mismanaged funds for some of its homeless programs. Denver has a series of “parking meters” that people can deposit money into to donate to homeless programs rather than to “panhandlers” (CBS4 2013). In 2016, nearly \$60,000 dollars were taken from these meters to pay for homeless sweeps (Murray 2016). Though the city eventually redirected funds back into the meter program after a public outcry, its initial actions are illustrative. The meters imply that the city does not trust homeless people to make their own decisions regarding the money donated to them. At the same time the meters are meant to empower the homeless through programs that ostensibly would address homeless helplessness. The actual outcome of the meters was to fund the dispersal and containment of homeless bodies, at least at first.

From the perspective of advocates, the bare-life predicament operates as a kind of double headed hydra. As an advocate, asserting neither homeless agency against paternal institutions *nor* the relative vulnerability of the homeless versus structural processes of housing deprivation suffices to unravel dominant discourses that justify and reproduce homeless bare life. This bare life rhetoric is entrenched within formal U.S. legal discourse regarding homeless law. Locally, in Denver, it reappears in official and unofficial statements from people in positions of power as well as media representations of homelessness, while it is operationalized through policy, namely the urban camping ban. The remaining two chapters of this thesis explore how advocates work with the tactic of public camping to pose new conceptions of homeless agency and vulnerability that cannot be so easily turned against them.

CHAPTER TWO: PUBLIC CAMPING AND HOMELESS POLITICS WITHIN BARE LIFE

I. The Bare Life Predicament in Homeless Social Movements

Homeless social movements are prime sites for reevaluating homeless agency. Within DHOL, clearly people without homes exercise some kind of agency – they are not utterly helpless. At the same time, advocates broadly point towards the structural origins of homelessness and against a revanchist rendering of homeless agency. Writing against the backdrop of a homeless social movement organization, Wright says that “agency is not fixed but continually created in the dynamic between action and reflection” (Wright 1997, 227). This chapter investigates how DHOL confronts and reworks the bare life predicament presented in the previous chapter. But first, pulling from several other case studies, I detail how the predicament follows homeless advocates, in general, into their organizing work, inflecting their relationships with people in power and the institutions that have the formal authority to reverse criminalization.

To start, Feldman (2004) describes how the discursive construction of homeless agency forestalls their political recognition by law. In a 1982 case, *Clark v. Community for Creative Nonviolence*, homeless advocates, themselves homeless, set up camp on the Mall near the White House for a protest. While the Parks Department allowed the tents to stand, they disallowed homeless people from sleeping in them, a decision that was later upheld in the Supreme Court. In a 2000 case, *Metropolitan Council, Inc. v. Safi*, renters-rights advocates, themselves housed, set up a camp to protest rent-hikes in rent-controlled apartments in New York City. After these protesters threatened a First Amendment challenge this camp was allowed to stay, and the protestors were allowed to sleep in it. It is worth quoting Feldman at length to describe the

differences between the two cases. He traces the different rulings along lines of housing status and argues that

...the status of the housed citizen is essential to making sleeping in public, in the courts' eyes, a *signifying* event, worthy of protection. The court in *Metropolitan Council* makes this clear, though in an indirect way, when it seeks to narrow the scope of its ruling. In order to allay fears that it is introducing a slippery slope that could result in the unconstitutionality of any and all forms of public-sleeping prohibition, the court reassures the city of 'the obvious and dramatic difference between the conduct at which [ordinances against public sleeping are] aimed, [which includes] 'intoxicated individuals that sleep on the sidewalk or homeless persons that sleep on the sidewalk,' ... and the organized, constrained protest ... that is at issue here.' Furthermore, 'the City has offered no evidence that those who sleep on the sidewalks while intoxicated and/or homeless... will implicate the First Amendment at all.'

For this logic to work and to square with the decision in *Clark*, the category of 'demonstrator' must be restricted to home-dwelling citizens. Indeed, sleeping in the park by homeless people, even as part of a tent city protest, was not deemed expressive speech to the same extent, according to the district court, because its main role was in 'facilitat[ing] a continuous presence in the parks and the attraction of homeless people to the tent city (2004 139, emphasis in original).

Feldman's interpretation of law extends the "bare-life predicament" (138), to the realm of political recognition. The bare life status of the homeless denies them political voice – one of the very tools that could enable them to contest the systematically produced conditions of

vulnerability that bear down on them. Homeless advocates in his study were not able to gain recognition precisely because they were deemed homeless, and little else. This is a double standard at the level of political recognition.

Other studies look at homeless advocates seeking to move beyond their marginal status outside the purview of formal state recognition. Like others writing on tent encampments (Ruddick 1996, Langedger 2015, Sparks 2010, 2016, 2017, Lemke 2016, Speer 2017, 2018), Middleton describes how unhoused advocates in Sacramento attempted to overcome their political marginalization and misrecognition by setting up their own tent community (Middleton 2014). Middleton expands Feldman's findings beyond legal scholarship and focuses on local media stories that *a priori* deny homeless people status as political agents by assuming they are "helpless," "pathological," "criminal," "deranged," "disabled," and so on (Middleton 2014, 322). With a camp as an organizing base, advocates in his study staged protests, inserted themselves in spaces of decision making, such as city hall, and distributed media, all activities that subverted marginalizing frames.

Through these means, activists "(re)construct homeless identities and reclaim political participation" (Middleton 2014 325), where homeless organizing itself presents a counter logic that remakes the subject of the homeless person (Wright 1997, 5). Middleton draws on dissensus, a theory promoted by French philosopher Jacques Rancière, to theorize this emergence of homeless political subjects. Dissensus, in brief, "re-figure[s]" space, "what is to be done, to be seen and to be named in it. It is the instituting of a dispute over the distribution of the sensible" (Rancière 2010, 37). For Middleton, in homeless dissensus new political subjects appeared that had no previous place in the dominant order – what Rancière calls the police order (Middleton 2014, 324). Homeless advocates pried open the regime of the sensible by making claims in

spaces where they were previously excluded, such as city hall (Mitchell et al 2015). These claims challenged two things. One, organizing broke down the “construction of a deviant ‘homeless’ subject against which the ‘normal’ subject stands’ (Feldman, 2004, p. 97, quoted in Middleton 2014, 322). And secondly and relatedly, advocates in his study refused to conform to “the frame of criminality that leaves them to be ‘kept alive’” or... damaged ‘subjects-in-the-making,’” the kind of frames “that leave... them to be reformed or reintegrated into society” (Middleton 2014, 332). In terms of homeless governance, their dissensual strategies countered “efforts to address homelessness [that] assume a generic *dependent* subject and propose a universal solution of *institutionalized* shelter” (Middleton 2014, 332 emphasis in original). Advocates instead validated both informal encampments and called for stronger state provision of attainable housing.

Organizing through the camp appears to pull homeless advocates out of bare life in the arena of public opinion. Yet it is worth revisiting Middleton’s critique of the way institutions assume that homeless people are barely “kept alive” and “damaged ‘subjects-in-the-making.’” While this orientation deserves scrutiny, Middleton misses the possibility that people who have undergone institutional, economic and political violence still enact some kind of agency even in severe states of deprivation. His take on homeless politics suggests a nearly fully formed homeless political subject appears through dissensus that was hitherto only invisible – but there nonetheless. This theoretical formulation makes little room for homeless advocates whose subjectivities may be both “damaged” and “in-the-making,” but who still deserve recognition. Recuperating a homeless politics does not mean insisting that homeless individuals are recuperated. To a degree, the same goes for Feldman who, though he insists that rethinking agency is crucial for a homeless politics, does not investigate agency itself beyond the claim that

“a respect for homeless agency should entail respect for the agency of a citizen, not the agency of ... a[n]... outlaw” (Feldman 2004, 79).

Sparks demonstrates the unfortunate possibility that homeless political recognition reproduces the cut that distinguishes citizenship from the damaged and the outlawed. In his research on homeless policy making in Seattle, he describes an encounter between homeless organizing and prevailing norms of homelessness and citizenship. He conveys the experiences of Tom, a homeless man and advocate who sat on the Commission to End Homelessness in King County (CEHKC), Washington. Sparks relates how housed commission members did not take up Tom’s suggestions, including the suggestion that what homeless people need was housing, not services or rehabilitation. Part of their refusal to hear Tom, Sparks suggests, was that Tom was “perfectly fine functioning.” Able-bodied and healthy, Tom did not really “represent” the homeless for the other committee members. However, if he were seen as ill, pathological or deviant, that is, as representative of the homeless, then his views would still have been discounted. Sparks (Sparks 2012, 1526) explains this bind by noting that,

As liberal citizenship’s always already deviant or pathological other, the voices, views and practices of the homeless are, by definition, also deviant or pathological... It is therefore not surprising that those who, like Tom, eschew a rehabilitative approach appear irrational or exceptional. If they rebuff the need for rehabilitation they must, within the logic of propertied citizenship, be criminal, irrational or not homeless.

Operating within the paradigm of propertied citizenship, the state, regardless of the level of inclusion, is simply unable to “see” any alternative (Scott 1998).

In this context, the committee’s assertion of Tom’s exceptionality becomes clearer. If the “normal” homeless subject is unable to express his/her interest outside of

the disciplinary regime of pathology and rehabilitation, then Tom's comments must be either the non-representative product of an exceptional subject, or the irrational statement of a pathological subject. Although the committee actively sought the input of the homeless, the assumption of homeless deviance and dependence and the need for federal dollars effectively silenced these voices.

This bind, Sparks suggests, is why "the agency and autonomy that homeless individuals [expressed]... did not extend to the formation of local social policy," even though they were able to exercise some self-determination in their own tent community (1512).

Together, these cases suggest the need for homeless advocates to somehow assert the reasonableness of their claims when they are "not fine." Writing from queer disability studies, Robert McRuer says that the phrase "we're not disordered' is always a dangerous statement given the degree to which it depends upon conjuring up a 'real' or 'essential' disorder located and embodied somewhere else" (McRuer 2014, 63). What is needed is a way to think about advocacy beyond the capacity-incapacity binary, given the state's ability to mobilize this dyad to control the homeless. In later work, Sparks investigates how homeless advocates fashion their own "contextual and fluid" (Sparks 2016, 96, see also Sparks 2017) relationship to standing norms on order and behavior that does not re-center these norms to the exclusion of unhoused people from citizenship. He mentions how homeless people self-organize and promote homeless rights within a particular Seattle encampment, highlighting, for example, how campers with bipolar disorder often have taken up the task of public speaking and advocacy (while manic) because of their energy and skill in that area. The point Sparks makes is that "neither homelessness itself nor mental illness... necessarily precluded one from active citizenship or self-governance. Rather, the presence of these attributes serves to both reinscribe and expand notions

of rational autonomy” (Sparks, 2016, 96). While Sparks rightfully seeks homeless politicality beyond the validation of or recognition by the state, it remains necessary to recast homeless pathology and agency in struggles for decriminalization, which must take on sovereign power to a degree.

As a theory of sovereign power, Agamben’s bare life helps delineate the operations of political exclusion, but it may not provide the best frame for understanding how bare life can resist dominant orders. By emphasizing sovereign power’s role in segmenting populations whose claims on the state only reinforce its authority, bare life theory risks reinstating sovereign power. Ziarek (2008, 93) asks “whether bare life itself can be mobilized by oppositional movements,” and turns to Agamben an answer. “By focusing,” she says,

on the way bare life functions as the referent of the sovereign decision, Agamben, unfortunately, answers this question in the negative: ‘The “body” is always already a biopolitical body and bare life, and *nothing in it . . .* seems to allow us to find solid ground on which *to oppose the demands of sovereign power.*’ (Ziarek 2008, 93, Ziarek’s emphasis in original, quoting Agamben 1998, 187).

In contrast to Agamben’s view here, however, deprived and excluded people do mount challenges to the state, and a theory of resistance from the vantage point of bare life needs to rethink the political “impossibility” that is the “opposition between the sovereign decision and bare life” (Ziarek 2008, 100). For advocates without housing, one avenue for political experimentation is to work within capacities that are not pegged to the terms of capture as given by the state. This means unweaving a notion of always-deviant agency from a categorically excluded homeless subject. The next section explores theories of homeless resistance within and beyond bare life that can subvert the cutting function in law and other forms of recognition, by

thinking capacity and incapacity not as opposites, but as conditions folded into each other at certain moments, where resistance and vulnerability combine.

II. Homeless Agency Beyond the Bare Life Predicament: Public Camping in Denver

To highlight the enfolded nature of capacity and incapacity in the context of homeless politics, I turn to a case study drawn from field work with Denver Homeless Out Loud, where members were arrested for public camping. This episode, captured on camera, led to widespread news coverage and a high-profile court case through which advocates repositioned their vulnerability as the product of state violence. This reframing unsettled the agency-dependency matrix used to contain the homeless, in part by positing camping as a necessary survival act – which, perhaps paradoxically, gave homeless survival the valence of political protest. Drawing on Judith Butler’s theorization of assembly and vulnerability, I explore how the very “incapacity” of some homeless advocates can “act” to question police sweeps and a broader policing regime.

In November 2016, homeless advocates documented two police sweeps that occurred wherein advocates refused to follow police orders. The videos went viral. The first video captures the Denver Police conducting a sweep in Denver’s Five Points neighborhood. It focuses on two individuals, one of whom is James, an active member of DHOL who had been living at the site for weeks. The video shows an officer at James’s tent. Out of view, James rests inside his tent, but he speaks. When the officer gives James the “lawful order” to remove himself from the tent, James responds: “No, until my body’s able to leave, I can’t leave.”

To which the officer responds: “Let me explain something, if you do not leave, it’s going to complicate matters worse. There will be additional charges.”

James, “What are the additional charges?”

Officer, “It’s interference, I have given you a lawful order to remove yourself.”

James refuses. He suffers from a degenerative skeletal disease which can make movement painful. He says, “I cannot come out my damn tent... I got to let my body warm the fuck up.” Eventually the two officers wrestle him from his tent, making James furious. The police seize James’s tent and sleeping bag as “evidence” of violating the camping ban. James says, “I will be right back there tomorrow, and the day after that.”

Actually, that very evening James and two others set up another camp – this time right in front of the City and County Building. Their intervention is also caught on video. In this second video, a pair of police officers peel blanket after blanket off of James, who rests on the sidewalk, moving little. In the background, the light of cop cars flashes through the winter night. James speaks to no particular cop, “You have a job to do. So do I. I’m not afraid of dying. I’ve been prepared to die since I was seventeen.” James is referencing his military enlistment in the 80s. In the video, he is in his fifties, and in addition to chronic pain, suffers from depression. The cops continue to seize his belongings, one taking care to fold the blankets before piling them up. Soon after, these blankets will be carted off to a storage facility owned by the city as “evidence” for violating the law (James eventually retrieves some of his belongings four months later).

As sympathetic coverage of the videos grew, the state – and less sympathetic elements of the media – doubled down on a symbolic policing to legitimate the physical policing that had taken place. The official response from the city, and the response from the *Denver Post*, attempted to partition housed and unhoused subjects along lines of capacity. When questioned about the second incident, the Mayor’s spokesperson, Amber Miller said, as paraphrased by the

Post, that “Beard, Dahl and Hilliard were part of an organized protest that evening and noted that the city provides hundreds of beds for the homeless every night” (Aguilar 2016). Miller’s comment suggests two overlapping logics. One, that given the choreographed nature of the incident, the advocates were not really in danger, and two, that if James and the others were really trying to survive, they could have gone to shelters. Both logics imply that since James and company could not have been really trying to survive, seizing the blankets did not impinge on James’s ability *to* survive. Moreover, Miller’s comments suggest that political engagement exceeds those whose main concern is survival (Rancière 2007, 16). This policing between survival and resistance was echoed, in broad strokes, in a *Denver Post* article, when reporter Tom McGhee described the episode as “two homeless men and a political organizer argue... that the law is a ‘survival ban” (McGhee 2017), as if homeless men could not organize themselves and needed to be represented by an activist (Mitropoulos 2007) (Later, at a DHOL meeting, as people were reflecting on the action, one member critiqued how the media “painted [Sam] as an organizer that is corrupting James.”) The divide between activist and homeless person worked like this: on one hand, James was told he was not really harmed by the police because he was only an activist. On the other hand, he was told he was not an activist because he was a homeless man. In this paradox, the subject capable of engaging in *authentic* civic action was not the figure of the activist or advocate, but that of the homeless person, which was also the very figure denied civic agency. Policing discourse put James in an impossible bind, where the moment he became politically active, he was disqualified from making claims on his own behalf. The state and the media, in response to the incidents, attempted to reinforce a categorical division of subjects (homeless person, advocate) which is simultaneously a division between proper action and non-action, between capacity and incapacity.

At the same time, because this bind is inherently inconsistent, advocates had room to contest their position vis-à-vis the state with a flexibility of their own. Perhaps because of the way Miller used the notion of protest itself to discredit James' action, in the original coverage of the second event James claimed he was not an activist. Similarly, "Hilliard, who is a member of advocacy group Denver Homeless Out Loud, denied that the Nov. 28 incident was a protest, instead calling it an 'act of survival in the Mayor's face'" (Aguilar 2016). For James, his response might appear as a disavowal of the very status homeless advocates seek: the status of someone being able to act and petition or openly challenge the state. But since this status was being used to discredit his ability to lodge grievances *as a homeless person*, he simply abandoned it.

On the other hand, when I asked James about the *Denver Post* article, where the author distinguished between activists and homeless men, he said,

Ah okay, I was homeless at the time, Randall was homeless at the time. Sam had a place to stay. But whether she had a place to stay or not, the point is... or what? *Because this is a homeless situation, just because I was out there, just because Randall was out there? We're not activists? We're just homeless?* Activism doesn't necessarily mean that you have to have a place to live, in order to be an activist on a certain topic. And in my point of view, all three – *everyone who is out there is an activist*, for their cause, regardless whether they have a house (emphasis added).

Here James embraced the activist moniker, suggesting that advocates accept or discard labels given tactical considerations in order to destabilize totalizing terms such as "homeless" or "activist."

What the protest revealed was that the division between homeless person and political subject was near totalizing but also inherently unstable, allowing James and the others some leeway to evade it while launching their critique of the ban. Beyond their different verbal responses, advocates worked the edges between “mere” survival and advocacy in the physical practice of camping itself. This forcefully comes out in a *Denver Post* description of the event:

Beard, who said his physical condition worsens in bad weather, said the cold made it difficult for him to move. He told police that and they gave him a half-hour or so, and then ordered him out of the tent. He was crawling backwards through the entrance when an officer grabbed him, stood him up and placed him on a chair that he had near his tent. “It was cold and windy. As long as I was in that tent, I was warm,” he said. Police took his tent and blanket and gave him a ticket, he said... The cold was having a devastating effect on Beard. “My body was beginning to shut down, so I need to get under a blanket” (McGhee 2017).

James eventually spent the night in the hospital. His survival hung in the balance while also thwarting the police’s efforts to easily discard his ailing body.

When the camping citations went to trial later in April 2017, the legitimacy of the ban as a technology of governance came under question, and advocates recast their own criminalization as a trenchant critique of dehumanizing policies and practices. Selecting a jury for the trial proved difficult, as many potential jurors admitted they would find it difficult to assess the case according to the letter of the law, as opposed to the justness of the law itself. “I don’t see the social value of convicting them,” said one candidate (Meltzer 2018). Indeed, James and the others defended less their own innocence as much as they testified against the ban. They

described how the ban curtails the rights of the homeless to sleep, safety, freedom of movement, and shelter and rebranded the unauthorized camping ordinance as a “survival ban.” Their hope, from a legal standpoint, was for a jury nullification (McGhee 2017). In trial, prosecutors sought to maintain a strictly legalist approach, insisting that, whether or not the ban outlawed basic necessities, the defendants willingly broke the law as written. The defendants responded by arguing that the letter of law was moot because their lives were at risk. This impasse gave way when, according to the *Denverite*:

To avoid the constant back and forth, prosecutors eventually adopted the survival language, leading to the very uncomfortable question from prosecutor Bradley Whitfield: “They (police) told you that what you were doing — surviving at 27th and Arapahoe — was against the law?”

“Well, if there is a law against surviving, I think we all need to rethink that,”

Beard said (Meltzer 2017).

This exchange signals the defendants’ success, in part, of calling into question the social value of the law. Nonetheless, all three were found guilty of violating the urban camping ban, and the hopes for a nullification were thwarted.

Though legally unsuccessful, DHOL’s efforts to repackaging the ordinance took hold in many local news reports on the protests and the trial (Sallinger 2017, Todd 2017, McGhee 2017, Meltzer 2017) and amid widespread and mostly sympathetic global coverage in the *New York Times*, the *Wall Street Journal*, the *Guardian*, *Mother Jones* and more. Moreover, the action and the trial legitimated the advocates’ claims in the court of public opinion as they strategized for resources immediately following the videos and the court case. For example, the videos

prompted the ACLU to pen a letter directly to Mayor Michael Hancock, who then ordered the police to stop enforcing Denver’s urban camping ban, at least as long as the winter freeze held up (Nonetheless, “sweeps” resumed the next week, in subzero temperatures). In a longer-term strategy, DHOL initiated a restraining order against the Mayor immediately following the videos. Before they were able to execute the order, however, the Mayor’s office invited the group to a meeting, sensing a political disaster, according to some advocates. Under pressure to show some good will towards the homeless, the Mayor agreed to okay a tiny home village, to help DHOL find and secure land for the type of tiny home community the police had dismantled in 2015. This new tiny home village, called the Beloved Community Village (BCV), came online in the spring of 2017 (*figure 2*). And the Mayor, whom advocates had been trying to secure a meeting with for years, finally agreed to discuss homeless issues with advocates directly, during a visit to the village.

By representing the sweeps on their own terms, DHOL mobilized survival against criminalization. By symbolically camping near the City and Council building, they implicated the state in enhancing their instability, while the film of the police officers seizing blankets provided direct evidence that the state actively reduced homeless individuals to bare life. These frames of survival insist that it is not the agency – not the “lifestyle choices” – of individuals experiencing



Figure 2. Volunteers begin work on the Beloved Community Village, granted the appropriate zoning after DHOL exerted pressure on the Mayor following the arrests of James, Sam and Randall

homelessness who are to blame for their homelessness. At the same time, the practice of organizing against bare life by highlighting and reframing the conditions of their own bare life suggests a kind of agency. Butler puzzles over the “paradox” (Butler 2015, 16) of this kind of intermingling of exposure and the attempt to overcome exposure. To do so, she draws on her earlier work on precarity. Butler theorizes precarity as the acutely uneven and always political distribution of insecurities that result from failing economic and social systems of interdependence, and which mark some for extreme violence and exclusion (Butler 2006, 26). Writing on public assembly as a tactic in opposition to precarity, Butler says,

In many of the public assemblies that draw people who understand themselves to be in precarious positions, the demand to end precarity is enacted publically by those who expose their vulnerability to failing infrastructural conditions; there is plural and performative bodily resistance at work that shows how bodies are being acted on by social and economic policies that are decimating livelihoods. But these bodies, in showing this precarity, are also resisting these very powers; they enact a form of resistance that presupposes vulnerability of a specific kind, and opposes precarity (Butler 2014, 16).

DHOL members, assembled on the street, dramatized a socially-induced vulnerability to demand that homelessness is a societally produced condition that must be overcome societally – not individually.

Butler’s political and conceptual work does not stop at restaging vulnerability. She asks, following the block quote above, “What is the conception of the body here, and how do we understand this form of resistance?” (Butler 2014, 16). Assembly speaks to a broader ontological

claim about the body. More than a condition to frame, vulnerability works against criminalization to provide the material fodder for resisting the police demand to move along. For example, James' illness immobilized his body against the police demand and was the material condition animating his "refusal" to obey the law, which was also his "inability" to do so. This overlap suggests thinking agency beyond the capacity and incapacity divide. Butler suggests that "once we understand the way vulnerability enters into agency, then our understanding of both terms can change, and the binary opposition between them can become undone" (Butler 2015, 16). Taking a cue from Spinoza, Butler asks how the body's ability to *be* affected is tied to its ability *to* affect (Butler 2009, 30; Dosse 210, 146). Capacity does not clearly begin or end with a given, discrete subject, nor a bounded action.

Politically, muddying the divide between capacity and incapacity can work to subvert the *a priori* divide between "capable" and "incapable" subjects. Jaspir Puar, in an "affective analysis" of the body writes that

there is no pure debility or pure capacity. Debility and capacity are not properties or attributes of one discrete body or a representational grid certain bodies are placed into. Debility may wall simultaneously appropriate bodily capacities closing off, perhaps to give rise to a new set of bodily capacities. Capacity is not discretely of the body (Puar 2017, 19).

By calling attention to a "representational grid," where some bodies are thought to be capable or not, Puar eventually discusses how capacity and incapacity can divide and police groups in an always unequal distribution of political recognition and rights, as Feldman (2004), Middleton (2014) and Sparks (2012) have examined in the context of homelessness. Within DHOL

advocates were able to jumble the near totalizing yet inherently inconsistent frame constraining homeless politics by staging what was already a material reality for many homeless, that is, the impossibility of moving on and out of sight. In doing so they crossed their marginality with their politicality and refused to accept the division between “mere” homeless person and “properly” political advocate. And though it is impossible to assess exactly how the practices of James and his peers converted disability and vulnerability into greater security and recognition for the homeless, the camps did kick off a series of important events for DHOL. Precipitating a “crisis” as one advocate put it, camping turned the political “impossibility” of bare life “into radical contingency in political life” (Ziarek 2008, 100). The next chapter nuances the breakdown between bare life and resistance by examining the different levels of insecurity advocates bring with them – often along housing status – when organizing and protesting.

CHAPTER THREE: “LOSE YOUR HOUSE” – PRIVILEGE AND DISPOSSESSION IN
CRAFTING AN UNPROPERTIED PUBLIC

I. Bare Life for All?

One of Agamben’s claims in his genealogy of bare life is that modern sovereign power increasingly incorporates all biopolitical life into bare life. This happens through the legal inscription of “states of exception”, which Agamben tracks through modern Western history (Agamben 2005, 11). In these codes, sovereign power grants itself the right to suspend all law in certain emergency situations, such as war time. However, citing spaces such as Guantanamo Bay and the refugee camp, Agamben argues that the “emergency” has become the norm, as governments increasingly evoke states of exception in a regular and increasingly frequent manner to govern rightless populations. From this trend, Agamben argues that everyone in modern democracy is at risk of becoming bare life, that the distinction between the rights-bearing liberal subject and mere biopolitical life is increasingly thin. Critics of Agamben – I draw here on Ziarek (2008) and Weheliye (2014) – question the universalizing thrust of Agamben’s claim. Not everyone is exposed to bare life nor experiences it in the same way, they counter. Here I introduce how housed difference informs homeless protest tactics from within bare life. I explore how, alongside James, others such as Sam and Randall also put their bodies on the line. Sam lived in a cooperative house at the time and Randall was living on the streets. Neither of them had the same kind of health conditions that immobilized James. I read Ziarek and Weheliye together to nuance how the protesters’ collective actions incorporated various degrees and intensities of bodily and political capacity to destabilize the statist representational architecture of homeless bare life. With these differences in mind, I examine how DHOL negotiates privilege within its ranks. I return to Butler to question the possibilities and limits of

housed people dispossessing themselves of their private space and property to act in solidarity with homeless people on the streets – that is, of provisionally “choosing to be homeless.” I argue that such acts of dispossession are actually quite common: public assembly and occupation is a frequent tactic, for example, as Occupy demonstrated. What DHOL’s negotiation of housed privilege highlights is that homeless people already occupy public space prior to housed attempts to use it, for example, to make political claims. With this reorientation I hope to recast “choosing to be homeless” not as a moral condemnation of the poor, but as an ethical provocation for the housed, as something that is a call for housed people to throw their bodies on the line in solidarity with marginalized people, while acknowledging that doing so traverses an already homeless public marked by homeless dispossession.

II. Alliance Across Housed Difference: Bare Life and Flesh

Ziarek and Weheliye both draw on specific histories to articulate their critiques. Without rehashing their works in their entirety, I want to highlight two distinctions, between what Ziarek describes as taking one’s bare life into one’s own hands, and Weheliye’s uptake of “the flesh” as a site of unruly agency. Ziarek spends time recounting militant strands of the women’s suffragist movement in early 20th century England, drawing particular attention to the use of the hunger strike as means to protest. Identifying the movement as the modern inauguration of the tactic, Ziarek deciphers the political signification of the hunger strike, which attracted widespread attention as a novel form of dissent. For Ziarek (2008, 100), “the hunger strike repeats, mimics, and exposes in public the hidden irrational violence of the sovereign state against women’s bodies,” so as “to pervert... juridical punishment into a means of interrogating the law itself and contesting the government’s authority” (2008, 102). Ziarek writes that “the

hunger strike stages a political trial of the existing law and political authority. In this ‘meta-judicial trial,’ ... the act of starvation reverses the guilty verdict imposed on the militant suffragettes into a public condemnation of the government” (Ziarek 2008, 102).

For Ziarek, the women’s ability to take their bare life into their own hands differentiates them from those who “are reduced to bare life alone” (Ziarek 2008 100). In contrast, Weheliye argues that even in the barest of bare life, there exist lines of flight that do not fully subjugate to the police order, and that, at the same time, could only animate through the ailing flesh. Weheliye posits this flesh as an agent in its own right, though not in an “exalted,” “transcendent” or autonomous way. Flesh, as conceptualized by Weheliye, draws from Hortense Spiller’s (1987) original coining of the term, and does not assert the vitalism of the human body over and against the machinations of bare life or necropolitical violence (Mbembe 2003) so much as it signals the incomplete way people are totally subjugated. Contra the suffragists who *volunteered* themselves to starvation, Weheliye turns to the concentration camp to excavate lines of flight experienced by those most brutalized by the Nazi regime and who were forced into emaciation. As Agamben has done in his bare life trilogy, Weheliye fixates on the *Muselmann*, the racialized term given to those ghostly figures in the camps who suffered the absolute worst forms of violence – void nearly of all humanity, automatons, expressionless. Agamben sees in the *Muselmann* – named so, one theory goes, for the turban-like rags that covered their emaciated bodies – the figure of biopolitical life stripped of all ability, humans practically reduced to matter. In contrast, Weheliye locates in testimonies from camp survivors startling comatose fantasies and dreams about thieving hordes of food and feasting, even moments where survivors would savor marvelous flavors in hallucinatory fervors (Weheliye 2014, 120). For Weheliye this is evidence, which Agamben scrubbed from his account, that there is always some glimmer of desire, motion

and even capacity in the most subjugated life, and that such life generates its own affects in a projection of escape. A perhaps even more forceful demonstration of the agency of the subjected flesh comes from the extreme passivity of the *Muselmann*, who, in their deprived state were often immobile and getting in the way, infuriatingly unresponsive to the abuse of the guards so as to be an “insult to power” (Sofsky, quoted in Weheliye 2014, 120).

Both Ziarek and Weheliye see in their accounts the need to “abando[n] volitional agency as the sine qua non of oppositionality” (Weheliye 2014, 121), yet an important distinction is obvious in the contrast between the self-starvation of the suffragists and the forced starvation of the *Muselmann*. The former repurpose and perhaps theatricalize their exclusions as an indictment against the state, while for the *Muselmann* “opposition” emerges in the fissures made when law encounters flesh. These differences can help make better sense of DHOL’s own activist engagement. The work of the suffragists resonates with DHOL’s own appropriation of the courts to challenge the courts themselves in “public condemnation of the government” (Ziarek 2008, 102), an access they gained by exposing themselves to camping and to arrest. At the same time these arrests only articulated an inevitable criminalization when the law encountered James ailing flesh, whose immobility forced to the fore the disjuncture between the city’s legal desire to write homeless people out of existence and its doomed failure to operationalize that wish.

Juxtaposing Ziarek and Weheliye also raises two further questions about homeless organizing. As two possible models for resistance from the vantage point of bare life, Ziarek’s and Weheliye’s suggest different levels of insecurity for their subjects. Instead of self-selecting – or not – starvation, homeless advocates grapple with the various levels of difficulty with which they can move in and out of homelessness. The next sections explore the productive tensions that arise when advocates negotiate their housed privileges. If the English suffragists chose

starvation, how do advocates make sense of what a few claimed was their “choice” to be homeless, something suggested to as being a valid way to organize on behalf of the homeless?

III. “Choosing Homelessness:” Building a Case for Unpropertied Citizenship

Beyond the revanchist epistemologies of homeless choice, most theoretical attempts to assess the choice to be homeless come from a rational actor analysis (Nicholls 2009, Parsell and Parsell 2012, Parsell et al 2014). Agency in these accounts is something that an individual asserts, where “only individuals can act, and individuals will always have choices, and reasons for the actions they take, albeit reasons that are imperfect and informed by a thin rationality” (Nicholls 2009, 81). In the rational actor account, the world is also imperfect – thus, a homeless person might choose homelessness “to make the best of her situation” (Nicholls 2009, 80). Reasons for choosing homeless, under thin rationality, may include efforts to escape toxic home environments. As one advocate expressed to me:

So, I was homeless in my teens and people said I chose to be homeless. But that whole language of choice really gets imposed from privilege. Like, yeah, I chose not to be at home with an abusive father who threw me down the stairs. I guess that was a choice. It also was the smartest choice I could’ve made.

A thin rationality approach highlights the broader context in which homelessness might make sense. A rational actor analysis could also help explain why people choose to sleep in tents over admitting themselves to shelters, and it is a useful frame for reversing the pathologization of homeless people.

James proposed a different explanation for homeless choice – one that is less prevalent but worth investigating for the force with which it severs political agency from private property and mounts a challenge to the state from the position of bare life. In one standout interview, it slowly became apparent that his choice to be homeless was closely tied with his decision to become an advocate on behalf of the homeless.

Luke: [What] do you think that ... it takes to be an activist while living on the streets?

James: Ohh wow, it takes a lot of denying yourself... it takes a lot of having faith in what you believe in, and standing by your belief regardless.

Luke: What do you mean, when you say you have to deny yourself?

James: Well, denying yourself is basically denying yourself certain things you can't afford. You know I didn't have to come out here on the street, but I chose to. I gave up my section 8 voucher – 'cause I knew I was going to be out here – why should I have that when I knew I was going to be out here, and let someone else use it. Cause I knew I could get another one along the way, in time... But you have to deny yourself. You have to deny yourself for all the comforts of a home. The amenities. It's cold out there and you can put a tent up, but you're sitting out there, you want to be warm. You got police coming over there to harass you. You're being asked to move along. You giving people who don't have. There are a lot of ways you have to deny yourself, being who you were brought up to be, you know, and what to you're accustomed to.

For James, the sacrifice of becoming an activist mapped closely onto denying oneself a home at all, in his case giving up his section 8 voucher. I could not take his being homeless for granted in the first place, as an inevitable condition which preceded his political work. Advocacy, for James, was not just an assertion of agency given the best of a few bad options (Nicholls 2008, Parsell and Parsell 2012), nor was his homelessness a debilitating state of bare life that had to be overcome prior to advocacy. Rather, his becoming an advocate was closely wrapped up with his becoming homeless.

James own articulation of his homelessness and of his advocacy similarly shuffled the grounds for activism and agency as something which proceeds from a prerequisite housed status. James elaborated: “Every human being deserves dignity, every human being deserves the right to *have* a right, to rent a place, if they so choose.” James’s formulation of “the right to have a right” recalled almost verbatim the well-known articulation of citizenship as “the right to have rights,” theorized by Hannah Arendt and later picked up by Rancière (2004). For James’s depiction of citizenship, however, “the right to have a right,” overlapped with the right to “rent a place, if they so choose.” With this specification, James both highlighted and critiqued the link between citizenship and property. He later went on to say that this right to have a right was hindered by skyrocketing rents, suggesting that citizenship as it currently stands is something that is contingent on the housing market. At the same time, adding the clause “*if they so choose*” (emphasis added), posed propertied life not as the *centered* ground for citizenship – from which homelessness is a deviation or deviance – but as a decentered condition that is not prior to citizenship. Housing, in James’ statement, becomes a desired resource and right but not to the exclusion of rights for those living in other modes of habitation.

James' enacted his philosophy on propertyless citizenship in the practices explored in the last chapter, where Jerry turned his homelessness – that is, his actual presence camping in the streets – into a call for recognition and decriminalization. As Rancière says, “the right to have a right” is not pre-given, it is tested (Rancière 2004, 302). For Rancière, “citizen,” is a “political name,” – a “litigious name...whose extension and comprehension are uncertain and which open for that reason the space of a test or a verification. Political subjects build such cases of verification ... [and] put to test the power of political names, their extension and comprehension” (Rancière 2004, 302). James tested his unpropertied citizenship in advocacy itself, through the very act of pursuing a fuller citizenship not diminished by his lack of property. This is a performative kind of citizenship, where citizenship does not stem from a stable kernel or a subject who possess rights, but is continuously enacted. Crucially, for James it was enacted alongside fellow advocates from other housing backgrounds. By camping with Sam and Randall, James brought to the fore the double standard with which the state and the media judge different people doing the same thing: occupying a sphere of appearance in pursuit of political recognition. This, then, is what Butler describes as kind of “plural performativity” one that does not simply seek to establish the place of those previously discounted and actively precarious within an existing sphere of appearance. Rather, it seeks to produce a rift within the sphere of appearance, exposing the contradiction by which its claim to universality is posited and nullified. There can be no entry into the sphere of appearance without a critique of the differential forms of power by which that sphere is constituted, and without a critical alliance formed among the discounted, the ineligible... (Butler 2015, 50).

James' "case of verification" questioned the normativity wherein private property is a prerequisite for appearing as a political subject. He did this through a cross-housed alliance which brought to light – and consequently subverted – the representational grid of capacity and housing status. The public condemnation of law took form in part by stressing the double standard held for homeless or unhoused people in framing their politically. Additionally, the force of DHOL's critique resulted from the rightful insistence that camping is an act of survival. Paradoxically, DHOL had to insist at times that camping was *not* political in order for the protest to gain its political traction, as when Sam and James denied their roles as activists in order to highlight the severity of the ban as threatening life itself. They momentarily fashioned a politics of a-politics. The protests augmented the intractability of incapacitated bare life – beyond any political will – under the yolk of an impossible law, and exposed this bare life rather as flesh – as an unruly and immobile "insult to power." Of course, this process required a level of organization that in fact spanned years, going back at least as far as DHOL's original occupation of Denver Housing Authority land, and which later translated into a new homeless geography in the Beloved Community Village. An alliance of bodies (both on and off the streets) was necessary in the collective effort to restage and rework an exclusion (recalling Ziarek's suffragists) that was already animated and contested within a subjugated flesh (recalling the *Muselmann*). The next sections ask, given that James' homeless citizenship emerged through alliance with housed counterparts, how might *housed* citizenship be remade through an alliance with unhoused advocates? DHOL members fortunately depart from the unapologetically privileged gambit that opened this thesis, where Joseph Marx volunteered to give up his housing as a stunt for the homeless. Rather they discuss and practice novel relationships between dispossession and

citizenship as negotiated across housed difference, when housed members “choose” to live on the streets in solidarity with their housed partners.

IV. Private Space, Protest and Privilege: Denver Homeless Out Loud and Occupy Denver

If James’ choice to be homeless was a test for a homeless citizenship that enrolled housed advocates, then the actions of someone like Sam – a housed advocate – can be regarded as practicing self-dispossession in alliance with the unhoused. This is a dispossession that is by definition inseparable from privilege – it stems from someone who has something to give up. This section explores how DHOL negotiates such privileges to develop a broader perspective on public assembly that is attuned to the idea that public space, when used as a site for seeking political recognition, is constituted by housed difference and homeless exclusion. With this difference in mind, I suggest reversing the meaning of “choosing to be homeless” from its common use as a moral condemnation of the poor into an ethical provocation for the housed to evaluate the hidden exclusions that often accompany public protest.

Judith Butler, in a conversation with feminist anthropologist Athena Athanasiou, discusses how to create “a set of alternatives to dispossession that do not reduce a property-owning individual to an ontological valorization” (Butler and Athanasiou 2013, 160). Butler and Athanasiou play on the various meanings of dispossession. They identify how economic and state dispossession against the homeless redoubles their political dispossession and erasure, so that the “ontological valorization” of the propertied individual rests on an attendant ontological denial of those without property. Against this schema, Athanasiou asks how dispossession can

work to decenter the *propertied* subject, and offers an inverted ethical definition of the term based on hospitality. Athanasiou suggests that

...the ethics and politics of hospitality involve, or rather require, dispossession: the dispossession of the home (as a provisional sign of affective placeness) and the dispossession of the owner's identity as master of the home. Becoming a host/ess requires giving away one's own identity as master; it requires being dispossessed of everything that defines one as self-owning and self-owned master of the home (Butler and Athanasiou 2013, 161).

Dispossession can mean opening up one's material and affective home and relinquishing some sense of security in service of those who are dispossessed (Waggoner 2018).⁵

Butler responds with uncertainty to Athanasiou's suggestion when she says, "I wonder whether hospitality, understood as an opening toward the "guest," does not presume that the one who is hospitable is an owner, one who possesses the house or home and so has the right to open the door, a right that belongs, in other words, to a proprietor" (Butler and Athanasiou 2013, 162). Butler warns that an ethics of hospitality as dispossession has the *propertied* subject at its center. The risks, for Butler are that this center "would make the guest (like the 'guestworker') someone who is only temporarily dwelling in the same space. And it also seems to suggest that this is a subjective act or gift, one that originates with the individual and even risks swelling the individual's moral narcissism" (Butler and Athanasiou 2013, 162). Butler suggests tweaking this inversion of dispossession to mean "to give one's property away," but fears this gesture would still only operate at a "moral" level (Butler and Athanasiou 2013, 162). Expressing similar anxieties, one housed ally by the name of Drew questioned the formula wherein housed

individuals give up their time to advocacy, only to shore up a feeling that “‘we’re helping them’ ... and we go back to our relative privilege, and [we’re] comfortable enough. So you connect and you help them and then you go home.” Both Butler and Drew sense that dispossession as a tactic is shot through with privilege, whether welcoming someone in an act of hospitality or giving up – but only ever temporarily – one’s own possessions or time in service of homeless activism.

With this perspective in mind, Butler is then inconsistent when, in later work, she unintentionally rehearses a normative housed center in discussing dispossession as a generalized political tactic, without specific regard to the unhoused. Moving from a discussion of ethics of hospitality to one of general political recognition in *Notes Towards a Performative Theory of Assembly*, Butler notes how dispossession – in particular, giving up one’s home in the act of assembly – helps generate politically meaningful events. Drawing on the Tahrir Square protests, for example, she observes:

Sometimes the simple act of sleeping there, in the square, was the most eloquent political statement -- and even must count as an action. Where exposing one’s self to vulnerability (sleeping in public) is also a demand for better protections and provisions against vulnerability and a gesture of solidarity with precarious people (Butler 2015, 89).

Here giving up one’s private life and playing it out in public can highlight a socially-induced vulnerability. For Butler, drawing on Arendt, visible assembly in public spaces allows groups to rally, protest and to petition the state – to literally be seen as one prerequisite for political recognition (see also Mitchell 2003, 148). Moreover, Butler views congregation as something that does more than shine a light on already existing political subjects and collectivities – it actively shapes them (Butler 2015, Rancière 2009). Recalling in many ways, DHOL’s own

tactics, Butler describes how mobilizing vulnerability in public becomes a demand to reduce it, in a performative gesture demanding fuller citizenship where only partial *de facto* citizenship exists. Yet in *Notes Towards a Performative Theory of Assembly*, the particular vulnerabilities that she seeks to dramatize often stem from the invisibility different groups experience, sequestered in the private spheres of production or of domiciled life, and with this she elides the particularity with which the unhoused experience public space – as people with little to no private space. For example, on undocumented laborers, Butler writes, "their labor is supposed to remain necessary and shrouded from view, and so when these laboring bodies emerge on the street, acting like citizens, they make a mimetic claim to citizenship that alters not only how they appear, but how the sphere of appearance works" (Butler 2015, 76, Nyers 2011). By assessing the political registers generated in the movement between the private and the public, Butler's theory of performative assembly fails to account for the homeless, because the homeless are already visible – *too visible*. Their hypervisibility is taken as a sign of their pathology and deviance and serves to invisibilize them politically (Goldfischer 2018, Gerrard and Farrugia 2015). It is taken precisely as a sign of their inability to petition on their own behalf. As relayed in chapter one, the visibility of the homeless prompts law enforcement, business interests, and politicians to evacuate homeless people from the public (N. Smith 1996; Deutsche 1998; Blomley 2009; Beckett and Herbert 2009, Ferrell 2001). Contra Butler, the private becoming public is exactly what exposes homeless people to public disdain and helps legitimate their bare life status. As one advocate put it:

I say it all the time. Open up any one of these apartments, and just go in, I will find that same problem. Dads beating their kids who've had too much alcohol... Or kids not fucking being treated like they should be treated. Being abused. And you can find that,

anywhere. And we find that on the streets, the only difference is, we're more visible.

They get to see us.

According to this advocate, who was homeless at the time, if all people are susceptible to problems, such as alcoholism, then such issues become associated with homeless people because of their public exposure. Added to that, "normal" private behavior, such as going to the bathroom, only *becomes* an "issue" because such behavior is visible.

With this relationship to public space, homeless individuals struggle to convert public space into a site of political contestation. And their struggle stands in contrast to the relative ease with which those read as housed can make use of public space. Butler, by developing a "right to appear" (Butler 2015, 24) necessarily misses the right to anonymity the homeless often lack (Langegger and Koester 2016). And though she mentions in passing how theorizing assembly must try to account for those who cannot (and, one could add, do not want to) appear in public, those whom she flags as possibly outside her theory remain so in the private sphere (Butler 2015, 8), while the homeless remain hidden in plain sight, so to speak. So one question is, what makes Butler skeptical of dispossession as a housed privilege in her conversation on housing, but seemingly comfortable with this privilege in developing a performative theory of assembly? One answer could lie in the power of the image of public space as an untroubled or "pristine" space.⁶ In an extended review of *Notes Towards a Performative Theory of Assembly*, Wark (2016) questions how inert the relationship between bodies and infrastructures appears in the book. He writes, quoting Butler,

Bodies are *supported*, 'by environments, by nutrition, by work, by modes of sociality and belonging.' (84) Bodies are *dependent*: 'Assembled creatures such as these depend upon

a set of living and institutional processes, infrastructural conditions, to persist and to assert together a right to the conditions of its persistence' (Wark 2015, np).

What is missing for Wark in this "politics of bodies,"

is the *laboring* body. Hence infrastructure appears as that which supports a political body; it is not that which a laboring body also builds and maintains. ... infrastructure is not really performative. In Butler, political bodies perform with public spaces, making them part of their assembly, but the reciprocal kind of performance is lacking, in which infrastructure makes labor part of itself.

I want to expand on Wark's discussion between labor and infrastructure in relationship to homelessness (without broaching his compelling discussion on post-human assembly which he develops). Tent cities are likely the most visible example of the mutual instantiation of the laboring homeless and what could be considered a public infrastructure, while public parks (Rose 2014) and thruways and bypasses (Bourgois and Schonberg 2009) are both used and, in some way, refabricated by people living in such spaces. In any case, as Cloke et al (2008) note, homeless people continuously produce public space, in a more unbounded and embodied fashion, through everyday routine as they move through the city (Duff 2017). In these examples unhoused people do not necessarily *build* the parks or the city streets in the way Wark implies (though they certainly have and can). But the point to draw from Wark is that the homeless do make, to some degree, the actual backdrop against which political appearance happens. Yet ironically they are not recognized on that political stage, both by the police order, and in this case, by Butler's political theory. In fact, their erasure shores up the "ownership" of the public by the housed (Feldman 2004).

The popular and academic interest in public space following Occupy speaks to this erasure, and it is worth comparing DHOL to Occupy in part because DHOL partially emerged from the Occupy movement. Occupy spurred a renewed interest in the political implications of public assembly (Butler 2015, 7, J. Smith and Glidden 2012, Halvorsen 2017). Authors like Raunig would insist that “the new activism occupies the central squares, turn them into common-places, as a paradoxical provocation of normativity and normalization” (Raunig 2013, 157) – paradoxical because here Raunig picks up on the performative potential of rallying as a physical and symbolic claim on democratic system which may indeed be a fiction, subsumed by the interests of capital. Enrenreich (2011) raises the important point, however, that homeless individuals have always had to enact the “paradoxical provocation” of public assembly, simply to survive.

The attention given to Occupy highlights the relative erasure of homeless people who have occupied public space prior to the movement. Literature sympathetic to the Occupy movements sometimes reproduced the caesura between the housed and unhoused as qualified political subjects. For example, in an Occupy compendium that features popular left figures such as David Graeber and Amy Goodman, essayist Lawrence Weschler writes that

The [Occupy] encampments themselves were becoming increasingly problematic, attracting all sorts of homeless, often mentally unstable elements whose care in a less savagely cost-cutting era would have been the wider society's obvious responsibility; having to divert substantial energies to sanitation and other similar day-to-day requirements; gradually wearing out their welcome with neighboring residents and business (those non-stop drum circles); etc. (Weschler 2012 400)

Weschler, in seeking to promote Occupy also hopes to sever its “unstable elements” from the project. Though he is certainly right that the care of the homeless should not be Occupy’s responsibility alone, his analysis identifies the unhoused as a burden on the housed center of the movement, a trend identified in Occupy encampments across the country (Herring and Glück 2011), even as less antagonistic relationships did develop (C. Smith et al 2012).

Developing an inversion of this logic, Sam, who was highly active in Occupy recalls some tensions between housed and unhoused occupiers. There was, she says,

...a huge separation between those who said “oh those people don’t care about the movement, they’re just here as homeless people.” But I think that’s completely false, knowing a lot of the folks that stayed down there. A lot of them did believe and identify with the movement.

Speaking on the longevity of Occupy Denver under increasing police pressure, she goes on to say,

In terms of the physical encampment, housed folks lasted for a month or two. For about seven to eight months it was pretty much exclusively homeless folks who made up the physical encampment... [By December most protesters]...were homeless folks, [who] just moved across the street to the civic center side, and set up basically tarp structures along the sidewalk.... And then that jumped over the Lincoln side, and then back over, and then both, and then over the next several months: a perpetual cycle of police harassment and raids.

When I asked Sam why she thought it was homeless people who were the ones who stayed, she scoffed and said, “because they had nowhere else to go!” Sam inverts Weschler’s reasoning. In

her recounting, seeking some protection and makeshift shelter in the camps were not needs that drained the political potential of the protest, but were constitutive of the camps as political and spatial interventions in and of themselves, or at least inextricably mixed up with the camps' prefigurative political potential (Schein 2012).

With this understanding of Occupy as a backdrop, Sam began to foster a “responsibility to the [unhoused] folks who were camping out there,” a sense of responsibility that ultimately led to her active involvement in DHOL. For example, her acts of civil disobedience, alongside those of James and Randall, helped secure the Beloved Community Village, the tiny home community DHOL had been pursuing for years. Unlike Joseph Marx with his “stunt” that opened this thesis, Sam now deals with her privilege in an entirely different manner. Departing from Marx's one-off, Sam is engaged with a group oriented towards homeless liberation, directed and informed by many people with homeless experience. Within DHOL, housing difference is constantly negotiated, including in discussions on the tactic to choose homelessness. Through a concluding anecdote that illustrates this ongoing negotiation, I put forth a rework of Athanasiou's formulation of dispossession as hospitality. In DHOL, homeless advocates extend hospitality to housed people, inviting them to live in a public, in solidarity with the homeless who already occupy public space.

V. “Lose Your House:” Homeless Hospitality and Housed Dispossession

At one Denver Homeless Out Loud strategizing meeting I attended, the conversation centered on drawing more unhoused people into the group. Members were worried that too few homeless individuals were actively participating. Sam, who was facilitating, asked the group

how they could improve methods for getting more unhoused people to contribute and exercise their political voice. As members debated different approaches, Charlie, an advocate who was living on the streets at the time, spoke up. The anger and irony in his voice made me look up from taking notes. His answer, directed at housed members, was: “lose your house.” If they wanted more homeless people in the group they should lose their homes.

The bitterness and the absurd humor in his response gestured towards the varying degrees of privilege and insecurity that variously housed members experience in the practice of organizing. Immediately after his remark, Charlie went on to say that a few housed people within DHOL have at least some small notion about

what it is like to live on the streets, because they have deliberately spent intervals living in public space (such as Sam) (figure 3). He highlighted exactly the types of practices I have explored here, when housed and unhoused advocates have used public camping as a protest tactic to reclaim public space on behalf of the homeless.

Following these comments on public camping, Charlie turned to me and said, by way of contrast, that “a fucking piece of paper doesn’t

tell you how to live in the fucking dirt... Luke can talk to as many homeless people as he can, still has no idea what it is like to wake up filthy.” This

remark highlighted my privilege as both a researcher and advocate. It also directed his call to

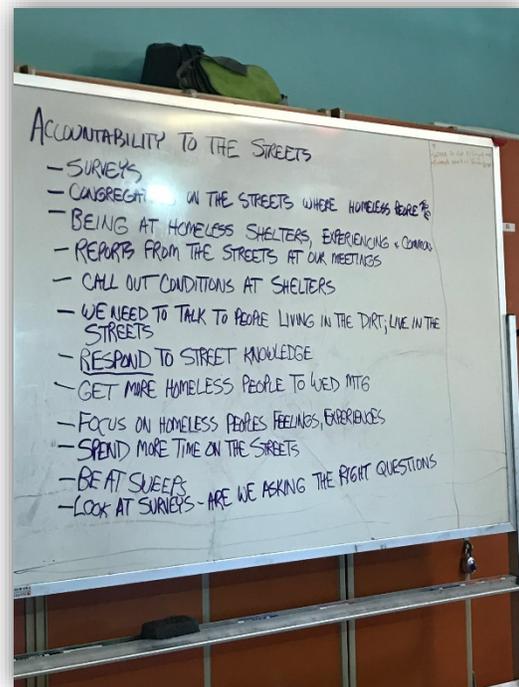


Figure 3. Some ideas generated during a DHOL strategy meeting for making sure the group stays accountable to homeless people. Note that “live in the streets” is one such strategy.

“lose your house” directly to me, as something I could do to help DHOL promote its goal of elevating unhoused perspectives, even while it was clear I could never equalize some of the differences between myself and others in DHOL.⁷

In conclusion, if “choosing to be homeless,” or perhaps “losing your house,” builds a case for verification for homeless citizenship, this choice necessitates an alliance that is inherently and productively fraught; different levels of privilege indeed traverse the bare life tactics described and theorized by Ziarek and Weheliye, transposed here to the question of volunteering one’s body to the streets. Charlie’s remarks, attuned to housed privilege regarding this choice, decentered public space as a place where housed people can unproblematically exercise their political agency, and they centered public space on homeless experience. Charlie was saying that public space is practically always already occupied by those deprived of housing, those who *have* lost their homes. By suggesting housed people spend time on the streets while pointing to their privilege in the same moment, Charlie, I propose, offered a reorientation of Athanasiou’s use of hospitality. This reorientation suggests that as much as the housed might need to “open up their doors” to the homeless, homeless people already exercise hospitality towards the housed in a public space triply marked by homeless labor, dispossession and erasure. In the context of homeless advocacy, this reorientation is easier to see. Members are sensitive to housing differences, which homeless and housed advocates negotiate as they pursue tactics that make use of public space. But arguably, this orientation can extend to other movements – perhaps all – that make use of public space, which is never “pristine.” As a site where many housed people can seek political recognition, public space – at least in urban America – is, at this historical moment, constituted in part by homeless exclusions. Advocates of all stripes who do not wish to reproduce homeless marginalization should consider that homeless people extend a

kind of hospitality to activists and social movements, like Occupy, that want to set up camp in areas where homeless people already make their lives. So, if homeless people “choosing to be homeless” builds a case for verification for homeless citizenship, this case for verification also necessitates building new practices of housed citizenship, at least as it is performatively enacted in the public sphere.

CONCLUSION: MORE HOMELESS ON THE WAY

On the header for one *Denver Post* article covering the camping protests, a picture depicts DHOL protesters at an event that had taken place a few years prior. Pictured in the rally is one woman holding a sign that reads, “More Homeless on the Way!” (McGhee 2017). Given the context of the article the sign reads as an indictment of failed city policy. But alone the sign almost appears neutral. It does not ask for anything, it does not directly point fingers, and it does not use the language of justice, or rights, or democracy that one often sees on protest signs. Rather, the sign presents homelessness as a matter of fact. It suggests that homelessness “isn’t going anywhere,” like James, immobile with illness, or the Occupy campers who did not – or could not – relocate during the winter months. All of these instances of containment and social breakdown speak to the near totalizing and often brutal effort on part of the state to reinforce homeless exclusion. As Sam put it to me, homelessness downtown “is a magnet that will not dissolve,” and so policing continues as “violence renews itself in the face of the apparent inexhaustibility of its object” (Butler 2006, 33). Yet within the ongoing maintenance of homeless policing, the impossible construction of homeless illegality presents self-made fissures and cracks that advocates in DHOL have worked to their advantage. Advocates exposed the dehumanization of the homeless as the effect of structural power relations, by highlighting the contradictions and failures within compassionate revanchist discourse and practice, revealing the compassionate half of homeless governance as a means to both mask police violence and to contain “helpless” unhoused individuals. And in exposing this systematic violence and asserting their own collective right to rest in public, members did not try to transcend the characteristics taken as individual causes of homelessness: debility, deficiency or deviant agency. Rather, they reoriented both survival and a deviant choice to be homeless as forms of resistance. This

confused the attempts of public officials and reporters to discredit DHOLers' collective claims, as the powers that be tried to relegate advocates to certain roles given presumed capacities, isomorphically mapped onto advocates' housing statuses.

James framed his intervention as a "choice to be homeless," and in total, DHOL's public camping tactics, their appropriation of the courts, and their verbal resistance to media and state discourses offer a more nuanced and politically generative take on the "choice to be homeless" than a wholesale critical rejection of that choice. Arguably, as long as people exercise agency in unhoused spaces it seems that the specter of "choice" will haunt advocacy on their behalf in the foreseeable neoliberal future. Whether choosing tents over shelters, or turning tent living into a form of protest, "choice" can be used to demonize such non-normative behavior. Moreover, the possibility that *any* number of unhoused individuals choose or claim they choose homelessness can be mobilized to criminalize all homeless folks, as when Albus Brooks justified the ban along these lines (pg. 31). So, an outright rejection of the notion that the homeless choose to live on the streets could reproduce the schisms by which homeless populations, as well as different behaviors undertaken in non-housed spaces, become segmented in service to the state and to capital, even as this rejection is meant to critique both state and capital. Moreover, even if every person were to be housed, there remains the question of what being housed means, as different people adopt different modes of dwelling beyond the normative middle-class ideal (Veness 1993). As long housing difference remains (even as advocates and scholars seek to diminish stark inequalities) state and capital can potentially mobilize this difference -- and the people who "choose" their differences -- to partition various populations, privileging some for protection and investment at the expense of others. This thesis has been an effort to contour the possibility of a "both/and" -- that homelessness is not the fault of homeless people even as living on the streets

can be repurposed for political goals alongside insurgent agencies through unhoused and housed individuals collaborating across capacities and spaces (Neale 1997).⁸

Looking to homelessness as a source of political potential can risk glorifying homelessness (Willse 2014, Wacquant 2002). What I hope is that in describing resistance from bare life, this thesis does not comfort readers with the idea that such a resistance can and does indeed take place. Rather, what I hope to have explored is that refashioning the concept of choice unsettles the ground on which homeless and housed citizens alike are constructed. I believe “the choice to be homeless” and public camping are terrains on which DHOL has challenged the entrenched hierarchies of property and capacity as prerequisites for citizenship. My focus here has been on certain rights, such as the right to sleep, as fashioned through a performative, experimental and tactical homeless citizenship. While seeking, in a “sphere of appearance” to gain access to the state and to housing, advocates also questioned the propertied center that constitutes *de facto* citizenship in Denver. Indeed, what an experiment over camping and “choice” has entailed is a reevaluation of *housed* citizenship, especially as performed in public space, as the comparison between DHOL and Occupy explored. In the practices of Sam and other housed advocates, dispossession emerged as relational posture for the housed towards the unhoused, as a mode of behavior that possibly subverts the “ontological valorization” of the propertied individual (Butler and Athanasiou 2013, 160). Yet the housed self-submission to dispossession is not equal to the systematic dispossession of housing deprivation. In “lose your home,” Charlie wryly recalled structural power differentials between advocates while at the same time he suggested means to forge relations across differences. And so he toyed with a productive tension that DHOL negotiates and puts to use through praxis, without ever fully resolving. There is no way to fully evaluate the choice to be homeless – as a representation, a tactical decision, or

as an ethical provocation – without addressing how it is contextually crosscut with power, privilege and a multiplicity of capacities. This is a tactical evaluation that resists easy conceptualization but demands ongoing practice, a practice that in turn shapes advocates political subjectivities and the wider political sphere of homeless citizenship.

Contrary to models of social movement building where “only individuals can act” in their own self-interest (Nicholls 2009, 81, Olson 1965, Williams 2005), in DHOL choosing to be homeless becomes executable not at the level of the individual and her self-interest, but through a necessarily collective effort. In DHOL’s interactions with the city, an experimental dramatization of bare life cross cut with the immobility of the flesh, all situated within a broader social movement where differently capacitated advocates worked towards eroding the stark material and discursive divisions between housed and unhoused populations as they currently stand, without equalizing lived differences tied to housing background. Which is to say, refashioning both homeless and housed citizenship was and is a co-constitutive process. The subjects within DHOL’s advocacy are relationally constituted through each other and through public space. Hence the play on words Butler engages in when – with a nod to Jasbir Puar’s uptake of Deleuze – she says that what public assembly teaches of the “I” is that “I am already an assembly, even a general assembly” (2015, 68). In resonance with this statement, one newcomer to DHOL, in describing her nascent activism, said “it took an act of congress to bring me here.” The term “congress” suggests that any political engagement one pursues is made in relation to many other subjects. At the same time, her metaphor spoke to the tremendous personal obstacles she had to overcome to get involved with activism, a kind of insecurity that demands redress through ongoing praxis that will erode the housed/unhoused hierarchy.

Notes:

¹Advocates commented on, for example, how housed people generate loads of trash – up to four pounds a day – but enjoy the luxury of having it carted off somewhere, while homeless people likely consume less and generate less waste, yet are still often associated with garbage in Denver’s news media.

²In this regard, DHOL is aligned with Picture the Homeless (PTH) in New York City, the Kensington Welfare Rights Union in Philadelphia (KWRU), the Los Angeles Community Action Network (LA CAN), and other groups forefronted by people with experiences of homelessness and severe deprivation.

³During one DHOL meeting, one advocate reported to the group Brooks told her: “I’m a council person, not just for Five Points, but for the Downtown Business Partnership, and I promised them I would pass it [the ban].” “That just shocked me,” the advocate said.

⁴Sam also mentioned to me Denver’s encumbrance ordinance, passed in 2004. It allows the city to seize property that obstructs city right of ways, if items are not claimed “within a reasonable time” (Sec. 49-247) and to “dispose of any item... including treating the encumbrance as trash” (Sec. 49-253).

⁵Speaking of a dispossession at the level of being, in *Precarious Life* Butler suggests that *any* relational subjectivities, which is to say more or less any and all relational subjectivities, are marked by dispossession, that is, by the inability of any one subject to control and maintain the relations that constitute that subject (Butler 2006, 24).

⁶Thanks to Keith Woodward for suggesting the term, “pristine.”

⁷Other homeless scholars have faced similar moments of entanglement with their research subjects and their political projects. In one recent study on homelessness Mosher (2010), describes her attempt to “step back” from political struggles in the homeless community she was studying. Ironically, this was itself seen as a deliberate action laden with political meaning by the community. This points to the inherent impossibility of fully separating oneself out

from the lives of one's research subjects. As Mosher herself acknowledged this instability can generate a host of emotions which themselves can be counted as data (Ellis et al 2011).

⁸In activist circles the choice debate extends beyond DHOL. In March 2018, I heard Pete White speak at the *Power at the Margins: Mobilizing across Housing Injustice* conference at the University of Minnesota. White is the Founder and Co-Director of the Los Angeles Community Action Network (LA CAN), a community advocacy group focused on housing and civil rights in Central East City, Los Angeles. White was critiquing the LAPD's practice of criminalizing poverty and homelessness and called into question the city's ostensible commitment to build better relationships between the LAPD and the community. Citing the harassment and mistreatment of LA's poor and homeless by the police department, at one point early in his talk White emphatically extolled the audience to not believe anyone who says that homelessness is a choice, as this belief goes ways to justify the surveillance, criminalization and displacement of the homeless. It supports the police order. The next day I attended a talk by Ibrahim Mubarak, an advocate who sits on the board of the Western Regional Advocacy Project (WRAP) and who helped found Right 2 Dream Too, a homeless encampment in downtown Portland. Mubarak opened by stating that he *did* choose to be homeless, in no small part in order to better organize with and on behalf of the homeless. He then went on to describe some of his experiences and successes establishing and promoting peer run homeless camps around the United States.

Here two advocates who have dedicated their lives to helping the poor and the homeless offered two divergent views on the question of choosing homelessness. These views are not necessarily mutually exclusive. When White says no one chooses homelessness his statement resists dominant individualizing and victim-blaming discourses which assume homelessness is the fault of homeless people, to the exclusion of structural explanations of homelessness. Likewise, a life-long and outspoken critic of racial capitalism like Mubarak would endorse White's attempt to shift the blame for homelessness from the individual to "the system," and would probably agree that *virtually* no one chooses homelessness. His choice to become homeless is precisely in service to an organizing mission which is deeply critical of the police and the capitalist housing market – the very systems obscured by individualizing discourses of "choosing to be homeless."

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